

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

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, January 3, 2012. Chair Quinn opened the meeting at 7:02 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**

ACKNOWLEDGEMENT:

VICE CHAIR TOUSIGNANT: Please join the Lion's Club, Saco Bay Rotary, and OOB 365 on Sunday, January 15th from 3:00 p.m. to 6:00 p.m. for our second **COMMUNITY DINNER**. This is a free dinner and a chance to get together with your neighbors and friends and enjoy our community. The Lions Club is located at 128 Saco Avenue just below the fire station.

CHAIR QUINN: Let me just remind citizens that Christmas trees not taken to the square for the bonfire can be brought to the bins across from the Public Works Department at 103 Smithwheel Road any day during the week or taken to the Transfer Station on Wednesday and Saturday from 8:00 a.m. to Noon.

ASSISTANT TOWN MANAGER: I would like to take this opportunity to thank Chief John Glass for the last eight years of service that he has provided in our television production. He is stepping aside now for a rest but he has been dependable, knowledgeable and always willing to spent the time necessary to make the television programming successful and communicative to our citizens.

COUNCILOR COLEMAN: I would like to express thanks to Tom LaCasse and to the Brunswick employees for their support of the Lobster Dip which benefited Special Olympics in the amount of \$80,000. I would also like to acknowledge the Joseph McCallum family that is opening up a new business in Old Orchard Beach and wish them the best of luck.

ACCEPTANCE OF MINUTES: Town Council Meeting Minutes of December 20, 2011; and
Special Town Council Meeting of December 27, 2011.

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

VOTE: Unanimous.

PUBLIC HEARING: Shall we Amend the Code of Ordinances, Division 2, Rules for
Advisory Boards and Committees, Section 2-234 – Powers and Duties?

The Chair opened the Public Hearing at 7:14 p.m.

The Council will consider amending rules for Advisory Boards and Committees as shown:

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)

The Town Clerk asked the question – “Can the Town Council also term limit the secretary and chair of a committee established by the Charter, or just the committees they create on their own?” Susanne F. Pilgrim, Staff Attorney Legal Services Department of MMA, has provided the following information:

“If you are asking about term limits in the sense of a person being appointed to a board as a member, I do think that term limits would have to be established via the charter. This is because **30-A MRSA § 2526** states that “unless otherwise provided by charter” a person is qualified to hold a municipal office if he/she is a resident of Maine, at least 18 years old, and a

U.S. citizen. See 30-A MRS § 2526(3). I would view a term limit as an additional qualification for office.

THIS IS THE IMPORTANT INFORMATION

However, it sounds as though you might instead be asking whether the Council could limit how long an existing member of a board may hold the designation of “chair” or “secretary.” I took a look at the online version of the Town’s charter and the ordinances that create various boards/committees. It appears that the chair and secretary are usually determined from among the existing membership of the board/committee, and that the “chair” or secretary” is not a separate office to which someone would be appointed. In that case, I do think that an ordinance could limit the number of terms that one member holds as the designated “chair” or “secretary.”

Absent a charter provision to the contrary, I think that a limit on the number of times that a member of a board established via charter could be elected or designated as “chair” / “secretary” could be imposed by ordinance. I reviewed your charter, and while it does establish some boards, it does not deal with the chairmanship/ secretary roles at all. Dealing with the chairmanship/secretary of a board is not the same as limiting membership to the board itself. I do think that a charter provision is needed to establish term limits on being appointed to the board itself.

It was noted that under the proposed ordinance changes town committees, boards and commissions would elect a chairman annually and no member would be allowed to serve as chairman, vice-chairman or secretary for more than two years. Current town ordinance states that chairmen of such groups should be elected, but it does not have to be annually. Also there is no term limit for officers. The proposed changes would not impact officers on the Town Council. During the discussion this evening on this public hearing the question was asked by a couple of Councilors as to where did this concern come from since the majority felt that they had no input from citizens or committee or board members related to the concerns expressed by the Rules for Advisory Boards and Committees. Comments were made by John Bird, Jerome Begert, and each of the five Councilors relative to several issues related to the Powers and Duties. Again the question was raised several times as to what is the intent of the changes being made here. Councilors Dayton and Coleman expressed the desire to develop and stipulate new leadership in important rolls such as the Chair, Vice Chair and Secretary positions. On the other hand Councilor MacDonald, Vice Chair Tousignant and Chair Quinn expressed concerns that it was sending a message that there was something wrong with the way these positions were being handled in the present and that none of them have received from citizens or members of Committees any concern being expressed. It became clear that there was not a majority in favor of making these changes and through discussions of motions, etc., it was determined that no motion can be made during a Public Hearing. The Town Clerk has indicated that this item can move forward to the next meeting on January 17th as new business or it can not be moved forward. Discussion with the Council involved the possibility of a workshop in the future to discuss the issue. Some of the concerns expressed by John Bird and Jerome Begert included 2-234 (a) include the statement “and or may be required by State law; (b) that the addition of the words to include ‘shall be sworn by the Town Clerk to the Charter;’ (c) questions related to what happens if there is no quorum and can a new date be established by those in attendance without going out to advertise again; (d) questions related to the relevancy of the January 31st date and that perhaps first meeting in the new year would be

