

**TOWN OF OLD ORCHARD BEACH
SPECIAL TOWN COUNCIL MEETING
THURSDAY, JUNE 28, 2012 - 7:00 P.M.
TOWN HALL CHAMBERS**

A Special Town Council Meeting of the Old Orchard Beach Town Council was held on Thursday, June 28, 2012 in the Town Hall Chamber. The Chair opened the meeting at 7:02 p.m.

Present: Chair Bob Quinn
Councilor Robin Dayton
Councilor Sharri MacDonald
Councilor Michael Coleman
Town Manager Mark Pearson
Assistant Town Manager V. Louise Reid
Finance Director Catherine Saltz

Absent: Vice Chair Michael Tousignant

CHAIR QUINN: We have a request to add Emergency Items under Business Licensees to this agenda.

MOTION: Councilor MacDonald motioned and Councilor Coleman seconded to add the following Emergency Items pursuant to Charter Section 404.1 – Business Licenses – to the Agenda: Discussion with Action: Beach Rentals LLC (Sam Golzbein) dba/Beach Rentals, LLC (205-5-5), 16 Old Orchard Street, Rental of Merchandise (Mopeds); David O'Dell dba/Old Orchard Beach Parasail (306-6-1), 2 Old Orchard Street/North Side of Pier, Rental of Merchandise (Parasailing); and Tahoe at the Beach Inc./Paul Smith dba/Amato's (307-3-1), 8 West Grand Avenue, Sidewalk Café.

VOTE: Unanimous.

MOTION: Councilor MacDonald motioned and Chair Quinn seconded to add an Emergency Item Pursuant to Charter Section 404.1 to add Agenda Item 5686 to follow Agenda Item Number 5685: Discussion with Action: Act on Warrant and Notice of Electing calling for Regional School Unit No. 23, Budget Validation Referendum, for July 31, 2012.

VOTE: Unanimous.

PUBLIC HEARING: APPROVAL BUSINESS LICENSES

CHAIR: I open this Public Hearing at 7:12 p.m.

Cathi Waterman (205-19-43), 11 Willow Creek Lane, one seasonal rental; Diane T. Dion (206-4-4B), 102 Saco Avenue, two year round rentals; Mark & Tracey Sardella (210-2-24-10), 1 Jeannette Avenue, Unit #10, one year round rental; Kimberly A. Cyr (210-3-1-102) 5 Oregon Avenue, Unit #102, one year round rental; Beach Rentals LLC

(Sam Golzbein) dba/Beach Rentals, LLC (205-5-5), 16 Old Orchard Street, Rental of Merchandise (Mopeds); David O'Dell dba/Old Orchard Beach Parasail (306-6-1), 2 Old Orchard Street/North Side of Pier, Rental of Merchandise (Parasailing); and Tahoe at the Beach Inc./Paul Smith dba/Amato's (307-3-1), 8 West Grand Avenue, Sidewalk Café.

MOTION: Councilor Coleman motioned and Councilor MacDonald seconded to consider **Business License - David O'Dell dba/Old Orchard Beach Parasail (306-6-1), 2 Old Orchard Street/North Side of Pier, Rental of Merchandise (Parasailing) separately.**

VOTE: Unanimous.

Discussion on this particular license continued amongst the Council for a lengthy time. There was dissatisfaction among Council that they had not been informed of this before this coming forward to be considered. The Town Manager indicated that as has been the past history when items are ready to go before the Council, particularly in the summer season where time is of the essence, that this had just passed through the final clearance of department heads and was brought forward this evening because of the time crunch of the summer season. It was noted that the parasailing business is looking to have a zodiac boat come to shore where the banana boat launches. Parasailers ride in a parachute that is towed by a motor boat. Code Enforcement Officer, James Butler, spoke about the fact that passengers would take the boat from the north side of the Pier and be taxied to a different boat beyond the Pier. The actual business owner is based out of Florida. It was noted by Councilor Coleman and agreed by the other Councilors that they wanted assurance that the business would require passengers to wear life jackets and that it would not be fueling the vehicles on the beach. The question was raised about the area from which the boat would be launching was the property owned by the Pier which raised the issue of insurance and naming the Town on the insurance policy. Michael Chasse, Captain, was called from the supper table to answer some of the concerns of the Council and he said he had twenty-two years of experience and had a perfect safety record and that a good safety record was required to maintain the license. He also stipulated that he doesn't take risks - "when in doubt, we don't go out." He also indicated that on each boat there is a captain who either licensed or certified. The question of the ownership of the property on the north side of the Pier has been often raised by the Council and the request for a copy of the deed showing that the area is owned by the Pier was again raised. Councilor Dayton raised the concern that without a permit there had already been parasailing and Pat Brown, a resident, reminded the Council that was instituted from Scarborough, not Old Orchard Beach. Chair Quinn also indicated that he felt not having the opportunity to review the proposal he was not going to vote for it at this time. The major concern with the Council was the possible refilling of fuel in the boat and this was indicated that it would not be done that the boats have sufficient fuel in them to suffice for a 24 hour period. Councilor Coleman raised again his support of the business but with the following stipulations: no fueling from the beach; fueled at a licensed gas station or marina; floating vest for each guest; and insurance naming Old Orchard Beach on the insurance. He also encouraged the passage of the license because of the shortness of the season. During the discussion it was mentioned that there is no marina in Old Orchard Beach. A marina is specially designed to cater to the needs of pleasure boats.

