

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

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, November 20, 2012. Chair MacDonald opened the meeting at 7:01 p.m.

The following were in attendance:

**Councilor Sharri MacDonald
Councilor Laura Bolduc
Councilor Michael Coleman
Councilor Robin Dayton
Councilor Dana Furtado
Councilor Linda Mailhot
Councilor Bob Quinn
Town Manager Mark Pearson
Assistant Town Manager V. Louise Reid**

**Pledge to the Flag
Roll Call**

PRESENTATION:

**Presentations by Chief Dana Kelly to Deputy Chief Keith Babin
for 26 years of dedicated service to the Old Orchard Beach Police Department
and the citizens of Old Orchard Beach**

and to:

**Suzanne D. Makoge, Administrative Assistant, for 30 years of dedicated service
to the Old Orchard Beach Police Department
and the citizens of Old Orchard Beach**

**Presentation by Assistant Town Manager to Town Clerk, Kim McLaughlin,
Maine Town and City Clerk's Association Plaque
As President of the Association**

ACKNOWLEDGEMENTS:

COUNCILOR DAYTON: I would like to invite all citizens to attend Celebration By the Sea on December 2, 2012 from 1:00 to 3:00 including a visit by Santa and his staff; activities for children and adults, popcorn, candy canes, face painting, balloons, etc., and a load of fun things for all citizens and visitors alike. Come down and enjoy this festive activity.

ASSISTANT TOWN MANAGER: Our thanks to the members of OOB 365 and the Lions Club for another successful Community Dinner held on Veteran's Day at the Lions Club. There were approximately 250 individuals, old and young alike, who attended and enjoyed turkey and all the trimmings. Over twenty volunteers provided service through the meal and again it was an enormously successful event giving all who attended the opportunity to enjoy not only each other's company but a fabulous meal. I would also like to express appreciation to James Macomber of Macomber Builders of Saco for the work he did in providing the new seating for the Town Council. We were impressed with his workmanship but also the neatness in which he did his work considering all that was involved. Also thanks to Steve of S& R Electric for his services as well.

ACCEPTANCE OF MINUTES: Town Council Meeting Minutes of October 16, 2012.

MOTION: Councilor Dayton motioned and Councilor Coleman seconded to Accept the Town Council Minutes of October 16, 2012.

VOTE: Unanimous (4 previously sitting Councilors).

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 7: 11 p.m.

Mark Desmarais/dba Quality Floor Finishers, Inc. (107-2-32), 3 Vallee Lane, Retail; Janice Tabone (206-4-5), 100 Saco Avenue, one year round rental; Frank Digiandomenico (301-3-1, #205), 189 East Grand Avenue, Unit 205, one year round rental; Chris Brand (302-6-7, # 5 & 6), 165 East Grand Avenue, Units 5 & 6, two seasonal rentals; JLS Properties LLC (315-19-1), 78 Ocean Avenue, eight year round rentals; Norman & Denise Minor (319-14-2), 1A Odessa Avenue, one seasonal rental; Norman & Denise Minor (319-14-3), 4 Reggio Avenue, one seasonal rental; and Joanne Miller & Paul Rehkopf (323-2-2), 17 Massachusetts Avenue, one year round rental.

CHAIR: I close this Public Hearing at 7:13 p.m.

MOTION: Councilor Coleman motioned and Councilor Quinn seconded to approve the Business Licenses as read.

VOTE: Unanimous.

PUBLIC HEARING SPECIAL AMUSEMENT PERMITS:

CHAIR: I open this Public Hearing at 7:13 p.m.

Michael H. Mezoian & Gregory G. Mezoian dba/The Captain's Galley Restaurant (208-1-6), 168 Saco Avenue, D.J. Inside – 11:00 a.m. to 11:30 p.m.; and Ocean Pizza Inc. dba/Ocean Pizza and Pasta (210-2-51), 2 Ocean Park Road, Musician – Inside – 7:00 p.m. to 10:00 p.m. on some Fridays.

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

MOTION: Councilor Mailhot motioned and Vice Chair Bolduc seconded to approve the Special Amusement permits as read.

VOTE: Unanimous.