more relevant; 3) the difficulty of getting people to serve particularly as secretary and also discussion involving the time line for minutes to be received by the Town Clerk; (f) a more definitive explanation of the two consecutive years number for it appears to be confusing; and (g) the inaccuracy of the ability for department heads or council members to serve. There were alternatives given to the Council about the future of this agenda item. It can move forward to the next meeting under New Business and passes or removed without prejudice or portions of it passed; it can not be put on the next agenda at all; a Workshop can be scheduled in the future to address the concerns and item again; or it can just not be addressed at all should the Council decide that. It was stated several times that by bringing this forward it was an opportunity to develop new ideas from new leadership; giving those who are now serving and have been for some time an opportunity to mentor new individuals willing to serve in positions; and a general opportunity to review the rules and procedures.

TOWN MANAGERS REPORT: These have been busy days and now that negotiations have been completed we have concentrated on issues that have kind of been put aside such as many RFP's including Beach Cleaning, Electrical, Plumbing, Masonry, Paving, and Tree Work. Thanks to all the staff for their assistance in support of current employees and retirees at our Christmas dinner. This is indeed a very special event. I would also like to thank all the folk that wished me well. Continued to meet with the Library Trustees to discuss construction of the Library. The next step is for staff to meet with the Town Attorney on January 10th. Tide Gate Section of West Grand continues to move forward at a snail's pace. Currently most of the interaction has been with Wright Pierce and the Department of Environmental Protection. I will ask Ryan of Wright Pierce to attend a meeting soon (when there is sufficient information) to report to the Council. Waste Water Grant Application: Our first attempt at a grant was not funded. Chris is making arrangements for Application Number Two through an Emergency Management Custom Program. The grants are for new blowers. He reported that possible skating on the Ballpark pond is a possibility. The Town Manager spent a lengthy time on the new Purchasing Policy. Enclosed is a revised Purchasing Policy that he has been working on for months. He reminded the Council that when he arrived the Town did not use Purchase Orders and there were very little controls and procedures relating to purchasing. This Policy was designed to standardize throughout the entire Municipal Departments a uniform procedure. The Policy was also designed to stay within the existing ordinance which sets standards relating to the amount of the purchase. Example: Any expenditure over \$1,000 needs quotes; \$5,000 needs Council approval; etc. As a result it needs no Ordinance change. During his time in Old Orchard Beach he has worked very hard in instituting financial controls particularly around spending. For almost two years now we have required pre-approval by the Town Manager for all expenditures. This allowed for encumbrances which provided detail financial indicators of each Department's accounts. From time to time there were grey areas and it was sometimes difficult to institute the change and to be sure all personnel followed the rules; however the employees and department heads have made great progress. The current Ordinance was adopted in September 1991 which repealed the October 28, 1976 original which was amended October 18, 1976 and again on June 6, of 1984. In writing this Policy his goal was to reduce to writing the directives and procedures that he had implemented while Town Manager. He wanted to produce a written Policy that outlines and supports the current practice along with new procedures that would address current attitudes related to possible Council

