

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, March 20, 2012
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, March 20, 2012. Chair Quinn opened the meeting at 7:05 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**

CHAIR: I would call for a motion to add an Emergency Item.

MOTION: Councilor Coleman motioned and Councilor Dayton seconded to add an Emergency Item, Pursuant to Town Charter Section 404.1 - Agenda Item Number 5583 to be considered after Agenda Item Number 5581:

Agenda Item # 5583: Discussion with Action: Direct the Town Manager to negotiate a Further Solicitation and Negotiation Contract for the Town of Old Orchard Beach for Cleaning and Maintenance Services for Municipal Restrooms, Downtown and Beach Area and provide a Recommendation to the Town Council.

VOTE: Unanimous.

ACKNOWLEDGEMENT:

COUNCILOR DAYTON: I would like to take this opportunity to congratulate, Hattie Simon, who worked with other young people to bring the issue on Tobacco-Free Beach issues to our attention, who has been selected as the recipient of the 2012 Eastern Regional Youth Advocate of the Year Award by the Campaign for Tobacco-Free Kids. Hattie is a resident of Old Orchard Beach and she will receive a \$2,500 scholarship and a \$500 grant from the Campaign and will be flow to Washington to attend the Youth Advocates of the Year Awards Gala at the Ritz-Carlton on May 17th. We congratulate Hattie on this well deserved award.

COUNCILOR COLEMAN: I would very much like to encourage citizens to consider being a host family for the Raging Tide members this summer. It is an enormously pleasant experience for those to host and to introduce a new young person into your family. We would appreciate you contacting Jen DeRice if you are interested and thank you for your interest.

VICE CHAIR TOUSIGNANT: He paid respect to Bud Hertz, a former member of the Old Orchard Beach Fire Department, who passed away and was greatly respected in the community. The funeral will be on Saturday at St. Margaret' Church.

ACCEPTANCE OF MINUTES: Town Council Meeting Minutes of March 6, 2012; and Town Council Workshop of March 8, 2012.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Accept the Town Council Meeting Minutes of March 6, 2012; and Town Council Workshop of March 8, 2012.

VOTE: Unanimous.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 7:14 p.m.

Frederick Hoffmeister (Street Violinist), Downtown Area, Personal Service; and a request to waive the business license fee; David Greski (202-2-3-5D), 207 East Grand Avenue, Unit 5D, one year round rental; Michael Douglas (204-3-38-1), 3 Willow Avenue, Apartment 1, one year round rental; The Landings at Old Orchard Beach LLC dba/The Landings (206-27-10), 29 Saco Avenue, eighteen year-round rentals; Tommy Ta dba/Lee Nails and Spa (211-2-1), 227 Temple Avenue, Personal Service (Nail Salon); Tonya D. Lee dba/Special "T's" Breakfast & Lunch (211-9-17-B), 213 B Saco Avenue, Victualers with Preparation, No Alcohol; Rental of Merchandise; and Cenia Peters (301-3-1-207), 189 East Grand Avenue, Unit 207, one year round rental.

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

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

VOTE: Unanimous.

PUBLIC HEARING SPECIAL AMUSEMENT PERMIT:

CHAIR: I open this Public Hearing at 7:16 p.m.

New England Restaurant Group dba/Pirate's Patio & Galley (304-2-9), 2 Walnut Street, Amplified Music & Dancing, Outside and Inside, 12:00 p.m. to 8:00 p.m.; and Dale C. Tarbox dba/Sunset Bar & Grill (307-1-6), 4 Fernald Street, Live Music Outside, 4:00 p.m. to 10:00 p.m.

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

MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Approve the

Special Amusement Permits as read.

VOTE: Unanimous.

TABLED ITEM:

5566 Discussion with Action: Approve Revised Contract for Mark Pearson as Town Manager, effective February 15, 2012.

MOTION: Councilor Dayton motioned and Councilor Coleman seconded to Approve Revised Contract for Mark Pearson as Town Manager, effective February 15, 2012.

VOTE: Unanimous.

TABLED ITEM:

5573 - Discussion with Action: Consider the bids for Auditing Services for the next three years; 2011- 2012; 2012 – 2013; and 2013 – 2014.