MOTION: Councilor Coleman motioned and Councilor MacDonald seconded to approve the business license for David O'Dell dba/Old Orchard Beach Parasail (306-6-1), 2 Old Orchard Street/North Side of Pier, Rental of Merchandise (Parasailing) with the following stipulations; no fueling from the beach; fueled at a licensed gas station or marina; floating vest for each guest; and insurance naming the Town of Old Orchard Beach as insured.

VOTE: Yea: Councilors Coleman, Dayton, MacDonald
Nea: Chair Quinn

Discussion continued on the business licenses application for Beach Rentals LLC (Sam Golzbein) dba/Beach Rentals, LLC (205-5-5), 16 Old Orchard Street, Rental of Merchandise (Mopeds). A moped is a motorized vehicle, a lightweight powered motorcycle. These are designed to provide economical and relatively safe transportation with minimal licensing requirements. Sam Golzbein spoke at length of his plan indicating that he had twelve new mopeds; had met all the requirements of state law of which he was totally informed, would permit only 21 year olds and older (18 is permitted elsewhere), a helmet and eye glasses are provided; and he has met all the standards necessary to provide a safe means of entertainment. In the case of the insurance, he indicated that the insurance premium is required to be paid for three months in advance and the Town of Old Orchard is named on the insurance. Many of the Councilors felt this was another new business opportunity in our town and one that would provide clean entertainment to those availing themselves of the opportunity.

Councilor Coleman then called for approval of all remaining business licenses including Beach Rentals LLC.

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

VOTE: Unanimous.

CHAIR: I close this Public Hearing at 7:55 p.m.

NEW BUSINESS:

5678 Discussion with Action: Adoption of the FY 2013 Municipal Budget.

The Town Council adopted a budget for Fiscal Year 2013 in which there is a slight tax decrease as long as the Town's Regional School Unit 23 budget does not increase. The Council unanimously approved, with Vice Chair Michael Tousignant absent, a \$14.2 million municipal budget, a \$1.3 million decrease from last year. Although the municipal side would reduce the mil rate by fifty-three (53) cents, the final mil rate decrease, including the proposed funds the Town will pay for the RSU 23, is four (4) cents, making the proposed tax rate at \$13.36 per one thousand. The capital improvement projects budget reflects a decrease of nearly \$803,000 from last year's \$1.4 million budget, to about \$569,000. The budget also makes a \$789,000 decrease in debt service. On the revenue side, non-property revenue is down approximately \$517,000. Other changes indicated by the

Town Manager included a decrease in the Edith Belle Memorial Library budget from nearly \$226,000 down to about \$181,000. Councilor Coleman said that after the initial embezzlement at the Library was discovered, a new budget was drawn up and he said previous years' budgets at the Library were padded. Also the Town is not giving any funding to the Ballpark. For the past few years, it has given the Ballpark \$25,000 annually. Each Councilor spoke about the budget processing and congratulated each other for bringing together what appears to be a fair budget for the citizens of Old Orchard Beach. One of the concerns raised was the fact that the Library has not turned over to the Town the \$50,000 it received from the Insurance Company for the embezzlement. All Councilors agreed that it is a responsible budget with no inflated revenues; does not borrow from the undesignated reserves; and does not cut off staff or services. Councilor MacDonald praised the Council for the budget funded all the outside agencies like the Salvation Army and the food pantry, to the level they asked for this year; and there is a lot in the budget she felt was positive. Councilor Dayton indicated that this is the first time money has not been given to the Ballpark so they are now moving forward on their own; no funding for the Skateboard Park; a financial request from the Memorial Park Committee; and the collective working together of the Council. Jerome Begart encouraged the Council to do a reality check and John Bird spoke of the Charter line item process and to put the \$65,000 back in the Contingency account in the case of emergencies. They provided funding for merit-based raises for non-union staff; and there is a lot about the budget that speaks of efficiency. Chair Quinn said his biggest disappointment in the budget was the decrease in funding for capital improvements and he hoped this would turn around next year. During the discussion citizens from the audience spoke as well on their opinions on the budget that was passed. Finance Committee Chair, Mike Gray, thanked the Council for their work and commitment and looked forward to the Finance Committee becoming actively involved in assisting the Council in the coming year and in the five year projected plan. He also felt that the CIP needed to be projected into the 2014 budget. Joseph Ziman asked several questions on the missing money from the Library funds and how the Town would make this up to the Library. There was discussion on the use of those funds and the fact that they were "tax payer dollars." Councilor Dayton encouraged good will in this matter. During the discussion of the tax dollar it was mentioned that a reduction in the tax still enables the government to ensure that services to citizens are available, and necessary expenditures on infrastructure (roads, etc.) are met without the need for excessive bond issuances. The Councilors indicated that they recognize that taxation must be equal and uniform.

