

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
Wednesday, May 16, 2012  
TOWN HALL CHAMBERS  
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Wednesday, May 16, 2012. Chair Quinn opened the meeting at 7:03 p.m.

The following were in attendance:

**Chair Bob Quinn  
Councilor Sharri MacDonald  
Councilor Robin Dayton  
Councilor Michael Coleman  
Town Manager Mark Pearson  
Assistant Town Manager V. Louise Reid**

**Absent: Vice Chair Michael Tousignant**

**Pledge to the Flag**

**ACKNOWLEDGEMENTS:**

**COUNCILOR COLEMAN:** I would like to acknowledge the generosity of BRASS, the Old Orchard Beach Bar and Restaurant Association and its membership for what turned out to be \$5,000 worth of donations to the 8th Annual Run For Cash Memorial 5K which has been held since 2005. The race is held in memory of Nancy Kelley's son, Army Captain Christopher Scott Cash who was killed in action on June 24, 2004. This road race which this year will be held on Saturday, June 23rd with registration beginning at 6:30 AM raises funds that are paid out in scholarships to local students. Since 2005, over \$22,000 in scholarships have been awarded. Last year six scholarships were awarded in the amount of \$1,000 each. Two of these scholarships were awarded to siblings of Maine soldiers who were killed in action. I've also heard that Maine's First Lady, Ann LePage will be participating this year. For more information about the race and Captain Cash please visit the race website at [RunForCash.org](http://RunForCash.org).

This past Monday, Councilor Dayton and myself attended the regular monthly meeting of BRASS and one of the agenda items was to make a \$500 donation to this worthy cause which would be matched by the Pier, represented by Paul Golzbein and Rich Redmond. A gentleman who does not live in our town but who works here issued a challenge to BRASS that if they would increase their donation to \$1,000, and then he would match it. Donations of \$1,000 each were pledged by George Kerr of Surf 6 and King Weinstein of the Grand Beach Inn and King Real Estate. The Pier also increased their donation to \$1,000. By the way, the gentleman that kicked off this flood of generosity is our new Town Manager, Mark Pearson. It is absolutely amazing what the people of our town will do of their own free will and what good we can do without the use of any tax money.

**CHAIR QUINN:** A ceremony was held, and I had the opportunity to participate on behalf of the Town, to celebrate the latest segment of the Eastern Trail. The real focal point of the new trail section is the pedestrian bridge that runs over Route 1 in Saco. The Eastern Trail when completed will provide trails that connect Calais, Maine to Key West, Florida.

**COUNCILOR DAYTON:** She reminded the citizens of the Memorial Day Parade and encouraged attendance.

**ASSISTANT TOWN MANAGER:** She spoke of the work of the Community Animal Group in their service to animals and to their owners, many seniors who could not afford to keep their pets if it were not for the services of these individuals. She publicly thanks Mrs. Eleanor Hoffman of East Grand Avenue for her contribution of \$500 to be used by the Community Animal Group and also Paul Golzbein for his donation of \$100.

**PRESENTATION:** Presentation by the Town of Old Orchard Beach Health Officer, Anita Anderson, on recent changes to the Health Licensing Program.

Due to recent changes at the State level the Town can no longer conduct health inspections without having our own Inspector who is trained to the State level. Due to this the Health Inspector cannot sign off on business license till there is proof that the applicant has applied for and has all applicable State licenses and/or permits. Below is the local ordinance which states we are responsible for requiring applicants to obtain all required State licenses/permits. This means ALL State permits whether it is from the Department of Health and Human Services, State Fire Marshall's Office, etc.

“Due to recent changes at the state level the Town can no longer conduct health inspections without having our own Inspector trained to the state level. Due to this we can not sign off on business licenses till we have proof that the applicant has applied for or has all applicable state licenses and/or permits. I have cited below our local ordinance which states we are responsible for requiring applicants to obtain all required state licenses/permits. This means ALL state permits whether it is from the Department of Health and Human Services, State Fire Marshal's Office, etc...”

It states in the Town of Old Orchard Beach Ordinances the following:

“Sec. 18-35. - Denial; imposition of conditions for issuance.

- (a) Failure to provide any of the information required by [section 18-33](#) to the license administrator in a timely manner shall be cause for a denial of a license application.
- (b) The Town Council shall consider information provided by the applicant or received from the building inspector, the electrical inspector, the town manager, the police chief, the fire chief or any other municipal employee or the general public in determining whether to issue, issue subject to conditions, or deny any license requested. The town council may deny a license application if it finds that:
  - (1) The applicant does not have the legal right to occupy the premises for which the license is sought;
  - (2) **Required state or local permits have not been obtained or applied for;**
  - (3) The business or activity is not or the premises are not in compliance with other local ordinances;
  - (4) Any public health, safety or welfare problems which occurred in the operation of the business or activity or a similar business or activity on the premises during the immediately preceding year were not satisfactorily resolved and are likely to recur;
  - (5) The applicant for the license has, during the immediately preceding year, committed or permitted, in the course of conducting a business or activity subject to this article, an act or omission which constitutes a violation of this article as defined in [section 18-28](#) or [18-39](#)

- (6) The applicant is delinquent in paying any personal property tax assessed by the town, unless there is pending at the time of application for the license a request for abatement of the tax or an appeal of the tax assessment;
- (7) **The licensed location has had three or more documented and relevant disturbances as verified by the police chief within the previous licensing period, which documentation shall be provided to the license administrator by the police department; or**
- (8) **The applicant owes any fine, penalty or judgment to the town as a result of any violation of this article and the fine, penalty or judgment, with any accrued interest, has not been paid in full. Notwithstanding anything to the contrary in 1 M.R.S.A. § 18-3202, this subsection applies to actions and proceedings pending on the effective date of the Ordinance of April 15, 1997.**
- (9) **The applicant owes any amount to the Town of Old Orchard Beach for services rendered by the town or by town employees to the applicant or the applicant's property, is in default on any performance guarantee or contractual obligation to the town, or is otherwise delinquent in any financial obligation to the town, including real property taxes.**
- (c) **The town council may also impose conditions on the operation of any licensed business or activity, such as restrictions on the hours of operation, a requirement of trash removal at specified intervals, or implementation of particular forms of crowd control, where the public interest so requires.**
- (d) **When the town council denies a license, written notice of the decision shall be provided to the applicant within ten days thereof, which shall set forth the reasons for the denial. The licensee shall receive written notice in the same manner of any conditions imposed upon the license whenever conditions are imposed, and the license administrator shall note such conditions on the license records maintained by the license administrator.**
- (Ord. of 6-13-1961, § 4(C); Ord. of 2-16-1988; Ord. of 6-18-1991; Ord. of 11-8-1993; Ord. of 3-4-1997; Ord. of 4-15-1997; Ord. of 3-2-1999; Ord. of 4-20-1999; Ord. of 4-15-2008; Ord. of 5-4-10(1)) “