BACKGROUND:

At the previous Town Council Meeting the bids received as a result of the Request for Proposal were reviewed and it was motioned to Table this item until Council could have more time to consider the bids and the recommendation of the Town Manager and the Finance Director that we stay with our current Auditor for this year since they are both new to the position and go out again next year to bid for Auditing Services. Fourteen firms received the RFP and the following responded:

	Bid	
Ouellette@ Associates PA	\$35,000	2011-2012
1111 Lisbon Street	\$36,000	2012-2013
Lewiston, Maine 04240	\$37,000	2013-2014
Stephen T. Hopkins, CPA, PC	\$13,750	2011-2012
214 Holmes Road	\$13,750	2012-2013
Scarborough, Maine 04074	\$13,750	2013-2014
Runyon Kersteen Ouellette	\$18,750	2011-2012
20 Long Creek Drive	\$19,000	2012-2013
South Portland, Maine 04106	\$19,400	2013-2014
RH Smith & Company	\$17,000	2011-2012
3 Old Orchard Road	\$17,000	2012-2013
Buxton, Maine 04093	\$17,000	2013-2014

Again, the Town Manager is requesting the Town Council consider permitting the current Auditor to provide services this year giving the Town Manager and Finance Director the opportunity to be further knowledgeable on procedures and policies related to the Audit.

Discussion between Council members saw a recommendation to go out to bid again to the entire list of Auditors first contacted and ask for a one-year contract. There were comments made by John Bird who brought up the need to address the enterprise account. It was also stated that the Charter effectively will require a one year audit so it is appropriate to go out again for a one year audit and to place it on the April agenda for approval. Mr. Bird reminded the Council that prior to the end of each fiscal year, the Town Council shall designate either the State Department of Audit or a private certified Public Accountant who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the Town government and shall submit a report to the Town Council, the Town Manager and the Town Treasurer. Such accountant shall not be otherwise employed by the Town in any capacity and shall not maintain any accounts or records of the Town business, but shall post-audit the books and documents kept by the Department of Finance and any separate or subordinate accounts kept by any other office, department, or agency of the Town government. The question of time in relationship to getting one on board was raised but it was determined that if a decision is made by the end of April we should be in a good position to move forward with accounting needs. The Town Attorney indicated that while it is technically true that current Charter remains the governing Charter of the Town because the revised Charter does not become effective until July 1, 2012, citizens supported the revised Charter and its adoption which suggests that it would be a good idea to go out for a one year contract.

MOTION: Councilor Dayton motioned and Councilor Coleman seconded table this item indefinitely and to request the Administration send out to the complete list of accounting firms contacted before and to request a bid on a one year contract.

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

TOWN MANAGER REPORT: It has been an extremely busy week for members of our staff and me as we continue to work on the budget and other financial issues. I met with department heads to discuss timely and relevant matters related to the municipality. Toured the Ballpark and the Police Station and attended a quarterly meeting of the Police Officers which gave me the opportunity to meet each of them individually. Attended the Workshops on the Cleaning Contract and also another one on the Budget perspective. Had a meeting with the Library Board of Trustees and the Contractor as we move forward with the building project at the Library. Had a meeting with Jason Webber and Jen DeRice on the Ballpark Budget. The Finance Director and I have met each day on the upcoming budget presentation which is scheduled for Thursday, March 29th at a Special Town Council Meeting. Several meetings and discussions with residents of our community. Had a meeting with the City Administrator of Saco and have also had the opportunity to meet with other Town Managers. It has been a productive time but also a level of stress.

5577 Discussion with Action: Approve Liquor License Renewal of New England Restaurant Group dba/Pirate's Patio & Galley (304-2-9), 2 Walnut Street, s-m-v in a Restaurant; New Pier Pizza Corp. dba/Pier Pizza (306-6-1-1), 2 Old Orchard Street, m-v in a Restaurant; and Dale C. Tarbox dba Sunset Bar & Grill (307-1-6), 4 Fernald Street s-m-v in a Restaurant.

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

VOTE; Unanimous.

5578 Discussion with Action: Accept, with regret, the resignation of Carol “Cris” Hudson from the Recycling Committee.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Accept, with regret, the resignation of Carol “Cris” Hudson from the Recycling Committee.

