

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, May 1, 2012
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, May 1, 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 Mark Pearson
Assistant Town Manager V. Louise Reid**

**Pledge to the Flag
Roll Call**

EMERGENCY ITEM:

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

MOTION: Councilor Coleman motioned and Councilor Dayton seconded to add an Emergency Item 5638 preceding Agenda Item Number 5614 pursuant to Charter Section 404.1 – Discussion with Action: Approve the Special Event Permit application for a Candlelight Vigil for Roger White to occur in Memorial Park at the Gazebo on Friday, May 4, 2012 from 7:30 p.m. to 8:00 p.m.; and a request to waive the fee.

VOTE: Unanimous.

PRESENTATION: Presentation of the Annual Report and Dedication to Shawn O’Neill by the Town Council Chairman, Bob Quinn

Shawn Edward O’Neill is the son of Old Orchard Beach residents, Edward ‘Ted’ and Jacqueline O’Neill. He is a 1982 graduate from Old Orchard Beach High School where he was involved in many activities include the Cross Country and Track Teams, Ski Club, Marching, Concert and Jazz Bands. Shawn was recognized nationally by “Who’s Who in Music” in his junior and senior years. It was perhaps as a Southern Maine Delegate and Alternate to Boy’s State that ignited his interest in public service. To this day Shawn is a member and continuing supporter of the Old Orchard Beach Alumni Association.

Shawn’s service to our community began in 1980 when as a sophomore in High School he joined the Fire Department’s call force – that service continued through 1997 when he retired with the

rank of Lieutenant. During that period he was able to squeeze in the time to serve as a Reserve Police Officer from 1986 to 1989. In 1997 Shawn was elected to the first of what would turn out to be seven consecutive terms covering fourteen years of service as a Town Councilor. During some of those years he served as Council Chair and Vice Chair. Over his years there were millions of dollars in upgrades to the Wastewater Treatment Plant; the purchase of a ladder truck for the First Department which was first presented at a cost of \$800,000 and was challenged by Councilor O'Neill with a final cost of \$500,000; the establishment of a rotation system for purchases of emergency and Public Works vehicles; construction projects including the new Athletic Field at Loranger Middle School, the road we now know as Dirego Drive, and the new Police Station; creation of a contract zone for the construction of the Grand Victorian; completion of the "missing mile" on East Grand Avenue from Kinney to Walnut; resurrection of the Ballpark installation of lights; and recently new bleachers for our High School Football Field; and support for upgrades to Memorial Park; all over years of countless Council Meetings and Workshops.

Shawn's professional career began in 1984 as an Electricians Apprentice at the Portsmouth Naval Shipyard. In 1986 he transferred to the U.S. Postal Service here in Old Orchard Beach as a letter carrier and later served as Service Associate and Acting Postmaster. Over the past several years he has held a multitude of positions of increased responsibilities with the postal service including Supervisor of Customer Services at the Kennebunk and Biddeford Post offices, Interviewer, Route Examiner and Auditor. Currently Shawn is the Acting Postmaster in Scarborough and was recently elected Vice President of Customer Services for the National Association of Postal Supervisors.

With possible future State government aspirations, Shawn is currently 'resting and residing' in his new home in Saco. Shawn is an Old Orchard Beach 'home-town boy' who has given much to our Town and who, with the connection of his parents and property here, continues to be very connected and grateful to a community that he has so ably served for thirty consecutive years.

**"No life ever grows great until it is focused,
dedicated and disciplined."**

ACKNOWLEDGEMENT:

COUNCILOR DAYTON: We extend our invitation to residents and visitors alike to Taste of OOB 365 on Sunday, May 6, 2012 from 11:00 to 4:00 with many activities of interest to young and old alike. Please go on the Town or OOB's website to review the schedule and also should you or your organization would wish to participate, information is available to you.

COUNCILOR COLEMAN: I would congratulate members of the Community Policing Committee as well as members of the Police Department for an outstanding Drug Disposal Day last Saturday and to all those who participated in this important event, many thanks.

COUNCILOR DAYTON: Congratulations to the Police Department who have received a grant from the Department of Public Safety, Bureau of Highway Safety for Seatbelt Enforcement and Education. Starting May 21st through June 3rd, the Police Department will have increased patrol enforcement throughout the Town enforcing the seatbelt laws. The grant award is \$1,920.