TOWN MANAGER'S REPORT:

I had the opportunity to travel to Freeport and Brunswick for the inauguration of both new train stations. It was a day that was interesting to see what was being developed as it concerns the operation and expansion of Amtrak Downeaster train service through Old Orchard Beach. Our train station has been cleaned, painted, screened under roof to prevent birds and installations of two lights and new signs hung. The Department Heads met with the Director of Maine Municipality's Risk Management Department and reviewed the Loss Program which affects our insurance rate. We were impressed that for most of the areas of discussion our Department Heads were on board with all the requirements that are necessary and expected in the operations of their various town facilities. We began the Town audit that is ongoing through November. I expect to bring to the Council for approval the confirmation and appointment of the new Finance Director at the Town Council Meeting on December 4, 2012. I am pleased to report that we received an insurance payment in the amount of \$91,800 relative to the loss of town funds as a result of the Library situation. I am also pleased to report that we received a check for \$11,747.00 for overpayment and over insurance for 26 vehicles that the Town Of Old Orchard Beach doesn't own. This rebate will go towards the General/Vehicle/Flood insurance line – # 20101 50371 - which was overspent by \$8,378.00 and show a surplus of \$3,369.00. We also received a reimbursement check in the amount of \$5,360.00 for park bench castings that I mentioned to the last Council – that was part of the CDBG Façade Grant for downtown. The bench castings were paid in full on June 8, 2011 and never delivered. The company claimed to have gone out of business; changed the company names three (3) times; and claimed it was insolvent. We have a postdated check dated December 28, 2012 for the full amount. Once the funds clear, we will order the proper benches and have them installed in the downtown and be in compliance with the grant expenditures. Additional savings since my arrival in February of 2012: Tax Liens - \$25,000, Northern Capital - \$15,000, Benches - \$5,360, Vehicle overpayment - \$11,747, and Insurance payout - \$91,800. I am also pleased that Gary Curtis, Chair of the RSU 23, has indicated tome that there is a possible savings in the amount of \$80,000 as a result of the passage of the most recent RSU budget. There have been payments of some unpaid taxes which have bee noted as well as we have been able to set up paying plans for them. This would be in the area of \$25,000 to \$30,000.

NEW BUSINESS:

5768 Discussion with Action: Approve the first year funding of a five year lease with Gorham Leasing Group for purchase of a 2013 International 7400 Dump Truck with wing, plow, front plow and sander, in the amount of \$29,493 from Account Number 20151-50330 – Equipment Replacement/Lease, with a balance of \$57,673.88.

MOTION: Councilor Mailhot motioned and Vice Chair Bolduc seconded to Approve the first year funding of a five year lease with Gorham Leasing Group for purchase of a 2013 International 7400 Dump Truck with wing, plow, front plow and sander, in the amount of \$29,493 from Account Number 20151-50330 – Equipment Replacement/Lease, with a balance of \$57,673.88.

VOTE: Unanimous.

5769 Discussion with Action: Accept donation of \$750 from Extreme Clean toward the school and adult scholarship program in consultation with the Department of Public Works and the Recycling Committee. Set up a separate scholarship account, to include approximately \$1,250 to be deposited from the Department of Public Works' CLYNK account to the new scholarship account.

MOTION: Councilor Mailhot motioned and Councilor Furtado seconded to Accept donation of \$750 from Extreme Clean toward the school and adult scholarship program in consultation with the Department of Public Works and the Recycling Committee. Set up a separate scholarship account, to include approximately \$1,250 to be deposited from the Department of Public Works' CLYNK account to the new scholarship account.

VOTE: Unanimous.

5770 Discussion with Action: Accept the Maine Municipal Association's (MMA) Safety Enhancement Grant Approved by MMA on November 5, 2012, in the amount of \$1,526.95, for the Department of Public Works to purchase chainsaw safety equipment, vests and hardhats.

MOTION: Councilor Coleman motioned and Vice Chair Bolduc seconded to Accept the Maine Municipal Association's (MMA) Safety Enhancement Grant Approved by MMA on November 5, 2012, in the amount of \$1,526.95, for the Department of Public Works to purchase chainsaw safety equipment, vests and hardhats.

VOTE: Unanimous.

5771 Discussion with Action: Set the Public Hearing date of December 4, 2012 to Amend the Town of Old Orchard Beach Code of Ordinances, Section 54-187, Restrictions and Prohibitions, amending the 10-minute Parking on West Grand Avenue by Union Avenue.

