

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
Tuesday, June 19, 2012  
TOWN HALL CHAMBERS  
7:00 p.m.**

**A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, June 19, 2012. Chair Quinn opened the meeting at 7:04 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**

**EMERGENCY ITEMS:**

**CHAIR QUINN: We have a request to add Emergency Items to the agenda:**

**MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to add the following Emergency Items pursuant to Charter Section 404.1 - Business Licenses - to the Agenda: Jane & Frank Andrews (305-2-1), 31 East Grand Avenue, Unit 30, one year round rental; Mary Hammond – Massage Therapist (306-1-2), 1 East Grand Avenue, Suite A (Re Salon), Personal Service; Melissa Jackson – Massage Therapist (306-1-2), 1 East Grand Avenue, Suite A (Re Salon), Personal Service; and Guy Loranger dba/Big Daddy’s Bar & Grill (307-3-4), 13 Old Orchard Street, Sidewalk Café (asking for the \$75 Application/Inspection fee only to be waived; received their business last month and wasn’t aware they needed a Sidewalk Café Permit – paid the \$100 Sidewalk Café Fee and \$2.00 per square foot fee.)**

**and**

**Pursuant to Charter Section 404.1 – Agenda Item Number 5677 following Agenda Item Number 5676 – Discussion with Action: Approve the payment of \$9,200 to GIS Mapping & Analysis from Account Number 20120-50809 – GIS Program Expense, with a balance of \$16,244 for Updated Permit Application for Code Enforcement and Parcel Updates for 2011, 2012.**

**MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to Approve the Emergency Items as read.**

**VOTE: Unanimous.**

## **PRESENTATION:**

### **Presentation by the OOB Youth Tobacco Action Group to the Town Council of a Trophy Awarded them by the Campaign for Tobacco Free Kids**

**In 2011 the Town Council had two workshops at which students Hattie Simon, Sarah Jenkins, Marykate Slattery and Sabryna Deshaies provided information regarding the banning of smoking from Old Orchard Beach. The young women received a grant of about \$330 after attending a Sixth Annual Maine Youth Anti-Tobacco Summit in 2009.**

**The provided information and documentation to the Town Council over the period of those workshops and were responsible for signage on the beach this summer discouraging the use of tobacco products on the beach in order to achieve voluntary compliance. We thank these young women for their dedication to this project and appreciate their presentation to the Town Council this evening.**

**The following was read by Hattie Simon, Sabryna Deshaies, Sarah Jenkins and MaryKate Slattery:**

**“On June 6, 2012, at a ceremony in Hallowell, Maine – the OOB Youth Tobacco Action Group was honored to receive the Maine Youth Action Network’s 2012 Impact Award for Anti-Tobacco Group of the Year. The award was given to our group for our two-and-a-half-year long effort to have a tobacco-free beach policy implemented in Old Orchard Beach. This evening we would like to share this award with the Old Orchard Beach Town Council members in recognition of your critical contributions to the success of that effort to help make our beaches tobacco-free. We applaud the Town Councilors: Chair Bob Quinn, Vice Chair Mike Tousignant, and Councilors Robin Dayton, Sharri MacDonald, and former Councilor Shawn O’Neill for your commitment and important contribution to protecting the public health of our community’s residents and visitors; for preserving our Town’s beautiful beach environment by reducing tobacco litter, and for your significant role in ensuring the southern Maine coastline remains tobacco-free for future generations to enjoy. Your passage of a municipal Tobacco-Free Beach Resolution in November of 2011 has been recognized by youth advocacy organizations and tobacco control experts around the State of Maine, and also nationally, as an example of how a small group of empowered youth and town officials can work in collaboration to achieve an important health-promoting environmental change. It is a great honor to share this award with you and we look forward to having this trophy displayed permanently at Town Hall in recognition of our combined efforts to make our beaches tobacco-free. Thank you.”**

### **Presentation by Helene Whittaker – Chair of the Community Neighborhood Watch**

**Our mission is to improve the quality of our neighborhoods through positive interaction, community encouragement and increased public awareness between law enforcement and the citizens of Old Orchard Beach & Ocean Park. We are always a work in progress, evolving to meet the needs of our Community. We can see our efforts working, from the responses and witnessing the interaction in our community.**

**This has been an extremely busy and very challenging year for us. We’ve launched several programs, the most recent being Business Watch. Modeled after Neighborhood Watch,**

Business Watch takes the “neighbors looking out for neighbors” concept to the commercial level, creating a partnership between business, law enforcement, and other organizations that represent business interests. You will find in your packets the information and window decals we have been distributing to the businesses when doing walkabouts introducing ourselves and the Reserve Officer. It is being well received by the business community and has also been very positively publicized by both television & print news media coverage.