ASSISTANT TOWN MANAGER: She extended her thanks to Chair Bob Quinn and his wife, Margaret, and to Councilor Michael Coleman for their extensive involvement in the Junior Achievement Day of Shadowing and for their willingness to participate. The youngsters and their families also appreciated this opportunity that was given to them in this format.

COUNCILOR COLEMAN: He spoke about the Governor's efforts in the area of domestic violence and the need to protect those who need to be protected and spoke of a meeting being chaired by the Governor on this important subject. He also spoke about the National Missing Children's Bureau and the continued efforts to protect our children and to enforce rules and laws that do just that. He spoke about the fact that there are seventeen sex offenders listed on the Town's Sex Offender Registry.

ACCEPTANCE OF MINUTES: Town Council Workshop Minutes of April 9, 2012; and Town Council Minutes of April 17, 2012.

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

VOTE: Unanimous.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 7:20 p.m.

Joan R. Fink (107-3-1-K16), 49 Kavanaugh Road, one year round rental; **Michael Douglas** (205-11-7), 8A Carll Avenue, one year round rental; **Peter Mourmouras dba/Surf's Upscale Artisans** (206-24-34), 30 Saco Avenue, Outside Display; **Richard Meoli** (303-2-6), 7A & B Saunders Avenue, two year round rentals; **Jim Morande & Larry LaChance dba/Maine Bucknuts, Country Store & Lachance Chocolates** (206-31-7), 35-37 Old Orchard Street, Victualers with Preparation, Beer, Wine, Liquor (off premises) & Retail; **Christina Paul-Perez dba/Christina's Classic Cookies** (206-31-8B), 39B Old Orchard Street, Victualers with Preparation, No Alcohol, Retail; **James O'Brien dba/The Rack & Roll Sandwich Shop** (206-31-9), 41 Old Orchard Street, Victualers with Preparation, No Alcohol; **James Blow dba/J&M Holdings, LLC** (210-2-52), 34A Smithwheel Road, one year round rental; **David & Pamela Yost** (301-7-1-1), 180 East Grand Avenue, Unit 1, one year round rental; **Timothy & Kelly Christian** (301-7-1-3), 180 East Grand Avenue, Unit #3, one year round rental; **Tae Min Lee dba/SARAnLIA** (306-4-3-C), 19 East Grand Avenue, Unit C, Retail; **Diana Gilliam dba/Cranberry Prims** (306-4-7), 17 East Grand Avenue, Retail; **Guy Loranger dba/Big Daddy's Bar & Grill** (307-3-4), 13 Old Orchard Street, Victualers with Preparation, with Beer, Wine and/or Liquor on Premises; **Joseph Agri & Gail Ritchey** (310-7-2-7), 64 West Grand Avenue, Unit #7, one seasonal rental; and **Daniel Carey** (316-8-1-1), 9 Ocean Avenue, Unit #1, one year round rental.

CHAIR: I close this Public Hearing at 7:23 p.m.

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

VOTE: Unanimous.

PUBLIC HEARING SPECIAL AMUSEMENT PERMIT:

CHAIR: I open this Public Hearing at 7:24 p.m.

William Marshall dba/The Whaler (206-31-17), 20 Staples Street, Acoustics Inside, 9:00 p.m. – 12:00 a.m.; Patio Pub Inc. dba/Pier Patio Pub (306-6-1-J), 2 Old Orchard Street, Band's amplified, Solos, DJ's, Comedy Inside & Outside, 11:00 a.m. to 1:00 a.m.; Patio Pub Inc. dba/Hooligan's Landing (306-6-1-DD), 2 Old Orchard Street, Solo's, Duet Acts, Comedy, DJ Inside, 11:00 a.m. – 1:00 a.m.; and Guy Loranger dba/Big Daddy's Bar & Grill (307-3-4), 13 Old Orchard Street, Singer, Piano, Acoustic Guitar, Inside, 9:00 p.m. to 12:00 a.m.

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

MOTION: Councilor Coleman motioned and Councilor MacDonald seconded to Approve the Special Amusement Permits as read.

VOTE: Unanimous.

PUBLIC HEARING LIQUOR LICENSE

CHAIR: I open this Public Hearing at 7:26 p.m.

Guy Loranger dba/Big Daddy's Bar & Grill (307-3-4), 13 Old Orchard Street, s-m-v in a Restaurant.

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

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

VOTE: Unanimous.