VOTE: Unanimous.

5579 Discussion with Action: Re-appoint Dean Plante as a representative of the OOB School Department to the Recreation Board, term to expire 12/31/2013; re-appoint Dru Laduke as a community member at large to the Recreation Board, term to expire 12/31/2014; and appoint Jeffrey Regan as a community member at large to the Recreation Board, term to expire 12/31/2013.

MOTION: Vice Chair Tousignant motion and Councilor Coleman motioned to Re-appoint Dean Plante as a representative of the OOB School Department to the Recreation Board, term to expire 12/31/2013; re-appoint Dru Laduke as a community member at large to the Recreation Board, term to expire 12/31/2014; and appoint Jeffrey Regan as a community member at large to the Recreation Board, term to expire 12/31/2013.

VOTE: Unanimous.

5580 Discussion with Action: Approval of two-percent salary increase for the Town non-Union employees, effective July 1, 2011.

A decision on whether to give the Town’s non-union employees a two percent retro-active raise was presented and Vice Chair Tousignant explained his reasoning behind the agenda item takes into consideration that the Unions have already received their raise and the one group where raises have not been addressed, the non-union, needs to have a decision made by the Council. He said there are 25 town employees who haven’t gotten a raise in over four to five years and he felt they deserved to have raises as well. The Town has about \$29,000 budgeted for raises retroactive from the beginning of the fiscal year, July 2011, but it was unclear where and when the money had been approved. Councilor Robin Dayton said she was taken back and surprised to hear that it was not clear where the money had been appropriated. She said that whether you agree with the raise or don’t agree, you at least have to have that information. She moved to table the item indefinitely so the administration could do some research such as reviewing minutes and tapes of past workshop budget meetings held last year. Councilor Coleman said he was not in favor of a retroactive raise and he was not in favor of across-the-board raises, both retroactive and going forward. He said he thought the Council should consider setting aside money for future merit-based raises. He said in the private sector there are no cost-of-living increases any more and raises are merit-based. Vice Chair Tousignant indicated that he would like to have an employee evaluation and merit system in the future but that would take time to put in place. Assistant Town Manager, V. Louise Reid, indicated there have not been employee

evaluations for Town Hall employees since Jim Thomas was Town Manager who left the position a little more than four years ago. Councilor Sharri MacDonald was passionate when she said that she thought the non-union employees were fantastic but the Town could not afford raises at this time. She said she wished she could give everyone a raise but she said she was sorry and could not do it right now. She mentioned that there are some employees that make \$30 an hour and more and that is a significant wage. Neil Weinstein, Vice Chair of the Finance Committee, said he thought any potential raises should be merit-based and recommendations should originate from department heads and then go to the Town Manager and then the Council. He said that raises for everybody does not encourage people to be efficient or better their performance. Vice Chair Tousignant said that according to research done when Jim Thomas was here, town employees were paid on par with other communities. Council Chair Bob Quinn said that some of the Town salaries are well above those in similar sized towns according information provided to him by Maine Municipal Association. Paul Ladakakos encouraged the Council to consider the raises stating that the employees work hard and should be appreciated for their service. Jerome Begart spoke in length to encourage not to give raises and that the suggested putting of funds to cover this was misappropriation of funds.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to table indefinitely the issue of Approval of two-percent salary increase for the Town non-Union employees, effective July 1, 2011.

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

5581 Discussion with Action: Accept the bid of for the printing of the 2010-2011 Annual Report from Account Number 20101-50502- Printing & copying, with a balance of \$3,000 and request Annual Report be on the Town's Web Site.

BACKGROUND: The Assistant Town Manager sent RFP's to the following seventeen Printers, list of names provided to the Council before:

**TOWN OF OLD ORCHARD BEACH
SEALED BIDS FOR THE TOWN'S ANNUAL REPORT**

The Town of Old Orchard Beach is now accepting sealed bids for the printing of the Town's 2010-2011 Annual Report which will consist of approximately 96 to 98 pages – to be double sided, (report size 11 x 17, provide price for both fold/TAPE BIND, SADDLE STITCH/trim to 8 ½ by 11 size). A total of 800 Annual Report is required. All pages will be camera ready with the exception of the cover (in a four color process) and the pictures. The report is in both Word and PDF format.