We are extremely proud and excited about our initiative.... Bike Friendly OOB to promote Old Orchard Beach as an ideal cycling location for both the community members and its seasonal visitors. With the Conservation Commission’s proposed connection to the Eastern Trail and the Town’s hosting of Rev3 Triathlon in August, the timing is perfect. Our Bike Safety Brochure has been an exciting endeavor by a brilliant team. There is also a coordinating website “BikefriendlyOOB.com. The Chamber of Commerce donated the first of what we hope to be many bike racks. It seemed most appropriate to place it at the Downeaster train platform which is a transportation hub. The Reserve police are the BikeFriendly OOB liaisons to the residents, visitors and foreign students working in our Town, spreading the word about bike safety, which is the Program’s #1 priority. After all, they are the experts! In your packets you will find a copy of our exciting brochure. More is planned for Bike Safety, Spring of next year when our School Resource Officer plans to hold Bike Safety classes for parents and their kids. It’ll be a fun time of learning for the children.

Our Drug take back day was extremely successful with OOB collecting the most in southern Maine! The feedback was that we were the best collection center because of our display of printed information and the best volunteers around. We are fortunate to now have a permanent drug medreturn box in the PD lobby purchased with the Coastal Healthy Communities Coalition Grant and a donation from Communities for children a big thank you to those two organizations. You will note in your packet a sample flyer advertising the disposal med box, eye catching isn’t it?

Jr. Achievement Day is always something we look forward to because it is an eye opener to see 5<sup>th</sup> graders with so many issues, especially with bullying. The children opened up during our time together and it was heart wrenching to hear them talk about it. Hopefully our suggestions helped a little, along with the printed matter about bullying, etc. they brought home to share with their family members.

The future of bullying has to be conquered from the top. What I mean here is, if we want to eradicate bullying, we have to start at the top. We must remember, *children learn by example*. It’s not just children, teens and young adults bullying and being bullied, it is adults and seniors, at home, in the work place, and in the community. Name calling, bossy behavior, loud arguments, threats and harassment must stop. We need to all get along better and be the example setters by respecting each other. Our children want it, need it and deserve it. Remember, it takes a just few seconds to hurt someone with words but it can take a lifetime to repair.

In the past two years we have had many meetings, gone to conferences pertaining to Restorative Justice and Bullying. Meetings with bully experts, consultants, authors, attorneys, Judges, etc. and even went to Augusta to speak about bullying. We all know this is an issue that will not go away easily but it takes a community to raise a child and it also takes a community to knock out bullying. So with that in mind, we must step up to the

plate and not be a participant but be an advocate who will stand by the victim, stand up to the bully and if you see something, say something by not tolerating it. Restorative Practices is a solution to bringing closure to the victim and the bully and this is where our next CWC initiative will be focused on this coming year. ....more on this topic later.

Parents, schools and residents of OOB, look forward to our coming event in the fall. The OOB CWC, RSU 23 Cinemagic Bully Project. This promises to be a very exciting event.

**VIPS: Volunteers in Police Service** continues to be fun, exciting and interesting and brings together so many important and different aspects of keeping our Community safe. VIPS are often seen in our Citizen Patrol vehicle and on foot participating in Community Special Events. While important, the more critical function of VIPS is to be an extension of the OOB PD. As the eyes and ears of the OOB PD, in the winter VIPS in CP1 do property checks for vacant homes, and both in and off season they patrol troublesome neighborhoods both on foot and in CP1, VIPS volunteers also helped @ the High School with the “Texting while Driving” program attended this year by the Maine Sec. of State Charlie Sommers, and doing scenarios for the new Reserve Police recruits showing some behavior they may encounter “on their beat”. Plans are in the works for the Fall to have all VIPS volunteers formally trained in evacuation response. There is always something different and interesting. We are ambassadors of the PD and routinely assist residents and vacationers with general needs. We are always looking for more volunteers. If interested in VIPS please contact our Police Department.

Our Vial of Life program is another successful ongoing CWC project. We’ve distributed over 2,000 Vials so far and are in the midst of putting together another 1000. If it saves 1 life, we have done our job. Anyone interested in a vial can get one by going to either town hall or the Police Department. I’ve included in your packets our new PD & CWC magnets which will be included in the VOL.

Neighborhood Watch groups are the eyes and ears of the Police Department and they have indeed reported many instances to the PD leading to arrests. It is with deep gratitude I say to all the volunteers who patrol their neighborhoods “thank you”, and we do so appreciate you.

CWC participates in many town events to educate the public about crime awareness and prevention. We would not be as successful as we are without our volunteers. We have a great group who get the job done and have fun at the same time. Our pot luck is well attended and lots of laughter is in the pot as well.

As President of CWC I personally want to thank everyone in the PD for their efforts and support but I want to especially thank Suzanne who has gone beyond in getting Bike Safety and Business Watch matters done in a timely manner. I know how busy the PD is so a big Thank you Suzanne. Also, I want to thank Pat Brown my partner in CWC. Her dedication and energy is what gets me going and has made the difference. And of course my thanks to Chief Kelley and Lt. DeLuca for their visions, CWC would not be in existence without them.