**The following is some examples of State Licenses that need to be obtained:**

**The below link is for the DHHS Health Inspection Program Licensing requirements. When applicant is starting a new business they need to find out if they need a license at the state level prior to obtaining a local business license. It is the applicant's responsibility to do so.**

**<http://www.maine.gov/dhhs/mecdc/environmental-health/el/forms.htm#eating>**

**Below is the link to the State Fire Marshall's office. The Following is required for these activities:**

### “Dances, License Required

A building or any part of the building used for public dancing purposes, either habitually or occasionally, must have posted at all times of dances a proper license obtained from the Commissioner of Public Safety. Except for dances held by students and for students a fee and application must be submitted to the State Fire Marshal’s Office. Upon the receipt of the application and fee the State Fire Marshal’s Office will inspect the facility for compliance with adopted rules and regulations.

### Theatre License Required

No building or place of assembly shall be used for theatrical or motion picture purposes unless a license or permit shall have first been obtained from the Commissioner of Public Safety. No license shall be required if the building or place of assembly is a public or private school building, or a building owned by a municipality, county or the State; and no license shall be required if no admission fee is charged for the theatrical or motion picture production, or the production is sponsored, operated and conducted for the exclusive benefit of a social, fraternal, charitable, religious or educational organization and all admission fees are to be devoted exclusively to the uses of that organization.”

<http://www.maine.gov/dps/fmo/plans/applications.html>

For both DHHS and SFMO they will send out inspectors for these permits. The code office will contact them to verify the requirements have been fulfilled.

We will be updating the Town website with these links and other useful information.

## Appendix A

### Curriculum for Retail Food Safety Inspection Officers

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#### Pre-requisite (“Pre”) curriculum courses

(to be completed during the 25 joint inspection periods AND prior to conducting any independent inspections)

#### PUBLIC HEALTH PRINCIPLES

Public Health Principles (90) FDA36

#### MICROBIOLOGY

Food Microbiological Control (series):

1. Overview of Microbiology (60) MIC01
  - 2A. Gram-Negative Rods (60) MIC02
  - 2B. Gram-Positive Rods & Cocci (90) MIC03
  3. Foodborne Viruses (60) MIC04
  4. Foodborne Parasites (90) MIC05  
Mid-Series Exam (30) MIC16
  5. Controlling Growth Factors (90) MIC06
  6. Control by Refrigeration & Freezing (60)  
MIC07
  - 7A. Control by Thermal Processing (90) MIC08
  - 7B. Control by Pasteurization (90) MIC09
  10. Aseptic Sampling (90) MIC13
  12. Cleaning & Sanitizing (90) MIC15
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#### PREVAILING STATUTES, REGULATIONS, ORDINANCES

Basic Food Law for State Regulators (60) FDA35

Basics of Inspection:

Beginning an Inspection (90) FDA38

Issues & Observations (90) FDA39

An Introduction to Food Security Awareness (60)  
FD251 (ORA U internet site)

2005 Food Code\*

**NOTE: Specific state/local laws & regulations to be  
addressed by each jurisdiction**

#### COMMUNICATION SKILLS

Communication Skills for Regulators\*

**Curriculum (“Post”) courses**  
(to be completed prior to Standardization AND within 18 months of hire or assignment to the regulatory retail food program)

### MICROBIOLOGY

#### **Food Microbiological Control (series):**

- 7C. Control by Retorting (90) MIC10
8. Technology-Based Food Processes (120) MIC11
9. Natural Toxins (90) MIC12

### HACCP

#### **Basics of HACCP (series):**

1. Overview of HACCP (60) FDA16
2. Prerequisite Programs & Preliminary Steps (60) FDA17
3. The Principles (60) FDA18

### EPIDEMIOLOGY

#### **Food borne Illness Investigations (series):**

1. Collecting Surveillance Data (90) FI01
2. Beginning the Investigation (90) FI02
3. Expanding the Investigation (90) FI03
4. Conducting a Food Hazard Review (90) FI04
5. Epidemiological Statistics (90) FI05
6. Final Report (30) FI06

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### “Application” Courses and “Hands-On” Training

To provide application of skills and transfer of web instruction to the jurisdiction’s work environment, although not required at this time, it is recommended that FSIOs complete one of the following three options within 18 months of hire or assignment to the regulatory retail food program:

1. Classroom Course: Application of the Basics of Inspection/Investigation FD170 (class schedule available at [www.afdo.org/](http://www.afdo.org/) or course content available on CD via FDA’s Division of Human Resource Development’s lending library.)
2. Courses developed by State or local regulatory jurisdictions or other entities containing learning objectives and exercises equivalent to Option 1 above.
3. Discussions Questions & Exercises \* (conducted in the office or during the 25 joint inspections)

\* Under construction

( ) Average time in minutes required to take the course, 60 minutes equals .1 CEU, 90-120 minutes equals .2 CEUs

Estimated total hours for “Pre” courses are 42 hours.

Estimated total hours for “Post” courses are 13 hours.

Estimated total hours for completion of all Program Standard #2 coursework are 54 hours

The Health Officer gave a report on this important issue which will affect businesses within our community. The Town Manager’s Office sent reminders to the Chamber of Commerce and OOB365 about this evening’s meeting. Several questions were raised by the Council

during the discussion period and a final recommendation that contacting local Representative to the State would be worthwhile in advancing concerns relative to the new procedures. Councilor Coleman did ask the Health Officer to provide further information to him.