MOTION: Vice Chair Bolduc motioned and Councilor Furtado seconded to Set the Public Hearing date of December 4, 2012 to Amend the Town of Old Orchard Beach Code of Ordinances, Section 54-187, Restrictions and Prohibitions, amending the 10-minute Parking on West Grand Avenue by Union Avenue.

VOTE: Unanimous.

5772 Discussion with Action: Set a Public Hearing date of December 4, 2012 to Adopt an Ordinance to ensure the adequate long-term operation and maintenance of post-construction best management practices (BMPs).

MOTION: Councilor Quinn motioned and Councilor Coleman seconded to Set a Public Hearing date of December 4, 2012 to Adopt an Ordinance to ensure the adequate long-term operation and maintenance of post-construction best management practices (BMPs).

VOTE: Unanimous.

5773 Discussion with Action: Approve Liquor License Renewals of Michael H. Mezoian & Gregory G. Mezoian dba/The Captain's Galley Restaurant (208-1-6), 168 Saco Avenue, m-s-v in a Restaurant; and Ocean Pizza Inc. dba/Ocean Pizza and Pasta (210-2-51), 2 Ocean Park Road, m-s-v in a Restaurant.

MOTION: Councilor Dayton motioned and Councilor Coleman seconded to Approve Liquor License Renewals of Michael H. Mezoian & Gregory G. Mezoian dba/The Captain's Galley Restaurant (208-1-6), 168 Saco Avenue, m-s-v in a Restaurant; and Ocean Pizza Inc. dba/Ocean Pizza and Pasta (210-2-51), 2 Ocean Park Road, m-s-v in a Restaurant.

VOTE: Unanimous.

5774 Discussion with Action: Approve the Special Event Permit application for the Salvation Army to hold their evening programs in the Square, in the area near the Pier, from 5 p.m. to 11 p.m. on Saturday, July 26, 2014 to Friday, August 1, 2014; and a request to place a banner in the Square from July 20, 2014 to August 1, 2014. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk's Office at least one month prior to the event; and a request to waive the fee.

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

VOTE: Unanimous.

5775 Discussion with Action: Approve the Special Event Permit application for the Salvation Army to hold their annual parade at 3:50 p.m. on Sunday, July 27, 2014, from Saco & Biddeford Savings Bank to the Pier parking area. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk's Office at least one month prior to the event; and a request to waive the fee.

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

Special Event Permit as read.

VOTE: Unanimous.

5776 Discussion with Action: Approve the Special Event Permit application for the Special Olympics of Maine to hold their annual Lobster Dip on the beach by the Brunswick on Tuesday, January 1st, 2013 from 9 a.m. to when the “Dip” takes place at noon; clean up by 2 p.m.; and a request to waive the fee. 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.

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

VOTE: Unanimous.

5777 Discussion with Action: Authorize the Raging Tide to use the photo taken of the Ballpark by John Apte of Aerial Advertising in their promotional documents and on their website; copyrights are owned by the Town of Old Orchard Beach.

MOTION: Councilor Dayton motioned and Councilor Coleman seconded to : Authorize the Raging Tide to use the photo taken of the Ballpark by John Apte of Aerial Advertising in their promotional documents and on their website; copyrights are owned by the Town of Old Orchard Beach.

VOTE: Unanimous.

GOOD AND WELFARE:

JEROME BEGERT: Congratulations to Councilors Dayton and Quinn for their reelection; and to Councilors Mailhot and Furtado and Vice Chair Bolduc for their election to the Council. This is going to be a good working group. Congratulations also to our new State Representative Sharri MacDonald. He also thanked the Town Manager for working to get the Library funds back for the Town and asked where it would be put. The Town Manager related that it would be in the Town Miscellaneous Revenue Account. He also asked about the computer software issue that the Town Manager was to review and the Town Manager responded that it was still under investigation.

JOHN ZEMAN: He had been bitten by a dog either in Scarborough or in Old Orchard depending on the location at the Scarborough and Old Orchard Line. He questioned whether a dog had to be on a leash and the Chair indicated the Chief of Police could answer to the leash law. Mr. Zeman argued that why would they not have to be on a leash; he indicated that in Boston and in Florida dogs have to be on leashes. He also indicated that he would have to endure many shots as a result of this incident and that it is painful.