The Chief and I would like to take this opportunity to thank each and every volunteer who makes every event and project successful and for doing such a terrific job when called upon. These two words “thank you” is what keeps us volunteering and working with the

professionals we have in the Old Orchard Beach Police Department. We also thank you, Councilors, for this opportunity to stand before you and for your continued support.

### Business Watch

Modeled after Neighborhood Watch, Business Watch takes the “neighbors looking out for neighbors” concept the commercial level, creating a partnership between business, law enforcement, and other organizations that represent business interests. The business Watch philosophy is a straight forward way to control of what happens in your business community and lessen your chances of becoming a victim. Under the director of Police Chief Dana Kelley, the Police Department has implemented the Business Watch Program and Business Alert Service in partnership with the Community Watch Council (CWC).

### Report – do not confront!

Communication between our businesses encourages and enhances cooperation amongst our merchants. Business Watch actively reduces and prevents crime through cooperation and education and empowers our community to build a safe environment. Programs vary according to need; however, successful groups adhere to these fundamental steps:

1. Promotes communications and understanding between law enforcement and business;
2. Encourages and enhances cooperation among merchants;
3. Educates merchants on crime stopping techniques such as suspicious incidents;
4. Watches over neighboring businesses and opens the lines of communications to disseminate valuable information; and
5. Provides business Alert Services for quick distribution of crime information.

### Alert Service

Old orchard Beach Community Business Alert Service has been designed to open the lines of communications within our business community and enhance the dissemination of crime information throughout our merchants in cooperation with law enforcement.

### Alert Service Set-up

The Alert Service can be subscribed to by a local merchant by the following procedure.

Text messaging Alert only (e-mail alert not available at this time)

E-mail us at [oobpolice@gmail.com](mailto:oobpolice@gmail.com) and provide us with the following information:

Name of business.

Name of persons being notified. More than one business contact can be requested.

Cell phone number complete with area code.

Name of cell phone carrier (i.e., AT&T, Verizon, or other.)

Once you have been entered into the system a confirmation

Text will be sent to the number you provide.

### Alert Service Activation

The Business Alert will be activated by Police Department staff under the following situation.

1. Initiated by Police Department concerns or recent crime activity.
2. Merchants with alert information must contact the shift supervisor by contacting dispatch at 934-4911 and asking to speak with the shift supervisors specifically for Business Alert Activation.
3. All Alerts will first be approved and sent at the direction of the shift supervisor as soon as possible to be determined by availability.
4. Some examples of the Business Alerts are as follows: Threats to public safety, shoplifting, theft, counterfeit money, credit card fraud, check fraud, unruly or intoxicated patron creating a disturbance, vandalism and emergency street closing to name a few.

**CHIEF DANA KELLEY:** The Chief expressed considerable appreciation for the work of the Committee, its leaders and members and also to Lt. Tim Deluca for his involvement in this program which has set our Police Department in good status in so many areas.

#### **ACKNOWLEDGEMENTS:**

**COUNCILOR MACDONALD:** We invite all citizens and tourists to join us at the Ballpark during the weekend of June 23 and 24<sup>th</sup> when the Ballpark will be rocking with live music, a barbecue championship showdown and hot air balloons among other activities. OOB365 is sponsoring the event which is called Smokin at the Ballpark and will benefit the Make-a-Wish Foundation. The cost for the festival is \$10 per person and children under seven are free. There will be a petting zoo, pony rides, a moon bounce chainsaw woodcarving and lots more. She also reminded everyone of the Christopher Cash Race which will be held this weekend and the commitment that so many have to this endeavor.

**COUNCILOR DAYTON:** It is my pleasure to acknowledge an Award of Recognition presented to the Old Orchard Beach Conservation Commission by the Maine Chapter of the Wildlife Society in recognition of the tremendous contribution the Maine Association of Conservation Commissions and Municipal Conservation Commissions make to the conservation of Maine's natural resources, open space, and quality of place. The efforts of hundreds of hardworking and dedicated volunteers in Committees across Maine are the foundation of conservation at a local scale and play an essential role in ensuring the future of Maine's natural heritage. Our Conservation Commission under the Chair Ginger McMullin works diligently to protect the wildlife and natural resources of beautiful Old Orchard Beach. Our congratulations to you all.

**COUNCILOR COLEMAN:** We congratulate our Public Works Director and staff with the announcement that the Town of Old Orchard Beach has received a Safety Enhancement Grant in the amount of \$1,985.83. The Safety Enhancement Grant and Scholarship Grant programs offer financial incentives to members of our Workers Compensation Carrier. These grants are used to purchase safety equipment or services that assist in reducing the frequency and severity of workplace injuries. Improving workplace safety for municipal employees saves taxpayers money by reducing lost hours at work, cost of insurance claims, and overtime expenses for employees who might have to fill in time for injured employees.

**ACCEPTANCE OF MINUTES:** Town Council Meeting Minutes of May 16,2012; Special Town Council Minutes of May 30, 2012; Town Council Workshop Minutes of May 30, 2012; Town Council Meeting Minutes of June 5, 2012; Town Council Workshop Minutes of June 5, 2012; Special Town Council Minutes of June 5, 2012; and Town Council Workshop Minutes of June 6, 2012.