#### MEMORANDUM OF AGREEMENT

Whereas, the Department of Health and Human Services, (hereinafter “the Department”), licenses and regulates hospitality related industries and has statutory authority to oversee the licensing of eating establishments in delegated Maine municipalities, and

Whereas, the Department oversees the activities of eating establishments and lodging establishments in accordance with the provisions of 22 M.R.S.A. §2491-2501 and the Department’s implementing regulations pertaining to eating and lodging places (primarily restaurants, schools, and lodging places) and the rules regarding same, and

Whereas, the Department’s Division of Environmental Health has for the last 60 years overseen all aspects of such activities, and

Whereas, pursuant to the Department’s rules adopted pursuant to 22 M.R.S.A. §2499(9), a “delegated community” means a city, town, or plantation in Maine that has applied for, and received authorization from the Department to conduct eating and lodging establishment inspections, and

Whereas, the Department has been authorized to delegate eating and lodging establishment inspection authority to municipalities since 1975; for the licensing of eating and lodging establishments occurred in 1975 (see Public Laws of 1975, c. 496 § 2499),

NOW Therefore, the parties hereto agree as follows:

1. No person, corporation, firm or co-partnership may conduct, control, manage or operate, for compensation, directly or indirectly, any eating establishment, eating and lodging place, lodging place, recreational camp or camping area, unless the same shall be licensed by the Department. Licenses issued must be displayed in a place readily visible to customers or other persons using a licensed establishment. [P.L.1983, c. 553, 22 M.R.S.A. § 2492]
2. Each application for, or for renewal of, a license to operate an eating establishment, school, eating and lodging place, within the meaning of this chapter shall be accompanied by a fee, appropriate to the size of the establishment, place, camp or area of the licensee, determined by the Department and not to exceed the fees listed below. The fees generally may not exceed \$300.00 [P.L. 2009, c. 211, Pt. A 22 M.R.S.A.§ 2494].
3. The Department may delegate authority to municipalities to conduct eating and lodging establishment inspections consistent with 22 M.R.S.A. §2499(9) providing:
  - A. In delegated municipalities, the Department continues to be the licensing authority for the State license, and may issue a license to establishments on the basis of an inspection performed by a health inspector who works for and is compensated by the municipality in which such establishment is located. [P.L. 1975, c. 496]
  - B. The municipality involved has adopted a set of rules and regulations, ordinances or other code of standards for such establishments which has been approved by the Department and which is consistent with the regulations used by the

Department for the issuance of such licenses in effect at the time of inspection. [P.L. 1975, c. 496]

- C. A municipally employed health inspector may not make inspections under the provisions of this chapter unless certified as qualified by the Commissioner of Health and Human Services. [1975, c. 496.]
- D. The Department may from time to time inspect such municipally inspected establishments to ascertain that the intent of the statutes is being followed. [P.L. 1975, c. 496]
- E. The municipalities shall furnish the Department electronic copies of its inspection reports in a format and on a schedule determined by the department. [new P.L. 2011]
- F. Municipalities may not charge the Department for performing such inspections. [P.L. 1975, c. 496]
- G. When a license is issued by the Department on the basis of a municipal inspection as specified in this section, the licensee shall be required to pay the Department a sum not to exceed \$100 to support the costs of mailing and handling. [new P.L. 2011].
- H. The municipalities are responsible to ensure that all eating establishments within their jurisdiction have a state license prior to issuing a municipal license. Failure of an establishment to operate without the necessary State license will result in the eating establishment being assessed an administrative fine by the Department as specified in state rules. The Department retains its right to pursue other sanctions against non-licensed eating establishments including seeking injunctive relief to enjoin further violations.
- I. Licenses issued by the Department under such delegation must be displayed, renewed and in every other way treated the same as licenses issued on the basis of inspections by the Department. [P.L. 1975, c. 496, §3]
- J. Certification of municipally employed health inspectors shall be in accordance with standards set by the Commissioner and be for a period of 3 years. [P.L. 1975, c. 496.] No municipally employed health inspectors shall make inspections under the provisions of this chapter unless they are duly certified. Such certification will be determined through formal and informal training and education, and other such criteria as the Department may determine. Such standards may include items such as staff competency, enforcement and compliance status, inspection practices, attendance at training meetings and seminars, and routine reporting to the Department. [10-144 CMR 201, Section 3.1.B.2]
- K. In the event of food borne disease outbreaks the delegated municipalities will as soon as practical, immediately contact the State of Maine, Department of Health and Human Services Maine Center for Disease Control. [CMR 258].
- L. The Department shall review the restaurant and lodging inspection program of the municipality to which authority to conduct inspections has been delegated every three years.

**Maine Center for Disease Control & Prevention  
Department of Health & Human Services  
Division of Environmental Health  
Health Inspection Program  
Protocol & Procedure**

**Subject: Training**

**Effective Date: January 31, 2008**

**Authorization:**

**I. Purpose:**

**To ensure regulatory staff have the knowledge, skills, and ability to adequately perform their required duties.**

**II. Policy:**

**The training program is used to train all state and municipal sanitarians in the professional technical services work involving the promotion and enforcement of health, environmental, and sanitary laws, rules, and regulations. This includes resolving problems associated with complying with health and safety requirements and conducting a variety of inspections. The sanitarians collaborate with establishment owners, and other state and municipal agencies to adequately address all issues which are documented on the DHHS Health Inspection Report.**

**III. Procedure:**

**A. Curriculum**

**Within 18 months of employment or assignment to the retail food program, the regulatory staff conducting inspections of retail food establishments must satisfactorily complete training that includes the following components:**

- 1. prevailing statutes, regulations, ordinances;**
- 2. public health principles;**
- 3. communication skills;**
- 4. microbiology;**
- 5. epidemiology;**
- 6. HACCP.**

**Credit for each component may be gained by providing documentation of previous training (college courses, military training, etc.). Satisfactory**



**completion of each training component is documented in the individual's training plan.**

#### **B. Field Training and Experience**

**Within 12 months of employment or assignment to the retail food program, the regulatory staff conducting inspections of retail food establishments must satisfactorily complete initial field training as described below. Initial field training includes:**

- 1. Twenty five joint training inspections; and**
- 2. Twenty five independent inspections**

**Field training consists of at least twenty-five joint training inspections with a trainer who has successfully completed all training elements required by this standard. After completing the joint training inspections, the candidate completes at least twenty-five independent inspections of the various types of retail food establishments regulated by the jurisdiction.**

#### **C. Field Standardization**

**Within 18 months of employment or assignment to the retail food program, staff conducting inspections of retail food establishments must satisfactorily complete eight joint inspections with a "training standard" using a process similar to the *FDA Procedures for Standardization and Certification of Retail Food Inspection/Training Officer*. The standardization procedures shall determine the inspector's ability to apply the knowledge and skills obtained from the training curriculum, and address the five following performance areas: 1) Good Retail Practices, 2) Risk-based inspections, 3) Application of HACCP, 4) Inspection equipment, and 5) Communication.**

**Continuing standardization shall be maintained by performing six joint inspections with the "training standard" every three years.**

#### **D. Continuing Education and Training**

**Each employee conducting inspections accumulates 20 contact hours of continuing education every 36 months after the initial training (18 months) is completed. The candidate qualifies for 1 contact hour for each hour's participation in any of the following activities:**

- 1. Attendance at regional seminars / technical conferences;**
- 2. Professional symposiums / college courses;**
- 3. Workshops;**

**4. Food-related training provided by government agencies.**

E. Documentation

**The quality records needed for this standard include:**

- 1. Certificates earned from the successful completion of course elements of the uniform curriculum;**
- 2. Contact hour certificates for continuing education;**
- 3. Procedures for standardization;**
- 4. Standardization certificates or other records showing proof of satisfactory standardization;**
- 5. Field inspection reports for twenty-five each joint and independent inspections;**
- 6. Date of hire records or assignment to the retail food program; and**
- 7. Summary record of employees' compliance with the Standard.**

**IV. Responsibility: Program Director, Supervisor, and all state and municipal regulatory sanitarians.**

## **Welcome to the Health Inspection Program Online License Renewal Service**

This online service allows for the renewal of licenses under the Division of Environmental Health, Health Inspection Program.