TOWN MANAGER'S REPORT:

I attended two workshops since our last Council Meetings and have continued to meet with the Finance Director on budgetary issues. Had meetings with the Waste Water Superintendent in preparation for Union negotiations. The Finance Director and I have met with the Recreation Director and Ballpark General Manager on budget issues. Had lengthy meetings on several legal issues with Bernstein & Shur. I met several times with the Police Chief on the recent murder within the town. I have been to the Fire Department and met with staff during the medical leave of our

Fire Chief. We are pleased to announce that he is doing better and our thoughts are with him and we look forward to his return. I met with the Chair of the Recycling Committee; had a meeting with representatives of Woodward & Curran; and several meetings regarding personnel issues. I am pleased to note that Junior Achievement Shadowing Day was held last Friday with 57 fifth grade students from Loranger School. We thank Chair Quinn and his wife, Margaret, and Councilor Michael Coleman for their participation and thanks to Helene and Carter Whittaker for all the work that they did to make this such a success.

New Business:

5638 Discussion with Action: Approve the Special Event Permit application for a Candlelight Vigil for Roger White to occur in Memorial Park at the Gazebo on Friday, May 4, 2012 from 7:30 p.m. to 8:00 p.m.; and a request to waive the fee.

MOTION: Councilor Dayton motioned and Councilor MacDonald seconded to Approve the Special Event Permit application for a Candlelight Vigil for Roger White to occur in Memorial Park at the Gazebo on Friday, May 4, 2012 from 7:30 p.m. to 8:00 p.m.; and a request to waive the fee.

VOTE: Unanimous.

5614 Discussion with Action: New Freedom Grant Application – proposed sidewalk work to improve access to public transportation for those with disabilities.

JEFFREY HINDERLITER: The purpose of this agenda item is to update and secure Council support for the town's grant application to the Maine Department of Transportation (MDOT) New Freedom Program. The New Freedom Program is a competitive grant application open to municipalities that have year-round fixed route transit (bus service in OOB's case) and a demonstrated need to improve access to transit services for individuals with disabilities on municipal or state owned properties. In order for staff to apply for New Freedom Program grant application process, we need to secure the council's approval for the projects listed below (see Old Orchard Beach New Freedom Program Grant Projects- page 2 of this memo).

The grant application process includes several primary steps:

1. File letter of intent by 30 March. (complete)
2. MDOT will perform a site walk to discuss the projects identified in the letter of intent. (complete)
3. The municipality's governing body must hold a meeting concerning the grant application. This meeting shall offer an opportunity for public comment and the governing body must vote in favor of support for the New Freedom Program. (the 1 May council meeting)
4. A complete application must be filed with MDOT by 11 May. (to be completed)

Project Eligibility Requirements (projects must be built this year):

1. Municipality must have a year-round fixed route transit service;
2. Project must be on municipal or state owned property; and

3. Project will enhance or improve access for individuals with disabilities to use fixed route transit.

Funding/MDOT Resources:

1. Capital costs – 100% funding for construction costs
 - MDOT will administer and manage the construction contracts
 - Total construction costs cannot exceed \$50,000 per project
2. Design costs – MDOT will administer and manage the design portion of the projects
 - MDOT will fund the design costs

Old Orchard Beach New Freedom Program Projects (need Council vote on this):

The town's letter of intent outlined several projects including new sidewalk on First Street, new sidewalk on Manor Street and sidewalk reconstruction on Temple Ave. After consulting with MDOT during their site visit, it was decided to amend the work outlined in the letter of intent and propose a few different project's that will increase the town's chances to secure Program funding. We'd like to complete an application for the following projects (Note- all projects must demonstrate accessibility improvements for people with disabilities):

1. First Street Sidewalk
 - Location: Along First Street, from Heath Street to Atlantic Avenue
 - Purpose: To create an accessible route to access the OOB Chamber of Commerce shuttle/local bus stop and Amtrak Station. Currently, people with disabilities must walk on the road and dirt shoulder to access public transportation. This is dangerous because of high traffic and heavy use
 - Construction: Install approx. 2,000 linear feet of new sidewalk and accessibility improvements
 - Budget Estimate: \$50,000 (complete phase 1 and partial phase 2)
2. Heath Street/First Street Intersection Improvements
 - Location: The sidewalks at the Intersection of Heath St. and First Street
 - Purpose: To improve existing sidewalk layout to allow improved access for people with disabilities
 - Construction: This work includes removing obstacles (e.g., uneven walkways, dangerous crossings) and installing new sidewalks and ramps
 - Budget Estimate: \$7,000
3. First Street/Atlantic Ave Sidewalk
 - Location: At the intersection of First St. and Atlantic Ave and continuing down Atlantic Ave to the West Grand Ave intersection
 - Purpose: To construct new sidewalks and other ADA access improvements to create a safer intersection
 - Construction: This work includes constructing new sidewalks, improving existing sidewalks
 - Budget Estimate: \$12,000