**MOTION:** Vice Chair Tousignant motioned and Councilor Coleman seconded to Accept the Minutes as read.

**VOTE:** Unanimous.

**PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:**

**CHAIR:** I open this Public Hearing at 7:25 p.m.

**TABLED PUBLIC HEARING BUSINESS LICENSE AND APPROVAL**

**Rafi Jacobi dba/Coastal Gifts** (206-31-5), 29 Old Orchard Street, Victualers with Preparation with Beer, Wine and/or Liquor (take out).

**CHAIR:** I close this Public Hearing at 7:27 p.m.

**MOTION:** Vice Chair Tousignant motioned and Councilor MacDonald seconded to Approve the Business License for **Rafi Jacobi dba/Coastal Gifts** (206-31-5), 29 Old Orchard Street, Victualers with Preparation with Beer, Wine and/or Liquor (take out).

**VOTE:** Unanimous.

**PUBLIC HEARING BUSINESS LICENSES**

**CHAIR:** I open this Public Hearing at 7:27 p.m.

**Kenneth & Lynda Shupe** (202-2-3 F8), 207 East Grand Avenue, Unit F8, one year round rental; **Steve & Michelle Sanborn** (210-1-20-6), 39 Smithwheel Road, Unit #6, one year round rental; **John J. Zampieri** (303-2-1-11), 1 Saunders Avenue, Unit 11, one year round rental; **Raven Photo LLC dba/the Sweet Tooth (Scott White)** (306-6-1 L), 2 Old Orchard Street (on the Pier), Victualers with Preparation, No Alcohol; **Tim & Pam Cyr** (316-13-2-8), 3 Pearl Avenue, Unit #8, one year round rental; **Bob Mullen** (321-5-6), 11 Winona Avenue, one seasonal rental; **Jane & Frank Andrews** (305-2-1), 31 east Grand Avenue, Unit 30, one year round rental; **Mary Hammond – Massage Therapist** (306-1-2), 1 East Grand Avenue, Suite A (Re Salon), Personal Service; **Melissa Jackson – Massage Therapist** (306-1-2), 1 east Grand Avenue, Suite A (Re Salon), Personal Service; and **Guy Loranger dba/Big Daddy’s Bar & Grill** (307-3-4), 13 Old Orchard Street, Sidewalk Café (asking for the \$75 Application/Inspection fee only to be waived; received their business last month and wasn’t aware they needed a Sidewalk Café Permit – paid the \$100 Sidewalk Café Fee and \$2.00 per square foot fee.)

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

**MOTION:** Vice Chair Tousignant motioned and Councilor Coleman seconded to Approve the Business Licenses as read.

**VOTE:** Unanimous.

**PUBLIC HEARING:** Shall we Amend the General Assistance Ordinance, Section 6.8, Basic Necessities; Maximum Levels of Assistance?

**CHAIR:** I open this Public Hearing at 7:32 p.m. Is there anyone that would like to speak to the issue?

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

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on June 19, 2012 at 7:00 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the General Assistance Ordinance by changing the dollar amounts allowed for Basic Necessities and Overall Maximum levels of assistance, adopting the underscored amounts, and further amending by strikethroughs and underscored amendments to Section B, as follows:

Amend Section 6.8 Basic necessities; Overall maximum levels of assistance

No. in Household

	<u>CURRENT</u> MONTHLY	<u>PROPOSED</u> MONTHLY
1	\$812.00	<u>\$731.00</u>
2	\$964.00	<u>\$868.00</u>
3	\$1249.00	<u>\$1124.00</u>
4	\$1573.00	<u>\$1416.00</u>
5	\$1686.00	<u>\$1517.00</u>
6	\$1814.00	<u>\$1585.00</u>

For each additional person add \$68 per month.

B) Housing. The administrator will provide assistance with rent or mortgage payments that are reasonable and within the allowed maximum levels and in accordance with the housing assistance limits and exceptions provided in Title 22, section 4308, subsections 1-A and 1-B. ~~below.~~ See Appendix C of this ordinance for the current year's housing maximums. It is the applicant's responsibility to find suitable housing, although the administrator may help the applicant find housing when appropriate. The administrator will inform the applicant of the allowed housing maximums to assist the applicant in his/her search for housing. The allowed maximum for any applicant will be the categorical housing maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household.

Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level for the number of rooms actually needed.

**CHAIR:** I close this Public Hearing at 7:35 p.m.

The Assistant Town Manager indicated that this public hearing notice came from the State relative to the new funding for the General Assistance applicants and results in a decrease in the amount of assistance being given.