### **Who can use this service?**

The following must be true to use this service:

- It is 60 days or less from the license expiration date.
- You are renewing a [license available](#) through this service.
- Your license has not expired. If your license has expired, please contact our office at (207) 287-5671.
- You do not need to make any changes to your license information other than mailing address, phone number, or email address. Tobacco licensees can also edit dates and times of seasonal operation.

### **What you will need:**

You will need the following information:

- Establishment ID number
- PIN number
- Valid Credit/Debit card (accepted cards: Visa or MasterCard)
- Email Address
-

**NOTICE:** *If you prepare and serve food, and are NOT connected to town or city public water, and are NOT regulated by the Maine Drinking Water Program, then you must show that your water is safe to drink and use.*

*Those of you not on town or city water or not regulated by the Drinking Water Program must provide current (within the last calendar year) water test RESULTS for a BASIC WATER TEST that includes bacteria AND nitrate/nitrite nitrogen, the most common water contaminants that may cause illness for adults and children.*

*FAX water test results to 207-287-3165 and be sure to include your confirmation # OR you can mail it to: Maine CDC, Health Inspection Program, 286 Water St FL 3, SHS 11, Augusta, ME 04333-0011. Your license will not be renewed until we see your satisfactory water test results. It is illegal to operate without a current license.*

*If you have questions about this requirement please see our website at [www.maine.gov/healthinspection](http://www.maine.gov/healthinspection) or call the Health Inspection Program at 287*

**ACCEPTANCE OF MINUTES:** Town Council Workshop Minutes of April 18, 2012; Town Council Workshop Minutes of April 23, 2012; Town Council Minutes of May 1, 2012; Town Council Workshop of May 2, 2012; and Special Town Council Minutes of May 7, 2012.

**MOTION:** Councilor MacDonald motioned and Chair Quinn seconded to Move to Table Indefinitely the Special Town Council Minutes of May 7, 2012.

**VOTE:** Unanimous.

**MOTION:** Councilor Coleman and Councilor Dayton seconded to Accept the Town Council Workshop Minutes of April 18, 2012; Town Council Workshop Minutes of April 23, 2012; the Town Council Minutes of May 1, 2012; and the Town Council Workshop of May 2, 2012

**PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:**

**CHAIR:** I open this Public Hearing at 7:45 p.m.

Deborah & David Hughes (106-5-15), 13 Birch Lane, one year round rental; Peter A. Gerges dba/Tate's Home Décor (205-3-6), 40 Old Orchard Street, Décor Retail Wood Signs & Wood Crafts; Seasonal Retail Store; ; Tim Donnellon (304-1-9), 8 Brisson Street, on year round rental; Francine B. Fink, Trustee (305-4-1-402), 1 Cleaves Street, one year round rental; New England Restaurant Group dba/Bare Foot Boy (305-4-5), 45 East Grand Avenue, Victualers with Preparation with beer, Wine and or Liquor on Premise; Mollie & Christine Albert dba/Sno To Go (306-1-2-6), 1 East Grand Avenue, Kiosk#6, Victualers with Preparation, and No Alcohol Sales; David Belaire dba/Big Wave's (306-1-2-8), 1 East Grand Avenue Kiosk #8, Victualers with Preparation, and No Alcohol Sales; T.P.R. Inc., dba/Tequila Frog's Local Cantina (306-5-3), 8 East Grand Avenue; Victualers with Preparation with Beer, Wine and or Liquor on Premise; Dorothy L. Spitzer & Kevin M. Harrison (315-13-15), 2 Seaview Avenue, three year round rentals; Cheri Silva (316-2-5), 12 Seaside Avenue, one year round rental; and Roger & Karen Nielsen (324-1-6), 18 New Salt Road, one year round rental.

**CHAIR:** I close this Public Hearing at 7:50 p.m.

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

**VOTE: Unanimous.**

**PUBLIC HEARING SPECIAL AMUSEMENT PERMIT:**

**CHAIR QUINN: I open this Public Hearing at 7:51 p.m.**

**Oceanside Investment Group dba/Myst Restaurant (306-1-2-I), 1 East Grand Avenue, Suite 2, Acoustical & Amplified Music – Inside and Outside – 1:00 p.m. to 1:00 a.m.; New England Restaurant dba/Bare Foot Boy (305-4-5), 45 East Grand Avenue, Karaoke, Live Entertainment (Amplified), Inside – 9:00 a.m. to 12:00 a.m.; and TPR Inc. dba/Tequila Frog's Local Cantina (306-5-3), 8 East Grand Avenue, Solo, DJ – Inside – 12:00 p.m. to 1:00 a.m.**

**CHAIR QUINN: I close this Public Hearing at 7:54 p.m.**

**MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Approve the Business Licenses as read with change in the opening and closing time for T.P.R. Inc., dba/Tequila Frog's Local Cantina (306-5-3), 8 East Grand Avenue; Victualers with Preparation with Beer, Wine and or Liquor on Premise changed from 12:00 p.m. to 1:00 a.m. to 12:00 p.m. to 1:00 a.m., Inside Solo, DJ/Outside acoustic only (not amplified); and New England Restaurant Group dba/Bare Foot Boy (305-4-5), 45 East Grand Avenue, Victualers with Preparation with beer, Wine and or Liquor on Premise, with opening and closing time changed from 9:00 a.m. to 12:00 a.m. to 12:00 p.m. to 12:00 a.m.; karaoke & live entertainment (amplified.)**

**VOTE: Unanimous.**

**PUBLIC HEARING LIQUOR LICENSE PERMIT:**

**CHAIR QUINN: I open this Public Hearing at 7:55 p.m.**

**New England Restaurant Group dba/Barefoot Boy (305-4-5), 45 East Grand Avenue, s-m-v in a Restaurant; and TPR Inc. dba/Tequila Frog's Local Cantina (306-5-3), 8 East Grand Avenue, s-m-v in a Restaurant/Lounge.**