4. West Grand Ave Sidewalk/Temple Ave Intersection Improvements

- **Location:** Sidewalk that runs parallel to West Grand Ave, adjacent to the library and at the Temple Ave/West Grand Ave intersection
- **Purpose:** to replace deteriorated sections of existing sidewalks and construct improvements that will allow improved accessibility
- **Construction:** This work includes removing existing sidewalks and replacing with new (primarily on West Grand Ave by the Library lot) and constructing sidewalk improvements at the Temple Ave/West Grand Ave intersection
- **Budget Estimate:** \$11,000

In conclusion, it is my hope you will vote in support of the four projects listed above so staff can continue pursuing New Freedom Program grants. I'd like to specifically point out successful applications for the New Freedom Program receive 100% state and federal funding for both construction and design; therefore, the town will incur only minimal costs, mostly associated with grant administration which are already built into the budget. If the town successfully secures the grant, work is expected to begin during the fall of this year.

MOTION: Councilor Coleman motioned and Councilor Dayton seconded to support the New England Freedom Grant Application for proposed sidewalk work to improve access to public transportation with those with disabilities including First Street Sidewalk; Heath Street/First Street Intersection Improvements; First Street/Atlantic Avenue Sidewalk and West Grand Avenue/Temple Avenue Intersection Improvements with a total budget estimate of \$80,000 understanding that successful application for the New Freedom Program will receive 100% State and Federal funding for both construction and design and the Town incurring minimal costs mostly associated with grant administration which is already built into the budget.

VOTE: Unanimous.

5615 Discussion with Action: Approve a six, eighteen, thirty or forty-two month extension of the current Constellation Energy Electricity Contract for all Town Medium Electricity Accounts which are currently priced at \$0.0689 per kWh and set to expire in December of 2012, with a new kWh rate, effective December 2012.

TOWN MANAGER: The Town Manager and Finance Director during budget consideration discussed the need to address electricity costs and the submission of the contract with Constellation Energy Electricity does this. A new contract price is being negotiated with the Company and presented to the Council hopefully in time for the Tuesday night meeting. The Town of Old Orchard Beach has signed contracts through Maine Power Options (MPO) since 2006. Maine Power Options is an energy-purchasing consortium that serves as an aggregator for Maine's local governmental and non-profit organizations. Their group-purchasing programs are designed to increase the buying power of eligible participant organizations for the purchase of fuel oil and electricity. The result is lower energy costs for Maine's non-profit organizations, higher education institutions, health care organizations, water, sewer, and school districts, and Municipalities. Maine Power Options is a program co-sponsored by the [Maine Health and Higher Educational Facilities Authority](#) and the [Maine Municipal Bond Bank](#). The price

of electricity is dependent on the price of natural gas, extreme weather, national energy policy and the demand for fuel during the heating season. Offers are typically lower in non-heating months. Customers that have signed on for contracts that expire in December typically are offered contract extensions in the spring. Offers from MPO can be extended later in the year, but prices may become subject to speculation of the upcoming heating season. Medium accounts, which represent the bulk of electricity expenditures, were first put under contract in December of 2006. Prior to this the town was paying the standard CMP rate for its small and medium accounts. This contract was a three year contract and set the kWh price at \$0.09, but did not include capacity charges. Since the expiration of this contract the town has entered into a series of one year agreements. The last two agreements were inclusive of capacity charges. The most current agreement sets a kWh price of \$0.0689. At the request of the Finance Director, the newest offer is a June to June contract that would allow the town to calculate electricity prices in the FY budget. The most recent offer before you allows the town to extend the contract up to forty two (42) months or as little as six (6) months and represents an approximate 20% reduction in the current kWh price. From a finance point of view; a longer term contract will allow the town to better predict electricity costs. From a potential cost savings point of view; a shorter term contract may allow the town to take advantage of potential 'dips' in energy prices by signing short term extensions in the future.