**TOWN MANAGER'S REPORT:** He reported on a very busy two weeks since the last Town Council Meeting. Several meetings were held with department heads and staff on issues relative to citizen concerns; several meetings at Memorial Park and talks with members of the Memorial Park Commission; met with Human Resources regarding several positions which have been posted regarding Recreation and Police; met with Ballpark personnel updating summer activities for the Ballpark; attended Town Council workshops on the budget and had several meetings with the Finance Director on last minute changes to the budget; met with members of Ocean Park on Tide Gate issues; addressed some personnel concerns; made visits to the Fire Department in the absence of the Chief; had meetings with Police Department on budgetary matters; and met with Extreme Clean managers. He augmented his comments about the Tide Gate by informing the Council that the results of a meeting with members of the community of Ocean Park and Wright Pierce included the determination if better management would provide for more salt water into the marshes without spilling out to streets or properties, then we would push forward that type of consideration. Volunteers will work to clean out culverts and drainage swales and Public Works will arrange for the Tri-Town camera to inspect the drainage as well. This is a cooperative venture to experiment with the Tide Gate settings and to look for the optimum water management since the West Grand Capital Improvement. The goal of inspection is to determine whether the Tide Gate's current set point can be modified to allow ore salt water into the upstream marshes, without causing water to spill out onto West Grand Avenue or inundate properties in the area.

**TABLED ITEM:**

**# 5658 Discussion with Action:** Approve the Memorandum of Understanding between the Town of Old Orchard Beach (the Town) and the Old Orchard Beach Free Public Library Association (Library), effective ~~May 24, 2012~~ June 19, 2012.

The Town Manager discussed the working relationship at this time with the Library and the Treasurer, Doris Harris, also reiterated that the working relationship was working between the staffs of both facilities. The Town Manager indicated that the Finance Director had suggested the addition of the wording: "The Library must comply with all Town Financial Policies and Procedures with respect to issuance of payroll, accounts payable and other financial matters." He did, however, indicate that he did not feel the present Memorandum needed to be revised.

A great deal of discussion relative to the approval of the Memorandum of Understanding revolved around item number three of the Memorandum: "The employees of the Library remain under the control and direction of the Board of Trustees of the Library. In order to assure flexibility, the Board of Trustees may, when warranted, transfer funds from one operational line item to another operational line item within the current fiscal year."

Councilors Dayton and Coleman expressed their concern that not adhering to the policy of a line item budget does not permit accountability in the use of funds that are provided by the taxpayers. A line item budget itemizes every item in the budget which permits the ability to track and monitor available funds, revenue and expenses by type. The accounting tool can be created to reflect year-over-year differences between some expenditures. They indicated that most funding agencies or municipalities want justifications as to why an item is needed, when it is needed, and how it will be utilized to benefit what it is being used for. Library Treasurer, Doris Harris, and Vice President, Israel Collins, expressed the opinion of the Library and the need for them to have the ability to transfer from one operational line to another operational line when perhaps they have run out of funding for a necessary item. Councilor Coleman indicated that he would prefer the wording on item three be changed to reflect the following: "In order to assure accountability, the Board of Trustees may not transfer funds from one operational line item to another operational line item within the current fiscal year without the consent of the Town Council." During the discussion an e-mail was read into the Minutes by Councilor Coleman with an argument by Board of Trustees Vice President, Israel Collins, against it being included.

"—From Peter Flaherty to the Libby Library Trustees: --  
Hello Libby Library Trustees – I'm very disappointed to have to tender my resignation from the Libby Library Board of Trustees. When I was asked by Alice to become a trustee, two years ago, I was more than happy to give back to my community in a way that I thought was noble. Ever since the unfortunate incident of our missing funds I feel that the board has splintered. We don't seem to be on the same page on many issues and much time is being spent on placing blame. I thought we had agreed that none of us should feel blame for what one person did to us in this situation. Instead of working together, we're digging into the archives to come up with ancient history that doesn't have anything to do with our present situation. Please continue to work closely with the Town as I believe there needs to be a good working relationship with the staff at town hall. Now that you have a vacant seat I hope you reconsider and ask Normand Aude to continue on as a full fledged trustee. I don't think he quite understood what happened when he was asked to step down at our last meeting. -- Peter Flaherty."

The discussion continued and during that time because of the emotion of the discussion a point of order was made by Councilor Coleman and seconded Councilor Dayton to contain discussion to the Council on the issue.

Continued discussion brought around the subject of trust by not only the Town Council but the Board of Trustees of the Library. Part of what builds trust is structure where we each know what to expect from the other and this is what Councilor MacDonald stressed as a learning experience over the next year. With the role comes expectations and by fulfilling the expectations we build trust and this allows us to maintain trust through all circumstances. After a lengthy discourse the following motion was made and passed three to two.

**MOTION:** Vice Chair Tousignant motioned and Councilor MacDonald seconded to  
Approve the Memorandum of Understanding between the Town of Old Orchard Beach (the Town) and the Old Orchard Beach Free Public Library Association (Library), effective ~~May 24, 2012~~ June 19, 2012; and as presented to the Edith Belle Memorial Library Board of Trustees and the Town Council prior

the meeting.