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Conflicts of Interest. He said he knew we needed to update the old Purchasing Policy. We researched other municipal policies and created a rough draft. However, negotiations activities shelved the progress for a number of months. Simultaneously he was encouraging the previous Finance Director to implement changes and practices. By the way – Jim Thomas also attempted to create a new policy. However only some of the basic ingredients were actually adopted by the last Ordinance revision of 2004. He mentioned he was fully aware of the so-called Council Conflict of Interest concerns that have rumbled in and out of Town Hall. He fully understands the difference between perception and reality. As somewhat of a procedural and financial control freak himself he knew where the basic criticisms have come from. Was Council financial involvement in the Town perfect? Absolutely not. Was there a horrible misuse of power, or inappropriate Council practices? Absolutely not. On a scale of 1-10 the sins created were of the 1 and 2 variety at best. When issues were brought to his attention he dealt with the individual involved. Did he criticize and chastise individuals? No. Did he explain how a process could be done differently to avoid the perception? Yes he did. Is this a perfect policy? Absolutely not. Does he believe it is much better one than what we have now? Yes he does. Different people have different levels of concern when it comes to Conflict of Interest but all agree Council members who receive money from the Town for goods or services creates possible controversy. I have said many times to many people that the only way to 100% eliminate criticism or concerns is by adopting a 100% “No Council should ever receive Town Money Policy.” That is 100% safe. However, he believes there should be a middle ground in Old Orchard Beach. One has to be aware that Councilors can be of great asset to the Town and totally eliminating them from using their skills and talents for the good of the Town is indeed a loss. The secret of dealing with the subject lies with open disclosure if the Town chooses to allow Councilors to sell or provide services to the Town. He believes two types of action need to exist: Proper Purchasing Procedures need to be followed; Quotes, bids, RFP’s, etc.; and Council disclosure to the public by:

1. Refraining from voting by a Councilor when appropriate.
2. Reporting to the public their financial involvement.

The Town Manager’s assignment was to write Policies which he did with what he believed addressed fairly the Conflict of Interest concerns. If the Council wants absolutely no citizen concerns to surface then the Council needs to adopt a zero involvement statement and adjust the appropriate regulations that address this subject. In the mean time this Policy addresses many practices and he hopes it will be an asset to the people who are responsible for financial management. A new Town Manager as with the new Treasurer may make appropriate changes in the future and continue as this type of document becomes obsolete with the growth of technology. He thanked the Town Managers, Finance Directors (Jill and Catherine), people from the community, Holly – Council members - past and present - and the many department heads who have provided their suggestions and their thoughts which assisted in this project.

NEW BUSINESS:

5546 Discussion with Action: Appoint the following Committee Members: Carl

D'Agostino as an Alternate Member of the Planning Board, term to expire 12/31/12; Maria Pastulovic as a Regular Member of the Comprehensive Plan Committee, term to expire 12/31/13; move Robin Dube from Alternate to Regular Member of the Ballpark Commission, term to expire 12/31/14; move Jerome Plante from Alternate to Regular Member of the Ballpark Commission, term to expire 12/31/14; Appoint Linda Mailhot as a Regular Member of the Ballpark Commission, term to expire 12/31/12; Appoint Kristopher Fish as First Alternate to the Ballpark Commission, term to expire 12/31/13; Appoint Robert Rings as Second Alternate to the Ballpark Commission, term to expire 12/31/13.

Discussion on the appointments relating particularly to the Ballpark raised some ire among certain Councilors who felt that the practice of addressing applications as they are received was not adhered to but the Assistant Town Manager indicated there was no specific policy directing that pattern of addressing applications but rather the Council was given applications on a timely basis when there were openings on particular committees and it was the Council that decided who would go on a Committee with the input from the Chair or leadership of the particular Committee or Board or Commission. A motion was made to amend the agenda item but it did not receive the necessary votes to move that suggestion forward. The Council was informed that the recommendations for the Ballpark positions came directly from the Chair and Former Chair of the Ballpark Commission and as he understood was with the support of the Commission itself. After continued discussion on the item the following motion was made.

MOTION: Vice Chair Tousignant motioned and Councilor Coleman seconded to approve the Appointments as read.

VOTE: Unanimous.

5547 Discussion with Action: Award the bid for Waterproofing and Masonry repairs to the Public Safety Complex (Fire Department) to Damaged Masonry Technicians Inc. in the amount of \$33,005 from Account number 20200-50813 - Facilities Improvement with a balance of \$49,300; with work to be performed prior to July 1st of 2012 at an appropriate time of suitable weather conditions.