Questions or review of the Annual Report may be addressed to or reviewed at:

V. Louise Reid, Assistant Town Manager
Town of Old Orchard Beach,
1 Portland Avenue
Old Orchard Beach, ME 04064
207-934-5714, extension 226

lreid@oobmaine.com

Bids are not accepted through e-mail or fax. They must be sent through U.S. Mail, Express Mail or hand-delivered. Failure to require requested information at the time the bid is submitted may result in the bid being rejected. RFP's can be secured from Town Hall or from our web site:

We are asking the Printer to bid on a three year contract for the Annual Report (2010-2011); the Annual Report (2011-2012); and the Annual Report (2012 – 2013). Bids must be received by _____, 2012 at NOON and reports available for public distribution on _____, 2012. References must be provided and samples of previously done Annual Reports. The Town reserves the right to accept or reject any and all bids.

Bids are not accepted through e-mail or fax. They must be sent through U.S. Mail, Express Mail or hand-delivered. Failure to require requested information at the time the bid is submitted may result in the bid being rejected. RFP's can be secured from Town Hall or from our web site:

www.oobmaine.com

THE FOLLOWING BIDS FOR THE ANNUAL REPORT WERE OPENED AT NOON ON WEDNESDAY, FEBRUARY 22, 2012 BY THE ASSISTANT TOWN MANAGER AND THE PLANNING ASSISTANT:

RECEIVED FROM:	BID
Bangor Letter Shop Penobscot Plaza 99 Washington Street Bangor, Maine 04401-6518	\$2,647.42 – 1 year Shipping \$75 to \$100 Extra 4 pages - \$80 Additional
X Copy 100 Fore Street Portland, Maine 04101 207-775-2444 207-775-2481 – Fax	\$1,976.10 – 2010-2011 \$1,976.10 – 2011-2012 \$1,976.10 – 2012-2013
Lincoln Press 3 Maine Avenue Sanford, Maine 04073	\$3,597.00 – 1 year
Select Print Solutions Box 188 North Brookfield, MA 01535 Attention: Gary Fuller	\$1,490.00 – 2010-2011 \$1,535.00 – 2011- 2012 \$1,582.00 – 2012 - 2013

Returned as undeliverable:

Laura Marr Printing – Forward Expired

The Town Council in discussion decided to reduce the number of annual reports from 800 to 400 and to consider putting the annual report on the web site and requested the Assistant Town Manager to go out again for a bid for 400 reports and to make this a bid for one year only.

The following bids were received:

Select Print Solutions \$1,161.00 – 2010-2011
Box 188
North Brookfield, MA 01535
Attention: Gary Fuller
Please note that Select Print was the lowest bidder on 800 reports

X Copy \$1,042.10 – 2010-2011
100 Fore Street
Portland, Maine 04101
Please note that X Copy is the lowest bidder for the smaller number of reports.

The Assistant Town Manager recommends to the Council that we accept the X Copy bid of \$1,042.10 from Account Number 20101-50502 –Printing & Copying, with a balance of \$3,000. She will also work with the Town Clerk to see the Annual Report is placed on the web site in its entirety. She will also discuss with Saco Administration how they developed their annual report for the Saco Web site.

MOTION: Councilor Dayton motioned and Councilor MacDonald seconded to Accept the bid from X-Copy in the amount of \$1,042.10 for the printing of the 2010-2011 Annual Report from Account Number 20101-50502- Printing & Copying, with a balance of \$3,000 and request Annual Report be on the Town's Web Site.

VOTE: Unanimous.

5583 **Discussion with Action:** Direct the Town Manager to negotiate a Further Solicitation and Negotiation Contract for the Town of Old Orchard Beach for Cleaning and Maintenance Services for Municipal Restrooms, Downtown and Beach Area and provide a Recommendation to the Town Council.