A discussion included understanding the electric charges starting with understanding kilowatt hours (kWh). Kilowatt hours are the units used to measure electric use. The Town is billed based on how much electricity, in kWh we use each month. Baseline quantities are set by State law and implemented with the approval of the State's Public Utilities Commission. There was concern expressed about when is the right time to sign an electrical contract. Councilor MacDonald asked if we had gone out to other sources for costs but the suggestion that this was fairly local to the New England States made it more applicable to our needs. Currently we have a contract that goes till the end of the year. Councilor Coleman recommended that eighteen months seemed to be a sensible option and that shopping around didn't seem practical at this point. The Manager indicated that even other competitive bids probably would show small increases or decreases in the area of fraction of a penny and that this would save us approximately \$36,000. The consensus was that an eighteen month contract was the way to go and approval of the Manager to sign the agreement. Others who spoke in favor were Pierre Bouthiller and John Bird who agreed the savings was substantive.

MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Approve an eighteen month extension of the current Constellation Energy Electricity Contract for all Town Medium Electricity Accounts which are currently priced at \$0.0580 per kWh set to expire June 30, 2014.

VOTE: Unanimous.

5616 Discussion with Action: Review possible costs for mulching, trimming with clippings to be bagged and disposed of off-site with mowing to begin the week of May 1, 2012 and continue, if needed, to November 15, 2012 or a period of twenty-eight (28) weeks from Account Number 20151-50511 – Grounds Maintenance, with a balance of \$10,363.03 as of the April 6, 2012 financials.

CHAIR: At the last Town Council Meeting when the Public Works Director requested approval for the purchase of a new mower, the Council decided to ask the Public Works Director to determine the cost if someone were to be hired for the seasonal time frame rather than purchasing. The bids that came in for the purchase of a new mower itself were as follows:

Chad Little Outdoor Power Equipment

| | |
|---------------------------------|----------------------------------------------------|
| | \$10,000 which includes a \$800 trade-in |
| Abbott's Power Equipment | \$10,805.40 which includes a \$1,150 |
| Union Farm Equipment | \$11,295 which does not include a trade-in. |
| Defining Lines | 2 men x 5 hours = \$380 per mow per week |

At the request of Council the Public Works Director secured four bids as follows for a contractor to do the mowing responsibilities as follows:

| | |
|-------------------------------------------------|-------------------------------------------------|
| Thomas Dupuis | \$ 580 a week |
| Shawn Vance – Yard Master Plus | \$ 613.63 a week |
| Jude Thibodeau – The Grass Catcher, Inc. | \$ 750.00 a week |
| Defining Lines | 2 men x 5 hours = \$380 per mow per week |

The Public Works Director is expecting direction from the Council so that the summer needs can be addressed immediately as required.

MOTION: Councilor Macdonald motioned and Vice Chair Tousignant seconded to Accept the bid of Defining Lines in the amount of \$80 per mow, per week for mulching, trimming with clippings to be bagged and disposed of off-site with mowing to begin the week of May 1, 2012 and continue, if needed, to November 15, 2012 or a period of twenty-eight (28) weeks from Account Number 20151-50511 – Grounds Maintenance, with a balance of \$10,363.03 as of the April 6, 2012 financials.

VOTE: Unanimous.

5617 Discussion with Action: Approve the following projects by Dayton Sand and Gravel from Account Number 31141-50867 – FY09 Bond Expenditures – West Grand Stormwater Project, with a balance of \$1,257,717.04, as follows:

PUBLIC WORKS DIRECTOR: He explained the following projects:

- (1) Top course paving on West Grand Avenue, from Pavia Avenue to Temple Avenue, in the amount of \$27,744.00;**
- (2) Curbing on West Grand Avenue, east side, from Pavia Avenue to Colby Avenue, in the amount of \$12,750.00;**

- (3) Sidewalk on West Grand Avenue, from Pavia Avenue to Colby Avenue, in the amount of \$13,751.00;
- (4) Top course of paving on Colby Avenue, Ancona Avenue, Winona Avenue and Oceana Avenue, from West Grand Avenue to Seaside Avenue, in the amount of \$14,280.00;
- (5) Shim and overlay on Free Street, from Temple Avenue to the end (northerly), in the amount of \$18,632.00;
- (6) Shim and overlay on Seaside Avenue from Temple Avenue to Porter Road, in the amount of \$34,204.00.

MOTION: Vice Chair Tousignant motioned and Councilor Coleman seconded to Approve the projects as read by Dayton Sand and Gravel from Account Number 31141-50867 – FY09 Bond Expenditures – West Grand Stormwater Project, with a balance of \$1,257,717.04.

VOTE: Unanimous.