**CHAIR: I close this Public Hearing at 7:57 p.m.**

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

**VOTE: Unanimous.**

**TOWN MANAGER'S REPORT:**

The Town Manager reported that he was involved in a Town Council Meeting and two Workshops during the month. A great deal of time was spent on the upcoming workshop scheduled for Thursday May 24, 2012 on the Ballpark. He spent time with the General Manager and the Finance Director preparing for this meeting and providing information to the Council prior to their consideration. He met with the Executive Director of the Maine Municipal Association. There were two meetings with staff of the Department of Transportation who are with us this evening on an upcoming agenda item. We met with an account representative from Time Warner on our account with that Company and plans for developing economic ways of savings in combining of accounts. Met with the Chair of the Planning Board and the Planner on important issues being addressed by the Board. Traveled to Sanford to meet with Town Manager, Mark Green, on issues of Dispatch. Met with Wright Pierce and Chris White on issues relative to electrical issues at the Waste Water Treatment Plant and also on the Tide Gate. Did a site walk of a business considering purchasing area down near the IGA Store. Attended the open house this evening for two new businesses on Old Orchard Street – the Country Store and Lachance Chocolates (Maine Bucknuts.) The Assistant Town Manager attended the RSU budget meeting last evening at the High School. I also met with the Memorial Park Committee to discuss the plans for the Memorial Park for the summer season.

**# 6539 Discussion with Action: Consent to the Acquisition or Counter-Offer by the MaineDOT of Parcel No. 1, owned by the Town of Old Orchard Beach identified on a plan known as Right of Way Map, State Highway “Saco Avenue,” Project No. STP-1733(400X), on file in the Augusta Headquarters of MaineDOT, File No. 16-473 with just compensation offered in the amount of \$12,300 upon filing of the taking and releasing the MaineDOT from any further claim of just compensation arising from the Property Rights taken in connection with the Project; however, if any changes in design or construction occur after date of this settlement and negatively impacting the Property owner’s land in an unanticipated manner, the Property Owner shall have the right to request that this Settlement be rescinded.**

**TOWN MANAGER:** It has been determined that public exigency requires the construction or reconstruction by altering, widening, changing the grade of and/or changing the drainage of a portion of State Highway “Saco Avenue” in the Town of Old Orchard Beach, County of York and State of Maine through a Maine Department of Transportation (the “MaineDOT”) project identified by the PIN Number 017334.00, Project Number STP-1733(400X) referenced above (the Project.) The property rights in and to a certain parcel of land identified on a plan known as Right of Way Map as Parcel 1, are required for construction. MaineDOT intends to acquire the Property Rights by filing a Notice of Layout and Taking in the York County Registry of Deed on or about June 4, 2012. At Maine’s discretion, and with the Town’s consent, the Property Rights may be transferred through the execution of a deed or other transactional instrument. MaineDOT has determined just compensation for acquisition of the Property Rights to be \$12,300 and this amount will be paid to the Property Owners upon filing of the Taking. It should be noted that the Council can Counter-Offer should they desire to do so. A map will be provided by the Town Manager to further define the area being considered. Enclosed for Council review are a map of the locations and a copy of the transcript of the hearings on this issue.

A representative of the MaineDOT spoke about the collaborative efforts between the Town and the Maine DOT and that this was what is considered a fair offer based on property sales in the Town which is how these offers are based. There was a positive consensus to the Council that this was a fair offer.

**MOTION:** Councilor Dayton motion and Councilor Coleman seconded to Consent to the Acquisition or Counter-Offer by the MaineDOT of Parcel No. 1, owned by the Town of Old Orchard Beach identified on a plan known as Right of Way Map, State Highway "Saco Avenue," Project No. STP-1733(400X), on file in the Augusta Headquarters of MaineDOT, File No. 16-473 with just compensation offered in the amount of \$12,300 upon filing of the taking and releasing the MaineDOT from any further claim of just compensation arising from the Property Rights taken in connection with the Project; however, if any changes in design or construction occur after date of this settlement and negatively impacting the Property owner's land in an unanticipated manner, the Property Owner shall have the right to request that this Settlement be rescinded.

**VOTE:** Unanimous.

# 6540 **Discussion with Action:** Consent to the Acquisition or Counter-Offer by the MaineDOT of Parcel No. 3, owned by the Town of Old Orchard Beach identified on a plan known as Right of Way Map, State Highway "Saco Avenue," Project No. STP-1733(400X), on file in the Augusta Headquarters of MaineDOT, File No. 16-473 with just compensation offered in the amount of \$8,450 upon filing of the taking and releasing the MaineDOT from any further claim of just compensation arising from the Property Rights taken in connection with the Project; however, if any changes in design or construction occur after date of this settlement and negatively impacting the Property owner's land in an unanticipated manner, the Property Owner shall have the right to request that this Settlement be rescinded.

It has been determined that public exigency requires the construction or reconstruction by altering, widening, changing the grade of and/or changing the drainage of a portion of State Highway "Saco Avenue" in the Town of Old Orchard Beach, County of York and State of Maine through a Maine Department of Transportation (the "MaineDOT") project identified by the PIN Number 017334.00, Project Number STP-1733(400)X referenced above (the Project.) The property rights in and to a certain parcel of land identified on a plan known as Right of Way Map as Parcel 1, are required for construction. MaineDOT intends to acquire the Property Rights by filing a Notice of Layout and Taking in the York County Registry of Deed on or about June 4, 2012. At Maine's discretion, and with the Town's consent, the Property Rights may be transferred through the execution of a deed or other transactional instrument. MaineDOT has determined just compensation for acquisition of the Property Rights to be \$8,450 and this amount will be paid to the Property Owners upon filing of the Taking. It should be noted that the Council can Counter-Offer should they desire to do so. A map will be provided by the Town Manager to further define the area being considered.

**MOTION:** Councilor Dayton motioned and Councilor Coleman seconded to Consent to the Acquisition or Counter-Offer by the MaineDOT of Parcel No. 3, owned by the Town of Old Orchard Beach identified on a plan known as Right of Way Map, State

Highway “Saco Avenue,” Project No. STP-1733(400X), on file in the Augusta Headquarters of MaineDOT, File No. 16-473 with just compensation offered in the amount of \$8,450 upon filing of the taking and releasing the MaineDOT from any further claim of just compensation arising from the Property Rights taken in connection with the Project; however, if any changes in design or construction occur after date of this settlement and negatively impacting the Property owner’s land in an unanticipated manner, the Property Owner shall have the right to request that this Settlement be rescinded.