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

**Town of Old Orchard Beach, Maine  
Old Orchard Beach Free Public Library Association  
aka Edith Belle Libby Memorial Library**

**Memorandum of Understanding:**

**The Town of Old Orchard Beach, Maine (the Town) and the Old Orchard Beach Free Public Library Association (Library) both acknowledge that the two organizations serve the same constituency and have the same goal and objectives. Both organizations want to maximize service to the residents of Old Orchard Beach and patrons of the Edith Belle Libby Memorial Library.**

**The Town and the Library also acknowledge that the Town has the capacity to provide certain services that the Library needs. Examples of these services include payroll processing and accounts payable processing. Both organizations acknowledge that there are potential dollar savings and other benefits to having the Town perform certain functions for the Library.**

**The Town and the Library now agree to the following arrangements for services:**

- 1. The Town will process all payroll related functions for employees at the Library. This is intended to include regular payroll processing as currently provided to Town employees, officials and other entities with similar memorandums of understanding. This includes but is not limited to regular paycheck processing, direct deposit, tax deposits, necessary and selected deductions and any other service that may be appropriate.**
- 2. The Town will process accounts payable upon receipt of coded invoices from the Library. The Library Trustees will have full authority over purchasing decisions. The Town will prepare regular processing of an AP warrant to be signed by the Library Trustees.**
- 3. The employees of the Library remain under the control and direction of the Board of Trustees of the Library. In order to assure flexibility, the Board of Trustees may, when warranted, transfer funds from one operational line item to another operational line item within the current fiscal year.**
- 4. This memorandum of understanding is considered to be in place until such time that either the Town or the Library chooses to modify or discontinue the terms of the agreement. Any modification will be subject to mutual agreement. Either party may choose to discontinue terms of this Memorandum of Understanding by giving notice of termination at least one year prior to the beginning of the Town's next fiscal year.**

**NEW BUSINESS:**

- # 5670 Discussion with Action: York County Government Outside Agency Survey – It is the position of the Town of Old Orchard Beach to support, or not support, the funding Of outside agencies through the County of York’s Annual Budget Appropriations.**

The County sent a letter to all Municipal Councilors, Selectmen, Managers and Administrators in York County indicating that the Commissioners voted to pursue the idea of funding outside agencies through the County budget. The motion was specific and directed County Administration to reach out to all York County Municipalities and ascertain from Councilors or Selectmen if there was support for this. It is the position of the Commissioners that the decision to fund outside agencies is best left to the local level and taxed at the local level. However, the Commissioners are also open to assisting our municipalities to determine if there is a better way to fund outside agencies with the burden being spread out amongst all towns i.e., the County tax. As the gatekeepers for the municipalities the Commissioners are asking that each Council, through official action, determine a process by which agencies will be funded. Each Council is being asked by majority to determine by official action if the position of their municipality is that we support the funds of outside agencies through the County of York’s annual budget appropriations and understand that all municipalities will be taxes their pro-rata share; or it is the position of the municipality that we do not support the funding of outside agencies through the County of York’s budget process. Attached for Council review was a copy of a letter from the Municipal Office Town of Wells in support of funding outside agencies but also against the “all-in-all-out” theory.

**MOTION: Vice Chair Tousignant motioned and Councilor Coleman seconded to not support the funding of outside agencies through the County of York’s Annual Budget Appropriations.**

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

- # 5671 Discussion with Action: Approve Liquor License Renewal for Alouette OOB Oceanfront Resorts, Inc. dba/Alouette Beach Café Resort (Frederick & Anne Kennedy) (303-1-11), 91 East Grand Avenue, m-v in a Hotel.**

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

**VOTE: Unanimous.**

- # 5672 Discussion with Action: Transfer \$41,906.98 from Account Number 10013-30300 – Undesignated Fund, with a current balance of \$4,387,083.37 into Club Karma Teen Center - Account Number 30313-40800, with a current negative balance of (\$41,906.98), thus closing the account.**

**CHAIR QUINN:** Club Karma (youth center) was opened with a lease on June 20, 2011. On July 16, 2012 the Town Council authorized the Town Manager to lease Club Karma on a month-by-month basis. A new lease was signed by Town Manager, Richard Haberman, until September 30, 2012. Club Karma was closed on August of 2013. There was a loss of funds when the Club closed and that loss has been reflected as a loss in the programming of Recreation. To correct that assumption this agenda item has been added.

**MOTION:** Councilor Dayton motioned and Councilor Coleman seconded to Transfer \$41,906.98 from Account Number 10013-30300 – Undesignated Fund, with a current balance of \$4,387,083.37 into Club Karma Teen Center - Account Number 30313-40800, with a current negative balance of (\$41,906.98), thus closing the account.

**VOTE:** Unanimous.

**# 5673 Discussion with Action:** Approve the design costs of Phase III of “Safe Routes to Schools” to Wright Pierce in the amount of \$16,000 from Account Number 20151-50300 – Professional Engineering, with a balance of \$17,235.57.