5618 Discussion with Action: Approve the following projects by Dayton Sand and Gravel from Account Number 31141-50858 – FY09 Bond Expenditures – Summit Street Sewer Project, with a balance of \$647,924.98, as follows:

- (1) Reclaim, fine grade, binder course on School Street from Fayette Street to Saco Ave, in the amount of \$56,168.70;
- (2) Top course of paving on Summit Street from Saco Avenue to the end, in the amount of \$19,040.00;
- (3) Top course of paving on School Street, from Saco Avenue to the end, in the amount of \$23,120.00;
- (4) Top course of paving on Fayette Street from Summit Street to School Street, in the amount of \$1,836.00.

MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Approve the projects as read by Dayton Sand and Gravel from Account Number 31141-50858 – FY09 Bond Expenditures – Summit Street Sewer Project, with a balance of \$647,924.98.

VOTE: Unanimous.

5619 Discussion with Action: Approve the following projects by Dayton Sand and Gravel from Account Number 20203-50506 – Road Maintenance/Improvements – Non Capital, with a balance of \$281,765.90, as follows:

- (1) **Top course of paving on Ross Rd. from House # 171, to Cascade Road, in the amount of \$52,224.00;**
- (2) **Shim and overlay Willow Avenue, Grandview Avenue, and Birch Lane, in the amount of \$57,327.00;**
- (3) **Reclaim, fine grade, binder and top course Randall Avenue, from Royal Street to West Grand Avenue, in the amount of \$36,563.30;**
- (4) **Shim and overlay on Randall Avenue from West Grand Avenue to Seaside Avenue, in the amount of \$6,868.00;**
- (5) **Shim and overlay Winona Avenue from Free Street to Clover Street, in the amount of \$19,516.00;**
- (6) **Reclaim, fine grade, binder course on Saco Avenue from Heath Street to the old Post Office (corner of Fern Park Avenue), in the amount of \$34,686.00;**
- (7) **Reclaim, fine grade, binder and top course on Heath Street from Saco Ave to First Street, in the amount of \$46,883.00.**

MOTION: Councilor MacDonald motioned and Councilor Dayton seconded to Approve the projects as read by Dayton Sand and Gravel from Account Number 20203-50506 – Road Maintenance/Improvements – Capital, with a balance of \$281,765.90.

VOTE: Unanimous.

5620 Discussion with Action: Approve the following projects by Dayton Sand and Gravel from Account Number 20203-50507 – Sidewalk Maintenance Improvements – Non-Capital, with a balance of \$158,716.15.

- (1) **Pave sidewalks on Washington Ave, from Saco Avenue to Atlantic Avenue, in the amount of \$12,287.00;**
- (2) **Discussion with Action: Pave sidewalks on Saco Avenue, Phase I, from Heath Street to the old Post Office (corner of Fern Park Avenue), in the amount of \$12,164.00;**

MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to Approve the projects as read by Dayton Sand and Gravel from Account Number 20203-50507 – Sidewalk Maintenance Improvements – Capital, with a balance of \$158,716.15.

VOTE: Unanimous.

5621 Discussion with Action: Approve the purchase of 300 cases of Blue Bags from Waste Zero in the amount of \$8,616 from Account Number 10011-10302 – Inventory Trash Bags, with a balance of \$15,323.37.

PUBLIC WORKS DIRECTOR: The need for bags for waste and recycling during the summer months is voluminous and this is an order to cover the needs for the upcoming season.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Approve the purchase of 300 cases of Blue Bags from Waste Zero in the amount of \$8,616 from Account Number 10011-10302 – Inventory Trash Bags, with a balance of \$15,323.37.

VOTE: Unanimous.

5622 Discussion with Action: Approve the Elimination of three (3) spaces on the southerly lot and adjacent Milliken Street Parking Lot by closing it off with Jersey barriers; with the Department of Public Works removing curbing and grass strip; gravel and grade with paving contractor to pave the access drive; in the amount of \$4,500, from Account Number 20151-50506 – Public Works Department Road Maintenance/Improvement – Non Capital, with a balance of \$6,212.59.

TOWN MANAGER: The Town Manager and the Chief of Police have had ongoing discussions about converting areas of the Milliken Street Parking lot and will detail their reasons for this conversion. Part of the reasoning is expansion of area and easier control.

MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to Approve the Elimination of three (3) spaces on the southerly lot and adjacent Milliken Street Parking Lot by closing it off with Jersey barriers; with the Department of Public Works removing curbing and grass strip; gravel and grade with paving contractor to pave the access drive; in the amount of \$4,500, from Account Number 20151-50506 – Public Works Department Road Maintenance/Improvement – Non Capital, with a balance of \$6,212.59.