**VOTE: Unanimous.**

**# 5641 Discussion with Action: Approve the final bill from Risbara Bros. for completion of the West Grand sewer project, on West Grand Avenue, Colby Avenue, Winona Avenue, Ancona Avenue, and Oceana Avenue & Seaside Ave, in the amount of \$17,209.88, from Account Number 31141-50867 – Sewer Maintenance Improvement – non capital, with a balance of \$1,257,717.04**

**Discussion over the correction needed to the correct the Agenda Item from Account Number 31141-50867 – Sewer Maintenance Improvement – non capital, with a balance of \$1,257,717.04 to West Grand Avenue Bond Project.**

**MOTION: Councilor MacDonald motioned Councilor Dayton seconded to Approve the final bill from Risbara Bros. for completion of the West Grand sewer project, on West Grand Avenue, Colby Avenue, Winona Avenue, Ancona Avenue, and Oceana Avenue & Seaside Ave, in the amount of \$17,209.88, from Account Number 31141-50867 – West Grand Avenue Bond Project.**

**VOTE: Unanimous.**

**# 5642 Discussion with Action: Approve the following curbing projects by Dayton Sand & Gravel totaling \$41,250.00, from Account Number 20203-50831, Stormwater Maintenance/ Improvement, with a balance of \$160,390.95.**

- (1) Curbing on First Street , from Heath Street to Atlantic Avenue, \$18,750.00;**
- (2) Curbing on Saco Avenue Phase I, from Heath Street to the old post office, \$11,250.00; and**
- (3) Curbing on Washington Avenue, from Saco Avenue to Atlantic Avenue, \$11,250.00.**

**A great deal of time included discussions by the Council and the audience on the various issues of the curbing in these areas and the need for this to be done and recommendations about the types of curbing and other issues as to safety elements in the areas where the curbing is being installed. Business owner, Ricki Letowt commented on personal experiences in these areas of the town.**

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

following curbing projects as indicated by Dayton Sand & Gravel totaling \$41,250.00, from Account Number 20151-50506 – Road Maintenance & Improvements, with a balance of \$8092.92 (as of 4/30/12) and transfer from Account Number 50508 into 50506.

**VOTE: Unanimous.**

**# 5643 Discussion with Action: Approve the following drainage projects by George R. Roberts Co. and Portland Plastic Pipe totaling \$87,468.00, from Account Number 20203-50831 - Stormwater Maintenance/ Improvements, with a balance of \$160,390.35.**

- (1) First Street drainage, from Heath Street to Atlantic Avenue, \$30,694;
- (2) Saco Avenue Phase I drainage, from Heath Street to the old post office, \$13,739;
- (3) Saco Avenue Phase II drainage, from old Post Office to Pine Avenue, \$17,059; and
- (4) Washington Avenue drainage, from Saco Avenue to Atlantic Avenue, \$25,976.

**PUBLIC WORKS DIRECTOR:**

(1) First Street drainage, from Heath St to Atlantic Ave

- a. 12 catch basins @ \$907.00 each = \$10,884
- b. 4 drain manholes @ \$860.00 = \$3,440
- c. 1,400 lf 15” pipe @ \$7.46/ft = \$10,444
- d. 240 lf 12” pipe at @ \$4.86/ft = \$1,166
- e. Stone
  - i. 1,640 lf pipe @ \$0.1799cy/ft, plus  
16 structures @ 2.4/cy  
= 340cy @ \$14.00/cy = \$4,760  
\$30,694

(2) Saco Ave Phase I drainage, from Heath St to the old post office (Fern Park Ave)

- a. 8 catch basins @ \$907.00 = \$7,256
- b. 2 drain manholes @ \$860.00 = \$1,720
- c. 600 lf 12” pipe @ \$4.86/ft = \$2,916
- d. Stone
  - i. 600 lf @ \$0.1799cy/ft, plus  
10 structures @ 2.4/cy at  
\$14.00/cy = \$1,847  
\$13,739

(3) Saco Ave Phase II drainage, from old post office (Fern Park) to Pine Ave

- a. 8 catch basins @ \$907.00 = \$7,256
- b. 2 drain manholes @ \$860.00 = \$1,720



- c. 1,050 lf 12" pipe @ \$4.86/ft = \$5,103
  - d. Stone
    - i. 1,050 lf @ \$0.1799cy/ft,  
plus 10 structures @ 2.4/cy  
at \$14.00/cy = \$2,980
- \$17,059**

**(4) Washington Ave drainage, Saco Ave to Atlantic Ave**

- a. 13 catch basins @ \$907.00 = \$11,791
  - b. 3 drain manholes @ \$860.00 = \$2,580
  - c. 1,500 lf 12" pipe @ \$4.86/ft = \$7,290
  - d. Stone
    - i. 1,500 lf @ \$0.1799cy/ft, plus  
16 structures @ 2.40/cy at  
\$14.00/cy = \$4,315
- \$25,976**

**MOTION:** Councilor Dayton motioned and Councilor Coleman seconded to Approve the following drainage projects by George R. Roberts Co. and Portland Plastic Pipe totaling \$87,468.00, from Account Number 20203-50831 - Stormwater Maintenance/Improvements, with a balance of \$160,390.35.

**VOTE:** Unanimous.

**# 5644 Discussion with Action:** Approve the following sewer projects by George R. Roberts Co. and Portland Plastic Pipe totaling \$22,093.00, from Account Number 20203-50508 – Sewer Maintenance/Improvements, with a balance of \$125,577.42.

- (1) Saco Avenue Phase II sewer, from old Post Office to Pine Avenue, \$13,852; and
- (2) Washington Avenue sewer, from Saco Avenue to Atlantic Avenue, \$8,241.

**1. Saco Ave Phase II sewer, from old post office (Fern park) to Pine Ave.**

- a. 8 sewer manholes @ \$877.00 = \$7,016
  - b. 885' 8" SDR35 pipe @ \$3.66/ft = \$3,239
  - c. 11 connections  
(8"-4" wye 4" pipe ferncos)  
X \$100.00 = \$1,100
  - d. Stone
    - i. 885' @ \$0.1799/cy/ft, plus 8  
SMHs @ 2.4/cy X  
\$14.00/cy = \$2,497
- \$13,852**

- (2) Washington Ave sewer, from Saco Ave to Atlantic Ave
  - a. 4 SMHs @ \$877.00 = \$3,508
  - b. 550 lf pipe 8" @ \$3.66/ft = \$2,013
  - c. 12 connections  
(8"-4" wye 4" pipe ferncos)  
X \$100.00 = \$1,100
  - d. Stone
    - i. 550 lf @ \$0.1799cy/ft, plus 4  
SMHs @ 2.4/cy X \$14.00/cy = \$1,520  
\$8,141

**MOTION:** Councilor Coleman motioned and Councilor Dayton seconded to Approve the following sewer projects by George R. Roberts Co. and Portland Plastic Pipe totaling \$22,093.00, from Account Number 20203-50508 – Sewer Maintenance /Improvements, with a balance of \$125,577.42.