MOTION: Councilor Dayton motioned and Councilor Coleman seconded to Approve the Adoption of the FY2013 Municipal Budget.

VOTE: Unanimous.

5679 Discussion with Action: Set due dates of September 19, 2012 and March 19, 2013 for taxes for FY 2013.

MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Set due dates of September 19, 2012 and March 19, 2013 for taxes for FY 2013.

VOTE: Unanimous.

5680 Discussion with Action: Set interest rate of 7% for delinquent taxes.

MOTION: Councilor MacDonald motioned and Councilor Dayton seconded to set the Interest rate of 7% for delinquent taxes.

VOTE: Unanimous.

5681 Discussion with Action: Authorize the Tax Collector and Treasurer to Accept Prepayments of Taxes before Commitment, at an interest rate of 0%, pursuant to 36 M.R.S.A., Section 506.

MOTION: Councilor Dayton motioned and Councilor MacDonald seconded to Authorize the Tax Collector and Treasurer to Accept Prepayments of Taxes before Commitment, at an interest rate of 0%, pursuant to 36 M.R.S.A., Section 506.

VOTE: Unanimous.

5682 Discussion with Action: Authorize the Finance Director/Treasurer to Set the Percentage for Sewer Rate for FY2013 to Reflect the Percentage of the Tax Bill Used for the Operation of the Waste Water Treatment Plant after Approval of the Budget.

MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Authorize the Finance Director/Treasurer to Set the Percentage for Sewer Rate for FY2013 to Reflect the Percentage of the Tax Bill Used for the Operation of the Waste Water Treatment Plant after Approval of the Budget.

VOTE: Unanimous.

5683 Discussion with Action: Authorize and Direct the Assessor to prepare a Perfect List of all Taxes of the Municipality and to Commit the same to the Tax Collector.

MOTION: Councilor Dayton motioned and Councilor MacDonald seconded to Authorize and Direct the Assessor to prepare a Perfect List of all Taxes of the Municipality and to Commit the same to the Tax Collector.

VOTE: Unanimous.

#5684 Discussion with Action: Authorize and Direct the Tax Collector and Treasurer, Pursuant to 36 M.R.S.A., Section 906, to Apply any Tax Payment Received from an Individual as Payment for any Property Tax Against Outstanding or Delinquent Taxes due on said Property in Chronological Order Beginning with

the Oldest Unpaid tax Bill provided, however, that no such payment may be applied to any Tax for which an Abatement Application or Appeal is pending unless approved in Writing by the Taxpayer.

MOTION: Councilor Coleman motioned and Councilor MacDonald seconded to Authorize and Direct the Tax Collector and Treasurer, Pursuant to 36 M.R.S.A., Section 906, to Apply any Tax Payment Received from an Individual as Payment for any Property Tax Against Outstanding or Delinquent Taxes due on said Property in Chronological Order Beginning with the Oldest Unpaid tax Bill provided, however, that no such payment may be applied to any Tax for which an Abatement Application or Appeal is pending unless approved in Writing by the Taxpayer.

VOTE: Unanimous.

5685 Discussion with Action: Move Kristopher Fish from first Alternate to a Regular Member of the Ballpark Commission, term to expire December 31, 2012; Appoint Lawrence Greenwood as a Regular Member to the Recreation Board, term to expire December 31, 2014; Accept, with regret, the resignation of Donald Cote from the Planning Board; and Move Carl D'Agostino from an alternate position to a Regular position, term to expire December 31, 2012.

MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Move Kristopher Fish from first Alternate to a Regular Member of the Ballpark Commission, term to expire December 31, 2012; Appoint Lawrence Greenwood as a Regular Member to the Recreation Board, term to expire December 31, 2014; Accept, with regret, the resignation of Donald Cote from the Planning Board; and Move Carl D'Agostino from an alternate position to a Regular position, term to expire December 31, 2012.

VOTE: Unanimous.

5686 Discussion with Action: Act on Warrant and Notice of Election calling a Regional School Unit No. 23, Budget Validation Referendum, for July 31, 2012.

MOTION: Councilor Dayton motioned and Councilor Coleman seconded to Act on Warrant and Notice of Election calling a Regional School Unit No. 23, Budget Validation Referendum, for July 31, 2012.

VOTE: Unanimous.

ADJOURNMENT

MOTION: Councilor Coleman motioned and Councilor Dayton seconded to adjourn the meeting.

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 true copy of the original Minutes of the Special Town Council Meeting of June 28, 2012.

V. Louise Reid