TOWN MANAGER AND CHIEF JOHN GLASS: In late September and early October 2011 an RFP was formulated in regards to exterior waterproofing and masonry repair of the Public Safety Complex located at 136 Saco Avenue in the Town of Old Orchard Beach, Maine. Management resources used to formulate the RFP were former Code Enforcement Officer Mike Nugent and Fire-Rescue Chief John Glass. Additional resource information was provided from a 2010 proposal for the same type repairs to the fire operations wing of the building by Hascall & Hall Company of Portland Maine. The description of the project was stated as "the project would involve restoration of crumbling masonry mortar, caulking where necessary and sealing with a Alkoxysiloxane damp proofing sealant. The project will not commence until the spring of 2012 but the contract will be awarded as soon as practical". Although it was properly advertised by Town policy and sent to five companies involved in this type of restoration/repairs, no bids were submitted for the project. Chief Glass interviewed the companies by telephone that was sent the request for bids to try to determine why no bids were returned. By doing so it was learned that several factors affected each company's

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interest in the project. Size of the project, scope of the project, scheduling and not receiving the bid packet was among the reasons quoted. Some companies however indicated they would be interested in the project if it were re-advertised with additional time to submit their quotation and additional time (spring) to complete the project. Modifications to the RFP were made and the project was advertised again in November of 2011 according to Town policy.

Four Companies submitted bids after the re-advertisement for RFP.

- Damaged Masonry Technicians Inc. (DMT) bid \$24,000.00
- Hascall & Hall Company bid \$38,856.00
- Knowles Industrial Services Corp. bid \$34,740.00
- Richard Pelletier Private Contractor bid \$16,000.00

The project's FY2011-2012 Budget authorization is \$36,000.00

Town Manager Jack Turcotte and Chief Glass felt it was necessary to conduct interviews with the bidders to try to determine why the bids were in some cases vastly different and to determine if each company understood the objectives. During these interviews we learned that a superior final coating product (Conpro Lastic) to what we specified was available and would greatly extend the ability of waterproofing and increase the warranty time enough to consider the upgrade for cost effectiveness while ideally remaining within our budgeted authorization. The three companies whose bids fell within our original budget authorization were contacted and asked to submit an amended bid using two coats of this sealant product instead of our original specification.

The companies replied with the superior sealant option amounts:

- Damaged Masonry Technicians Inc. (DMT) bid \$33,005.00
- Knowles Industrial Services Corp. bid \$52,160.00
- Richard Pelletier Private Contractor stated "add whatever the sealant cost"

Conclusion

Hascall & Hall –Eliminated due to original bid beyond our budgeted amount.

Richard Pelletier, Private Contractor- Mr. Pelletier's unfamiliarity with the product and its application requirements make it uncomfortable for us (Glass & Turcotte) to recommend the award to him.

Knowles Industrial Services Corp. – Eliminated by cost of desired upgrade option and higher bid of original specified final coating.

Damaged Masonry Technicians Inc. – Recommend approval with superior coating (Conpro Lastic) option.

**Town of Old Orchard Beach, Maine
NOTICE OF REQUEST FOR PROPOSALS
MASONRY REPAIR & WATERPROOFING
OLD ORCHARD BEACH FIRE DEPARTMENT**

October 21, 2011

The Town of Old Orchard Beach is soliciting proposals for masonry repair and waterproof sealing of the Fire Department facility. Selection of a successful respondent will be based upon an evaluation of factors set forth in the Request for Proposals Document that is attached. Responses including all of the required submissions must be forward to the following address:

The Town Manager's Office
Town of Old Orchard Beach
One Portland Ave.
Old Orchard Beach, Maine 04064

The deadline to respond is Thursday, November 17, 2011 at 3 p.m., local time. Any responses received after this time may be considered non-responsive and may not be considered at Town of Old Orchard Beach's sole and exclusive discretion. Bids will be publicly opened in the Town Hall Council Chambers on Friday, November 18, 2011 at 10:00AM. Description of the project is on our Town Website – www.oobmaine.com.

On November 18, 2011 a bid opening was attended by Chief John Glass, Town Manager, Jack Turcotte, and Recreation Employee, Jenn DeRice. The following four bids were received:

Damaged Masonary Technicians, Inc.	\$24,000
Richard Pelletier – Independent Contractor	16,000
Hascall & Hall – Portland, Maine	38,856
Knowles Industrial Services Corp.	34,740

Town of Old Orchard Beach, Maine
NOTICE OF REQUEST FOR PROPOSALS
MASONRY REPAIR & WATERPROOFING
OLD ORCHARD BEACH FIRE DEPARTMENT