**VOTE:** Unanimous.

# 5645 Discussion with Action: Approve bid from Poirier Guidelines for striping of all Town roadways, including parking stalls, stop bars, etc. in the amount of \$22,370.06 from Account Number 20151-50508 – Sewer Maintenance Improvements non-capital with a balance of \$39,290.37.

**PUBLIC WORKS DIRECTOR:** The Public Works Director went out to bid for this project. He approached five firms:

- Seabreeze Property Services, Inc.
- Markings Inc.
- Poirier Guidelines
- CJ's Fine Lines
- Hi-Way Safety Systems, Inc.

Attached to this commentary item is a list of individual costs for very aspects of the project from the five firms above. Poirier has been striping the Town for the past 25-30 years. They usually take three nights. The DPW does not need to send personnel with them.

Hi-Way Safety has never striped the Town. DPW personnel will need to be with them, it will most likely take four nights:

Cost to the Town:

Foreman - \$21.08/hour, at time and a half, plus 15%

Night differential - \$36.36/hr times 8 = \$290.90/night.

\$290 times 4 = \$1,163.62

\$21.08 time 8 times 4 = \$674.56

\$1,163.62 - \$674.56 = \$489.06 extra

Poirier uses Sherman-Williams paint. Hi-Way Safety uses Franklin paint. Sherman-Williams is superior; secondly are they compatible?

The Public Works Director recommends Poirier.

**MOTION:** Councilor MacDonald motioned and Councilor Dayton seconded Approve bid from Poirier Guidelines for striping of all Town roadways, including parking stalls,

stop bars, etc. in the amount of \$22,370.06 from Account Number 20151-50508 –  
Sewer Maintenance Improvements non-capital with a balance of \$39,290.37.

**VOTE: Unanimous.**

**# 5646 Discussion: Consider the Memorandum of Understanding Submitted by the Board of Directors of the Edith Belle Libby Memorial Library.**

**BACKGROUND: At a recent Workshop the Edith Belle Libby Memorial Library Board of Directors have agreed that the Library employees will fill out the necessary employment forms to allow the Town to start processing the Library's payroll and pay their invoices and keep the library in operation. This evening the Council will discuss the Memorandum of Understanding along with the changes that have been suggested to the Council by the Town Manager, Mark Pearson.**

**In March it was discovered that there had been an alleged embezzlement of funds from the Edith Belle Libby Memorial Library. The issue is currently under investigation. The library, which is a quasi-municipal corporation with bylaws and a Board of Trustees, had previously used a payroll service. Since that time the Town Manager, Mark Pearson, asked the Library to hand over its payroll and financial documents so that the Town could handle its payroll and accounts payable. Library officials had asked the Town manager to sign a Memorandum of Understanding as recommended by the Southern Maine Library District, which would outline an agreement to have the Town process payroll and accounts payable, and have the Library remain under the control of its Board of Trustees. They initially said they would not hand over the documents until it was signed but the Town Manager refused to sign the Memorandum of Understanding saying it was the Town Council's decision. In discussing the Memorandum of Understanding it was decided to delete a part of a sentence that states the Town will pay out manual checks because the Town does not have this type of purchasing system. The Library's concern was that this type of process would give the Town too much control over the Library as the Library is a Corporation, not a Town Department. After a lengthy discussion the Trustees and the Town Council came to an understanding about the Memorandum of Understanding with the suggestion that it would be brought forward on the next Special Town Council Meeting scheduled for May 24, 2012. The Council agreed to have a clause that would allow either party to discontinue the terms of the Agreement by giving notice of termination at least a year prior to the beginning of the Town's fiscal year. Mark Koenig said he understood after attending a Workshop last week that there would be a vote that night and he thought the Town Council was delaying a vote. During the discussion the Board of Trustee President, Jerome Plante, said the Library has received a check in the amount of \$50,000 from an insurance policy which will put a good dent into what is missing from the alleged embezzlement and that this would be returned to the taxpayers. The Town Manager also indicated that there does not appear to be any issue with the Memorandum of Understanding but the Council may want to have our Attorney review it again to consider changes, but not limited to, being more precise about how paperwork is processed; making it clear we are processing and paying out of our annual contribution to the Library; being clearer about the Amendment and termination. It should be noted that during the discussion the issue of the line item budget required by change in the Charter, effective July 1, 2012, will also raise issues relative to the way the Library proposes its budget which includes the ability to transfer from line to line. The Town Manager sought to explain**

the purchasing process which included the issuing of purchase orders through the MUNIS program which is the financial system used by the Town which creates an automatic PO number and assigns it to that purchase and the PO is tied to the vendor record as well. If the purchases causes the line to exceed the budget at this point the purchase can be ceased until the Town Manager resolves the expenditure in terms of what will be expended – what may require Council approval, prior to the purchase being made. Once the purchase order is approved the line-item expenditures is encumbered thus creating an expenditure for financial reports regardless of whether the invoice has been paid and this is a very important part of the process. The individual requesting the PO is provided the number which allows the vendor, if it is approved, to be paid. The purchase is made and the PO number is the reference number that the vendor indicates on the invoice. When the invoice is received it is matched – the PO to the invoices and refers to the vendor reference to our PO. If the Library used their own PO process there will be no purpose because there will not be any PO in our system. The Finance Director had indicated to the Council and to the Town Manager that it will be impossible to manage the expenditures by line-item for the Library without the PO system being utilized in advance of the purchase. During the evening several members of the Board of Trustees of the Library spoke about the need to move forward on these issues and also the deep concern about the well being of the Library staff who are under great stress and it is beginning to take its toll. Again the Council encouraged the Library to move forward with the requests of the Administration and the assurance that invoices will be paid and staff paid. A suggested warrant was shown to the Council emphasizing the process that is addressed by the Town. Although it was suggested that the Council is dragging its feet, the Council Chair encouraged everyone that this is moving forward and the process is ongoing. It was also indicated that a stronger set of policies and procedures has already been addressed by the Board of Trustees for the furtherance of business operations in the Town.