**BILL ROBERTSON:** The “Safe Routes to School” sidewalk project from where Phase II ended on Smithwheel at Ryefield will continue southwesterly past the Public Works Facility, crossing Vallee Lane and continuing approximately 600 feet to the existing sidewalk. The Public Works Department applied to the Maine Department of Transportation (DOT) for this project and they encouraged us to get it designed and go after the construction funding. For in-kind services it appears that we will use the design funds (i.e., \$16,000) and will also utilize our own staff for excavation, etc. Our original estimate was \$120,000. The Public Works Director has put this project in the 2013 CIP budget for about \$30,000 which will most likely be saved.

Base Map Survey	\$ 4,000
Right of Way Survey	2,000
Preliminary Design	4,000
Final Design	4,000
MDOT Coordination	1,000
Bidding	1,000
Total	\$ 16,000

**MOTION:** Vice Chair Tousignant motioned and Councilor Coleman seconded to Approve the design costs of Phase III of “Safe Routes to Schools” to Wright Pierce in the amount of \$16,000 from Account Number 20151-50300 – Professional Engineering, with a balance of \$17,235.57.

**VOTE:** Unanimous.

**# 5674 Discussion with Action:** Approve the Special Event Permit application from Bill Johnson to hold a family cookout on the beach in front of his home at 213 East Grand Avenue on Saturday, July 7<sup>th</sup>, 2012 from noon to 6 p.m. Insurance listing Town of Old

Orchard Beach as additionally insured to be provided to the Town Clerk's Office at least one week prior to the event.

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

**VOTE:** Unanimous.

# 5675      **Discussion with Action:** Accept the bid from Pillar Design Studios in the amount \$11,200 and not to exceed \$15,000, from Account Number 30201-50311 – Skatepark Expense, with a balance of \$41,501.33, for the design and construction documents for the skateboard park.

**JASON WEBBER:** The Old Orchard Beach Recreation Department is one step closer to designing a Skatepark and BMX complex after narrowing down the top three firms to design the facilities. The top three bids have come from:

- Pillar Design Studios:            \$11,200 + estimated reimbursable exp: \$1,200
- ASD + Stantec:                    \$25,690
- Spohn Tanch:                        \$11,500+ estimated reimbursable exp: \$14,300

The three firms were decided through a collaborative effort between the Old Orchard Beach Recreation Department and the Skatepark Committee; however the two organizations are not looking for a company to design just a skateboard park. The Town is looking for a “skatepark within the park” to serve the whole community. They are looking for a green park, not just for skaters but for members of the community as well. Through fundraising, Town-approved money, and grants from organizations such as the Tony Hawk Foundation the skatepark committee has gathered approximately \$62,000 allocated toward the park. Several more fundraisers in the months ahead will be used to supplement the effort before construction begins, hopefully before the end of the year. Once the design firm is chosen members from the selected design firm will work closely with the Old Orchard Beach Planning Board and Recreation Department to finalize the design. The vendor must have prior skatepark design experience; specifically it must have designed at least five skate parks that have been in place for two years. The selected designer must also be willing to hire local workforce during the construction phase of the skate park. The design must be concrete to sustain through poor weather conditions. It should be noted that the old skateboard part which was located near the new Police Department was made of wood design and weather deteriorated it quickly. It was noted by the Recreation Director that “Skating is a great form of individual expression. With a skatepark kids could develop their skill and expression and possibly compete at a higher level. It’s an individualized sport like track or swimming but we could see it turning into a team sport for schools to compete at some point in the future.” The Recreation Director and the Committee are recommending the selection of Pillar Design Studio.

**Skate Park Update: (6/5/2012)**

I wish to thank everyone for being patient on the update. With all the changes that are going on in my department the skate park is my number one priority. We have waited long enough for a skate park for our youth. My intent is to have a monthly or weekly (if

necessary) update on the park and post these updates on our recreation website. This will keep people more informed and allow others to look back and follow the history from here on out.

**Items of topic:**

- 1.) **Funding: Total amount in the bank.**
- 2.) **Bid proposals on design for the park.**
- 3.) **Fundraising.**
- 4.) **DEP Process.**
- 5.) **What is next?**

**1.) Funding:**

As of 6/4/2012 we have \$41,716.27 in our CIP account to date. Below is a break down of where the funding has come from.

- **Tony Hawk Foundation: \$5,000**
  - **Ollie Foundation: \$3,000**
  - **CIP from Council: \$30,000**
  - **Fundraising: \$3,716.27**
- Total \$41,716.27**

We finally got our project approved by the National Park Service for \$18,617. All I am waiting for is a contract from our state liaison to sign and we can move forward with our project. This will not delay our timeline as this money is not tied to the design proposals. The skate park project number is 23-00840. The total amount that we have with the addition of the LWCG money is \$60,333.27.

**2.) Bid Proposals for Designing our Skate Park:**

We went out to bid for design which closed on May 30<sup>th</sup> 2012. We received three bids for our project.