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**Town of Old Orchard Beach, Maine
NOTICE OF REQUEST FOR PROPOSALS
MASONRY REPAIR & WATERPROOFING
OLD ORCHARD BEACH FIRE DEPARTMENT**

October 15, 2011

The Town of Old Orchard Beach is soliciting proposals for masonry repair and waterproof sealing of the Fire Department facility. Selection of a successful respondent will be based upon an evaluation of factors set forth in the Request for Proposals Document that is attached. Responses including all of the required submissions must be forward to the following address:

**The Town Manager's Office
Town of Old Orchard Beach
One Portland Ave.
Old Orchard Beach, Maine 04064**

The deadline to respond is Thursday, November 17th, 2011 at 3 p.m., local time. Any responses received after this time may be considered non-responsive and may not be considered at Town of Old Orchard Beach's sole and exclusive discretion. Bids will be publicly opened in the Town Hall Council Chambers on Friday, November 18th, 2011at 10:00AM.

I. PROJECT DESCRIPTION

The Fire-Rescue Building located at 136 Saco Avenue experiences rainwater infiltration through the existing walls. The project would involve restoration of crumbling masonry mortar, caulking where necessary and sealing with a Alkoxysiloxane damp proofing sealant. The project will not commence until the spring of 2012 but the contract will be awarded as soon as practical.

II. OBJECTIVE OF THE REQUEST

The objective of the request is to select a highly-qualified, full-service, experienced professional installer with an established record of successful installations.

This Request for Proposals document does not define any contractual relationship between the selected respondent and the Town of Old Orchard Beach or obligate the Town of Old Orchard Beach to follow a set selection process. Any binding agreements between the Town of Old Orchard Beach and the successful respondent will be through a formal written agreement (contract) after the Town of Old Orchard Beach Town Council has made its selection.

III. SUBMITTAL REQUIREMENTS

A. Cover Letter.

A cover letter shall be provided which succinctly explains the firm's interest in the project. The letter must contain the name, address and phone number of the firm and the name of the
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principal person who will lead the team. The cover letter shall bear the signature of the person having proper authority to make a formal commitment acting as the legal agent of the firm.

B. General Firm Information.

A concise description of the firm should be included, which describes the professional services typically provided by the firm. Resumes of the key individuals to be assigned to the project should also be included.

C. Evaluation and Selection Criteria

Respondents should address each of the evaluation criteria listed and provide specific examples of projects undertaken that demonstrate qualifications:

1. General Approach to the Project: Provide a short narrative or other form to describe the firm's approach to the project and provide examples of the firm's proposals concerning cost control for this particular project. A description all products associated with the project w/ installation specifications must be provided.

2. Experience: Each firm will be evaluated based on its overall experience and ability to perform the work.

3. Estimated Cost: Cost to provide these services for this project, including hourly rates, if applicable, based on similar projects performed in the past. The installer is responsible for providing all associated equipment such as lifts, scaffolding etc. This information must be provided in the proposal.

The estimate shall be broken down into the following sub categories and options:

Subcategory 1; Restoration clean exterior masonry using a combination of restoration detergents and pressure washers.

Subcategory 2; On a spot point basis, cut to 3/8" depth or to sound mortar all deteriorated block mortar joints and re-point with mortar matching the existing as closely as possible.

Subcategory 3; Clean and caulk all sash and door perimeter joints with a high grade elastomeric sealant.

Subcategory 4; Apply a wet-on-wet saturation coat of Alkoxsiloxane damp proofing or equivalent. Window glass and metal will be covered prior to damp proofing.

Subcategory 5; Clean up and dispose of spent debris properly.

5. Practices and Procedures: The firms' installation techniques, experience with the installation of the proposed materials must be consistent with the manufacturer's specifications.

6. References/Familiarity with the Town of Old Orchard Beach: References may be requested by the Town and must be provided if requested prior to the award.

IV. METHOD OF AWARD

The Town of Old Orchard Beach will review all proposals and may request respondents to supplement initial proposals with additional written material. The Town may, in its discretion, interview some or all of the respondents. The Town of Old Orchard Beach may perform any other review as it deems prudent in its selection process.

The Town of Old Orchard Beach reserves the right to choose the respondent that demonstrates the best ability to fulfill the project in the Town's sole discretion. The successful respondent will be chosen based on the qualifications, selection criteria evaluation, possible interview, and any other criteria determined necessary by Town of Old Orchard Beach.