VOTE: Unanimous.

5623 Discussion with Action: Approve the Application for the 2012 Edward Byrne Memorial Justice Assistance Grant, in the amount of \$10,507, to be put towards the purchase of the Watch Guard digital cruiser video system. This grant is fully funded by the Department of Justice with no matching funds from the Town of Old Orchard Beach.

CHIEF KELLEY: The Old Orchard Beach Police Department is applying for the 2012 Edward Byrne Memorial Justice Assistance Grant through the Department of Justice. This year the grant application requires that the Biddeford, Sanford and Old Orchard Beach Police Departments submit one grant. The Biddeford Police Department will be the agency that is submitted the grant for all towns. The last time the department had purchased any cruiser cameras was in 2007 and 2008. Since they are used constantly they are beginning to cause some problems and are not always operational when needed. Watch Guard has improved in the digital camera systems and if this grant is awarded the funds would go towards the purchase of new cameras.

MOTION: Councilor Coleman motioned and Vice Chair Tousignant seconded to Approve the Application for the 2012 Edward Byrne Memorial Justice Assistance Grant, in

the amount of \$10,507, to be put towards the purchase of the Watch Guard digital cruiser video system. This grant is fully funded by the Department of Justice with no matching funds from the Town of Old Orchard Beach.

VOTE: Unanimous.

5624 Discussion with Action: Approve Liquor License Renewal for Chrysanthe & Demetrios Dikos dba/Chryst's Restaurant (306-5-1-E), 12 Old Orchard Street, m-v in a Restaurant; Patio Pub Inc. dba/Pier Patio Pub (306-1-J), 2 Old Orchard Street, s-m-v in a Restaurant/Lounge; Patio Pub Inc. dba/Hooligan's Landing (306-6-1-DD), s-m-v in a Restaurant; and William Marshall dba/The Whaler Inc., (206-31-17), 20 Staples Street, s-m-v in a Class A Lounge.

MOTION: Councilor Coleman motioned and Councilor MacDonald seconded to Approve the Liquor License Renewals as read.

**VOTE: Yea: Councilors Coleman, MacDonald, Dayton and Chair Quinn
Vice Chair Tousignant out of the room.**

5625 Discussion with Action: Approve the Special Event Permit application from Jennifer Hill for a beach Wedding in front of the Alouette Motel on Saturday, May 19, 2012, from 4:00 to 5:00 p.m.

MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Remove without Prejudice the Special Event Permit application from Jennifer Hill for a beach Wedding in front of the Alouette Motel on Saturday, May 19, 2012, from 4:00 to 5:00 p.m.

**VOTE: Yea: Councilors Coleman, MacDonald, Dayton and Chair Quinn.
Vice Chair Tousignant out of the room.**

5626 Discussion with Action: Approve the Special Event Permit application for OOB365 to hold their "Taste of OOB" on Old Orchard Street and the Square, Sunday, May 6, 2012; event from 11:00 a.m. to 4:00 p.m., with a request to close Old Orchard Street and the Square from 9:30 a.m. to 5:00 p.m., allowing for traffic to cross from Milliken to First, and East to West Grand Avenues. Insurance listing the 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; and a Request to waive the fee.

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

**VOTE: Yea: Councilors Coleman, Dayton, MacDonald and Chair Quinn.
Vice Chair Tousignant out of the room.**

5627 Discussion with Action: Amend the Special Event Permit application from OOB365, approved by the Town Council on 8/16/2011, for the Revolution 3, to include the use of Memorial Park and parking lot from noon on Friday, August 24th, 2012 to 6 p.m. on Sunday, August 26th, 2012; and close Old Orchard Street from the beach to First Street from 4 a.m. to 9 a.m. and 3:30 p.m. to 6 p.m., managing traffic in between the closed times.

MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Approve the Special Event Permit application as read.

VOTE: Unanimous.

5628 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold a sand sculpture contest on the beach between Randall and Ancona Avenues on Tuesday, July 3, 2012, from 2:30 p.m. to 5:30 p.m.; and a request to waive the fee.

MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Approve the Special Event Permit application as read.

VOTE: Unanimous.

5629 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold a parade on Wednesday, July 4, 2012 from 9:30 a.m. to 11:30 a.m. on Temple Avenue; and a request to waive the fee.

MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Approve the Special Event Permit application as read.

VOTE: Unanimous.