- **Pillar Design Studios: \$11,200 + estimated reimbursable exp: \$1,200**
- **ASD + Stantec: \$25,690**
- **Spohn Tanch: \$11,500+ estimated reimbursable exp: \$14,300**

After reviewing the proposals and references, we will be making a recommendation to council to go with Pillar Design Studios. Our board feels that they will help us design the type of skatepark we are looking for in our community as well as keeping within our budget constraints. They focus on the being Eco-Friendly and dealing with the challenges of site conditions, noise reduction, user-friendly for all skill levels, and safe spectator viewing areas. Again the final decision lies with our Town Council, which it will be on the regular town council meeting of June 19, 2012 at 7:00pm at Town Hall. I would love to see support from our skate park contingent at this meeting.

**3.) Fundraising**

We are always looking for donations to help with the final total for our park. If anyone knows people that would like to make a donation to the park please give them my

contact information: Jason Webber at 207-934-0860. Naming rights are still available. Due to the level of details going forward with this project the Skate Park committee will further our fundraising effort. I did secure the August 5<sup>th</sup> date for Jimmy the Greeks. If someone can be the lead person and contact me with full details so I can start advertising this event that would be greatly appreciated. I know other ideas were talked about like the Boot Drive for example. If the lead person wants to give me full details, I can start the paperwork for the special event permit. If you would like to lead a fundraiser please contact me at 207-423-2044.

#### **4.) DEP Process and Planning Board Process:**

In order to complete either of these processes you need a complete design and construction documents. Both the DEP and Planning Board are aware of our project. The company that designs our park will also guide us through these processes.

#### **5.) What is next?**

When the company that designs our park is approved by the council, we will set up a couple public workshops. It is very important to get as much input from our community and skaters as possible. I look forward to this part of the process as it is very exciting to finally see something on paper.

There was appreciation by the Council that this item has come to this point in preparation for the skateboard park. Vice Chair Tousignant reminded the Recreation Director of the cost of maintaining a “park” and that expansion to a level of what we can afford is important.

**MOTION:** Councilor Dayton motioned and Councilor Coleman seconded to Amend the Agenda Item and Accept the bid from Pillar Design Studios in the amount \$11,200 and not to exceed \$12,500, from Account Number 30201-50311 – Skatepark Expense, with a balance of \$41,501.33, for the design and construction documents for the skateboard park.

**VOTE:** Unanimous.

**# 5677** Discussion with Action: Approve the payment of \$9,200 to GIS Mapping & Analysis from Account Number 20120-50809 – GIS Program Expense, with a balance of \$16,244 for Updated Permit Application for Code Enforcement and Parcel Updates for 2011, 2012.

**MOTION:** Councilor Dayton motioned and Councilor Coleman seconded to Approve the payment of \$9,200 to GIS Mapping & Analysis from Account Number 20120-50809 – GIS Program Expense, with a balance of \$16,244 for Updated Permit Application for Code Enforcement and Parcel Updates for 2011, 2012.

**VOTE:** Unanimous.

**GOOD AND WELFARE:**

**DENNIS ROBILLARD:** He spoke of the condition of Memorial Park and the importance of keeping up the good work that has been done in the past. He showed pictures of the past and the present which indicated that things were not being done to the extent and the beautification of the park that has been done in former years. He also indicated that the hiring of the individual who had done the work before was not working out and had no explanation as to why it was not. He encouraged the Town administration to recognize the importance of the park to the Town and not only to the citizens but the visitors alike. He called it a “crowned jewel” and asked the Town Council for monetary and personal support for the well being of the Memorial Park. He spoke about what he has witnessed during the flag lowering ceremonies.

**JEROME BEGART:** He spoke this evening about the worth of the Ballpark and again encouraged the Town Council to recognize this enormous value to the citizens and all that it could be in the days and months and years ahead. He recognized that as pointed out in media that as the days grow longer and summer takes hold in Southern Maine, families are looking for entertainment and they need look no further than the Ballpark. The hosting of collegiate baseball at the Ballpark has been a great project and offers fans a chance to experience high-level baseball together in the historic venue of the Ballpark. He related about all the personal sacrifice and volunteerism that went into establishing the Ballpark from a rumble of dust to the present condition it is in today. He encouraged that strong community support that is necessary and indicated that the Raging Tide are no our team and they deserve our full support both monetarily and in contribution of attendance at games. The Raging Tide is a member of the New England Collegiate Baseball League and now part of the Future Collegiate Baseball League for its second season. He reminded the business community that they need to get behind this endeavor if the Raging Tide has a chance of being successful in the community; something that we all want to see happen. He thanks John and Pam Gallo for their commitment to the community and reminded everyone that although the Raging Tide is still in its infancy, and the Ballpark has only been operational for a short time, it takes time to generate support and the businesses of Old Orchard Beach must begin to support the team in a bigger way.

**ADJOURMENT:**

**MOTION:** Vice Chair Tousignant motioned and Councilor Dayton seconded to Adjourn the Town Council Meeting at 9:20 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 seventeen (17) pages is a copy of the original Minutes of the Town Council Meeting of June 19, 2012.

V. Louise Reid