The respondent selected will be given a right to negotiate an agreement acceptable to the Town. In the event that an agreement satisfactory to the Town cannot be reached, the Town reserves all rights to enter into negotiations with one or more of the remaining respondents. The successful respondent shall commence with the waterproofing project only after execution of an acceptable contractual agreement and agreed to date in spring of 2012.

V. OLD ORCHARD BEACH GOVERNMENT RIGHTS

The Town of Old Orchard Beach reserves the right to reject all or portions of any or all responses, to waive irregularities and technicalities, to re-advertise, or to proceed with the waterproofing project otherwise, in the best interest of Town. The Town of Old Orchard Beach may, at its sole discretion, modify or amend any and all provisions herein. The Town of Old Orchard Beach will not pay for any information herein requested, nor is it liable for any costs incurred by any responses hereto.

The Town of Old Orchard Beach reserves the right to extend the Request for Proposals date if needed. All changes and/or clarifications will be posted on the Town's website at www.oobmaine.com.

VI. INSURANCE REQUIREMENTS

Prior to the commencement of performance, the successful firm / joint venture shall furnish to the Town of Old Orchard Beach a certificate of insurance for workers' compensation and professional liability with limits of not less than \$1,000,000.00

VII. INQUIRIES

Any questions related to this request must be directed to the Town of Old Orchard Beach Town Manager's Office, Attention:

**John Glass/Fire-Rescue Chief
(jglass@oobmaine.com)**

Written inquiries must be made with a subject line reading: **Town of Old Orchard Beach Fire Department waterproofing project RFP.** Questions answered verbally will be followed up by written addendum at the sole and exclusive discretion of the Town of Old Orchard Beach; oral representations shall have no effect.

VIII. SUBMISSION PROCESS

Firms interested in performing the services requested must submit one (1) hard copy of the proposal to the Town Manager's Office, Attention:

**Town of Old Orchard Beach;
One Portland Ave,
Old Orchard Beach, ME 04064;**

Fire Department Waterproofing Project

The electronic copy must be identical to the hard copies. The deadline to respond is Thursday, November 17th, 2011 at 3 p.m., local time. Any responses received after this time may be considered non-responsive and may not be considered at Town of Old Orchard Beach's sole and exclusive discretion. Bids will be publicly opened in the Town Hall Council Chambers on Friday, November 18, 2011 at 10:00 a.m.

Chief John Glass and the Town Manager explained that the project would involve restoration of crumbling masonry, mortar, caulking where necessary and sealing with an Alkoysiloxane damp proofing sealant. The project would begin in the spring and possible last four to six weeks depending on the weather. It was explained that the most common method is to scale the affected damp plaster back to the brickwork and re-plaster the affected area with a waterproof plaster or cement mixture. The method chosen has been noted to be the best and most effective, but also the most costly. The Council asked questions on the procedure use and it was explained by Chief Glass. Explanations were given to Council questions on the reason for accepting one bid over the other and the need for verification of previous type of work by contractor. Damp proofing in construction is a type of waterproofing applied to building foundation walls to prevent moisture from passing through the walls into the interior spaces which has been a real problem at the Fire Department. The need is to stop dampness in buildings. Water often will damage walls by creating cracks, breaking cement-paint bonds and creating spots on the wall as well as mold. There has been an ongoing problem at the Fire Department of which several Councils have been aware.

MOTION: Vice Chair Tousignant motioned and Councilor Coleman seconded to Award the bid for Waterproofing and Masonry repairs to the Public Safety Complex (Fire Department) to Damaged Masonry Technicians Inc. in the amount of \$33,005.00 from Account Number 20200-50813 Facilities Improvement with a balance of \$49,300.00 with work to be performed prior to July 1st of 2012 at an appropriate time of suitable weather conditions.

VOTE: Unanimous.

GOOD AND WELFARE: None.

#5548 Discussion with Action: Personnel Matters: (Note: This item discusses privacy issues defined under Title 1 M.R.S.A., Section 405(6)(A), and the Council anticipates that the discussion portion will be in Executive Session.

MOTION: Vice Chair Tousignant motioned and Councilor Coleman seconded to Enter into Executive Session per Title 1 M.R.S.A., Section 405(6)(A), and the Council anticipates that the discussion portion will be in Executive Session.

VOTE: Unanimous.

MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to exit the Executive Session.

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to Adjourn the Town Council Meeting at 10:15 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 January 3, 2012.

V. Louise Reid