5630 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold the Ocean Park 5k Race on Friday, July 27, 2012 from 5:00 p.m. to 8:00 p.m. in Ocean Park; and a request to waive the fee.

MOTION: Councilor Dayton motioned and Councilor Coleman seconded to Approve the Special Event Permit application as read.

VOTE: Unanimous.

5631 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold Square and Line Dances in the Ocean Park Square on Temple Avenue between West Grand Avenue and Seaside Avenue on Wednesday, July 4, 2012 and Saturday, September 1, 2012, from 7:00 p.m. to 9:30 p.m.; and a request to waive the fee.

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

VOTE: Unanimous.

5632 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold Illumination Night on Saturday, August 4, 2012 from 5:00 p.m. to 10:30 p.m. in Ocean Park; and a request to waive the fee.

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

VOTE: Unanimous.

5633 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold a Christian Youth Conference Block Dance, on Temple Avenue, between West Grand Avenue and Seaside Avenue on Saturday, August 11, 2012 from 7:30 p.m. to 11:00 p.m.; and a request to waive the fee.

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

VOTE: Unanimous.

5634 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold a S'Mores & More campfire on the beach at the end of Temple Avenue on Thursday, July 5th; Thursday, July 26th; and Thursday, August 2nd, 2012 from 7:00 to 9:00 p.m. in Ocean Park; and a request to waive the fee.

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

VOTE: Unanimous.

5635 Discussion with Action: Accept, with regret, the resignation of Kim Schwickrath from the Community Animal Watch Committee.

MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to Accept, with regret, the resignation of Kim Schwickrath from the Community Animal Watch Committee.

VOTE: Unanimous.

5636 Discussion with Action: Approve Inca Son to hold street performances in the Square near the water fountain on Saturday, July 14th; Sunday, July 22nd; Saturday, August 11th; Sunday, August 19th; Saturday, August 25th; and Saturday, September 1, 2012 from 1 p.m. to 9 p.m.

There was a lengthy discussion raised by Councilor Coleman as to whether state Sales Tax is paid by those asking for special event permits. If you are a business and you sell a product or provide a service that is taxable and if you are in a sales tax state a business will need to set up a process to collect and pay sales taxes and file sales tax returns periodically. In order to do that you will need a Employer ID and all the information about the business and its owners. Most states allow on-line registration so to have all the information ready before a business is begun. After a sales tax permit is received a business can collect taxes but they just show the tax amounts separately. After the sales tax has been collected records of how much have been collected need to be obtainable and documentation retained. Filing of periodic sales tax reports is important as well as necessary. Councilor Coleman recommended that there be some way to determine that this is being done by those asking for permits to sell items and it was also suggested that the question of whether these filings are being done be shown on the Special Event Permit Application. The Assistant Town Manager was to request the Town Clerk to work on such an update and to determine the legality of asking for information from businesses on the payment of sales tax.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Approve Inca Son to hold street performances in the Square near the water fountain on Saturday, July 14th; Sunday, July 22nd; Saturday, August 11th; Sunday, August 19th; Saturday, August 25th; and Saturday, September 1, 2012 from 1 p.m. to 9 p.m.

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

GOOD AND WELFARE:

JEROME BEGERT: Spoke at length about the closing of Hobo Jungle several years ago and the need for the Council and the business licensing area of municipal government to treat each business fairly in light of the recent murder in Old Orchard Beach. He indicated the Hobo Jungle was a non-drinking establishment and yet it was not given consideration for any issues that were raised concerning it. He talked about fairness in municipal administration of that which is governed.

MARK KOENIGS: He again, as previously in a Council meeting, spoke about his concern about the designation of land to the RSU and the need to make sure that this is done carefully and recognizing the value to the Town of its land. He also raised again the issue of the library and its possible closing and encouraged the Council to be involved.

TOWN MANAGER: He explained that in the next few days there was to be a site review of the land that is being discussed as far as turning it over to the RSU and reminded everyone that should the RSU no longer exist the land legally would return to the Town's ownership.

5637 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 Occur in Executive Session.)

MOTION: Vice Chair Tousignant motioned and Councilor Coleman seconded to Enter into Executive Session - 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 Occur in Executive Session.)

VOTE: Unanimous.

MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to Exit from the Executive Session - 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 Occur in Executive Session.)

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Vice Chair Tousignant motioned and Councilor Dayton 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 seventeen (17) pages is a copy of the original Minutes of the Town Council Meeting of May 1, 2012.

V. Louise Reid