**# 5647 Discussion with Action: Confirm the Appointment and two-year contract for Catherine Saltz, Town Treasurer/Finance Director, effective May 31<sup>st</sup>, 2012 to May 31<sup>st</sup>, 2014.**

**MOTION: Councilor Coleman motioned and Councilor Dayton seconded to: Confirm the Appointment and two-year contract for Catherine Saltz, Town Treasurer/Finance Director, effective May 31<sup>st</sup>, 2012 to May 31<sup>st</sup>, 2014.**

**VOTE: Unanimous.**

**# 5648 Discussion with Action: Approve the Special Event Permit application for the Knights of Columbus to hold their second annual “Tootsie Roll Drive” on the sidewalks on Old Orchard Street and the Square on Saturday, June 30<sup>th</sup>, from 4 p.m. to 9 p.m.; and a request to waive the fee.**

**# 5649 Discussion with Action: Approve the Special Event Permit application for the Veterans Memorial Park Committee to hold “Illumination Night” in Memorial Park on Sunday, May 27, 2012 from 4:00 p.m. to 10:00 p.m.; and a request to waive the fee.**

**MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Approve the Special Event Permit applications of Agenda Item Number 5648 and 5649 as read.**

**VOTE: Unanimous.**

**# 5650 Discussion with Action: Accept, with regret, the resignation of Leigh “Traci” Gikas from the Community Animal Watch Committee.**

**MOTION: Councilor Coleman and Councilor Dayton seconded to Accept, with regret, the resignation of Leigh “Traci” Gikas from the Community Animal Watch Committee.**

**VOTE: Unanimous.**

**# 5651 Discussion with Action: Move Maria Pastulovic and Michelle Greenlaw to Regular Members from Alternate Members of the Community Animal Watch Committee, term to expire December 31, 2013; appoint Paul Niemczyk as a Regular Member of the Community Animal Watch Committee, term to expire December 31, 2013; and Appoint Lorraine “Lorrie” Moore as an Alternate to the Community Animal Watch Committee, term to expire December 31, 2013.**

**MOTION: Councilor MacDonald motioned and Councilor Coleman seconded to Move Maria Pastulovic and Michelle Greenlaw to Regular Members from Alternate Members of the Community Animal Watch Committee, term to expire December 31, 2013; appoint Paul Niemczyk as a Regular Member of the Community Animal Watch Committee, term to expire December 31, 2013; and Appoint Lorraine “Lorrie” Moore as an Alternate to the Community Animal Watch Committee, term to expire December 31, 2013.**

**VOTE: Unanimous.**

**# 5652 Discussion with Action: Cancel the Regular Town Council Meeting on Tuesday, July 3, 2012.**

**MOTION: Councilor Coleman motioned and Councilor MacDonald seconded to Cancel the Regular Town Council Meeting on Tuesday, July 3, 2012.**

**VOTE: Unanimous.**

**# 5653 Discussion with Action: Approve payment of \$13,782.40 to Ted Berry Company for Municipal Vactor Truck day rate; for technical labor; and for disposal at Ecomaine on April 9, 10, and 11, 2012 from Account Number 20161-50342 – Waste Pumping Expense, with a balance of \$91,518.97.**

**BACKGROUND: The Superintendent of the Waste Water Department explained that Ted Berry Company, a sole-source, provided a Vactor Truck Day Rate in the amount of \$1,875 each day for three days for a total of \$5,625; with an additional cost for Technician Labor at \$40 per hour for a total of 54.5 hours and a cost of \$2,180; and a cost of \$1,102.31; \$1,195.48;**

**\$1,134.98; \$1,452; and \$1092.63 for Disposals at Ecomaine from April 9, 10 and 11; for a combined cost of \$13,782.63.**

**It was noted by the Chair that balance on this account was incorrect; it should be \$27,756.**

**MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Approve payment of \$13,782.40 to Ted Berry Company for Municipal Vector Truck day rate; for technical labor; and for disposal at Ecomaine on April 9, 10, and 11, 2012 from Account Number 20161-50342 – Waste Pumping Expense, with a balance of 27,756.**

**VOTE: Unanimous.**

**# 5654 Discussion with Action: Approve Liquor License Renewals for Lesla M. Watson dba/Pierre's Restaurant (306-4-4), 47 East Grand Avenue, s-m-v in a Restaurant; Oceanside Investment Group dba/Myst Restaurant (306-1-2-I), 1 East Grand Avenue, Suite 2, s-m-V in a Restaurant/Lounge; and Venetia Kouzounas dba/Venetia's Restaurant (313-4-3), 93 West Grand Avenue, m-v in a Restaurant.**

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

**VOTE: Unanimous.**

**# 5655 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 Approve the Special Event Permit application as read.**

**VOTE: Unanimous.**

**GOOD AND WELFARE:**

**CARL D'AGOSTINO, a member of the Planning Board spoke about applying for a seat on the Conservation Commission and according to an e-mail from the Chair of the Conservation Commission was told that he would not be considered. He spoke of an indication that the Planner and Chair of the Planning Board had indicated that he had shown inappropriate behavior in not removing himself from an issue where he had spoken to a contractor of an agenda item that was being considered. He indicated that that discussion had already come to resolution and that he didn't see any impropriety. He reflected on the Charter - Sec. 409.3(b) - Confirm or appoint officers or officials, as follows:**

**b) the Town attorney, the auditor, the members of the Zoning Board of Appeals, the Members of the Planning Board, the members of the Conservation Commission, the members of the Recreation Committee and all other non-elective statutory and advisory officers, boards, commission and committees shall be appointed by the Town Council.**

the Town Council may remove any of its appointees under paragraph (above after providing 60 days written notice of such intent, with reasons therefore, and providing the appointee an opportunity for hearing which shall be conducted in compliance with 1 M.R.S.A. [§ 401](#) et seq.

**MARK KOENIGS:** He again spoke about the item on the agenda in reference to the Library and indicated that he felt the Council was dragging their feet on this important issue. He reminded the Council that the Library had already prepared and given their budget to the Town and that the Council should move forward with this as well.

**JAY CHASE:** He thanked the Council for allowing the ceremony at Memorial Park for the Roger White family. He also reminded everyone to come and help cleaning the park on Saturday from 10 to 2. He then talked about his application for employment at the Park this summer. He had worked there the former two years and had done a job which had brought the praise of citizens and town administration alike. He complained about the requirement to drive a car. He talked about the cost of mowing the lawn when a member of the Public Works is asked to do it. He agreed with the hiring process and had asked the Human Resource Director be in attendance but did not see her. The option that was presented was the possibility of an Executive Session at another time but he was directed to the office of the Assistant Town Manager to present a request in letter form.

**NEAL WEINSTEIN:** He made the accusation that there was a computer stolen from the Town Hall and it should be reviewed. He talked about suggested changes to the roadway by the downtown Square area and also the roadway by the Bagel Shop on Old Orchard Street.

**ADJOURNMENT:**

**MOTION:** Councilor MacDonald motioned and Councilor Dayton seconded to Adjourn the Town Council Meeting at 11:07 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 twenty-three (23) pages is a copy of the original Minutes of the Town Council Meeting of May 16, 2012.

V. Louise Reid