The Town Council provided instructions to the Administration as the Town Manager will be negotiating with the two bidders, Extreme Clean and BA Services. Suggested changes to the proposed contract include:

- Contract to be for a three year time frame with no extensions for an additional two years;

- The CONTRACTOR shall provide all Contract Services within the Contract Area outlined in the basic Agreement for:

Pre-Season Hours: The Contract shall start the first Saturday in May and extend through the

Thursday before Memorial Day, 8:00 a.m. to 8:00 p.m., seven days a week. There will be no attendants required at the bathrooms and no charge for the use of the restrooms. The CONTRACTOR shall have no liability for the bathrooms during this time.

Regular Season Hours: The Contract shall revert to the hours stated in 8.1 and the CONTRACTOR may charge an additional fee stated in 8.2. The Contract will be seven days a week from the Friday before Memorial Day until Sunday, September 16, 2012; Sunday, September 15, 2013; and September 14, 2014.

Post Season Hours: The Contract shall revert to the 8:00 a.m. to 8:00 p.m. hours, Friday, Saturday and Sunday only until the last day of September.

The Contract will end the last day of September 2014.

- Liquidated Damages raised from \$1,000 to \$2,000.
- Returnable Recyclable bottles and cans are to be delivered to the Public Works Department. It should be noted that twelve Containers/Barrels are provided by the Contractor.
- The CONTRACTOR is responsible to see that his employees have access to cell phones to be used in the case of emergency.
- The Contractor has the right to charge an admission fee up to fifty cents (\$.50) per person for access to the facility and retains the receipts of the fee. The Contractor has the right to determine who must pay and who does not. The Contractor, after agreeing that they received the facilities in proper working order would be responsible for the repair of any and all vandalism related damages that occur to the interior of the facilities during the contract period; not to include normal wear and tear (i.e., hand dryer stops working because it is 20 years old). Town employees with identification credentials and workers such as Lifeguards, Police, Fire, Public Works, Recreation, including seasonal workers, shall not be charged to use any of the restrooms.
- The CONTRACTOR may expand the hours of operations at the West Grand Restroom, the Memorial Restroom, and the Milliken Street Restroom, at their discretion and upon verbal or written notification to the Town Manager.
- Power washing and Cleaning of Downtown area:

The sidewalks on Old Orchard Street from the top of the hill and ending at First Street and Milliken Street shall be thoroughly swept daily and power-washed on an "as needed" basis and at the discretion of the Town Manager or his designee. Daily spot checks are necessary. This includes all the benches. The sidewalks on Old Orchard Street from First Street and Milliken Street down to and including the Square, boardwalk, and all handicapped platforms attached to the boardwalk need to be thoroughly swept and power-washed on a daily basis. This includes all benches and tables. All pressure washing must not be started before 2:00 a.m. due to the amount of people still downtown but must be completed before 5:00 a.m. in accordance to the street sweeper scheduled. All swept debris shall be collected and disposed of.

Power washing specifications: (1) Minimum Water Tank – size of 325 U.S. gallons; (2) Tank mounted on a truck or trailer; and (3) Pressure of at least 3,000 PSI. Water is supplied at the Salt and Sand Facility.

MOTION: Councilor Dayton motioned and Councilor Coleman seconded to Direct the Town Manager to negotiate a Further Solicitation and Negotiation Contract for the Town of Old Orchard Beach for Cleaning and Maintenance Services for Municipal Restrooms, Downtown and Beach Area and provide a Recommendation to the Town Council.

VOTE: Unanimous.

GOOD AND WELFARE:

5582 Discussion with Action: Personnel Matters. (Note: this item discusses personnel issues defined under Title 1 M.R.S.A. Section 405(6)(A), and the Council anticipates that the discussion portion will occur in executive session).

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Enter into Executive Session - Personnel Matters. (Note: this item discusses personnel issues defined under Title 1 M.R.S.A. Section 405(6)(A), and the Council anticipates that the discussion portion will occur in executive session).

VOTE: Unanimous.

MOTION: Councilor MacDonald motioned and Vice Chair Tousignant seconded to Exit Executive Session - Personnel Matters.

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Councilor MacDonald motioned and Vice Chair Tousignant seconded to Adjourn the Town Council 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 ten (10) pages is a copy of the original Minutes of the Town Council Meeting of March 20, 2012.

V. Louise Reid