CHIEF KELLEY: He explained the leash law and that a dog owner needed to have control of his or her animal or could be cited. He also said, at the request of the Chair, would follow up with Mr. Zeman.

Discussion continued through the Council amongst themselves. Chair MacDonald explained her meeting with the Assistant Town Manager and presenting approximately nineteen items that have come forward in a number of ways through the Council and through discussions. The Assistant Town Manager acknowledged that it was a very productive meeting detailing many suggestions for future discussions with Council moving forward the goals and objectives of the Town and the Council. Councilor Dayton questioned whether every Councilor could have this type of discussion with the Assistant Town Manager or the Town Manager. She argued that it appeared decisions were being made without the support of the entire Council. She specifically mentioned not having Workshops televised when they had been televised before but was reminded by the Chair that as discussed that day with the Town Clerk, the Charter indicates only Budget Workshops need to be televised and that with the scheduling it has been difficult to televise every Committee and Board meeting. Discussion continued between Councilor Dayton and Chair MacDonald with the Chair explaining that nothing is set in stone; that these were issues that have been discussed many time by many different Councilors and citizens; and they are food for thought; and an opportunity for the new Council to have some ideas for discussions, workshops, etc. Nothing is dictatorial but rather a set of ideas to give the Department Heads and Administration an idea of where the Council may be going in the future and give them a heads up. The Chair acknowledged that any individual can bring forward an item to the attention of the Chair for consideration by the Council. Vice Chair Bolduc suggested that a open communication between Council as she had experienced in her previous experience as Chair of the School Board would be a constructive way to move ahead. Members of the School Board were amply given the opportunity to recommend subjects for discussion and the ability to address issues and it provided an open discussion for all concerned and that she hoped that we could move the municipality forward in such a way. She suggested that in the true spirit of leadership and cooperation, she read the detail account of the Chair's meeting with the Assistant Town Manager as an effort to set some food for thought for not only the Council but the Administration. Jerome Begard indicated that the Council members are hearing the same thing from both sides of this issue. The Charter indicates that anyone can bring forward items to the Administration and discuss generalities of policies or procedures. So as a courtesy to the Administration and not blind- sighted – the answer is “yes” – you can discuss generalities with the Administration but no edicts can be brought forward. The Chair requested that the Assistant Town Manager provide on the next agenda a discussion with action item on issues being brought forward for consideration by the Council by consensus.

5778 Executive Session: AFSCME Council 93, Local 481-06, Old Orchard Beach Waste Water Treatment Plant Union Contract, pursuant to 1 M.R.S.A., Section 405(6)(d). (Note: This item discusses labor negotiations and the Council anticipates that the discussion portion will occur in Executive Session.)

MOTION: Councilor Dayton motioned and Councilor Coleman seconded to Enter into Executive Session: AFSCME Council 93, Local 481-06, Old Orchard Beach Waste Water Treatment Plant Union Contract, pursuant to 1 M.R.S.A., Section 405(6)(d).

(Note: This item discusses labor negotiations and the Council anticipates that the discussion portion will occur in Executive Session.)

VOTE: Unanimous.

MOTION: Councilor Dayton motioned and Councilor Coleman seconded to Exit Executive Session: AFSCME Council 93, Local 481-06, Old Orchard Beach Waste Water Treatment Plant Union Contract, pursuant to 1 M.R.S.A., Section 405(6)(d).

VOTE: Unanimous.

5779 Executive Session: AFSCME Council 93 Local 481-06, Old Orchard Beach Public Works Department Union Contract, pursuant to 1 M.R.S.A., Section 405(6)(d). (Note: This item discusses labor negotiations, and the Council anticipates that the discussion portion will occur in executive session.)

MOTION: Councilor Dayton motioned and Councilor Coleman seconded to Enter into AFSCME Council 93 Local 481-06, Old Orchard Beach Public Works Department Union Contract, pursuant to 1 M.R.S.A., Section 405(6)(d). (Note: This item discusses labor negotiations, and the Council anticipates that the discussion portion will occur in executive session.)

VOTE: Unanimous.

MOTION: Councilor Dayton motioned and Councilor Coleman seconded to Exit the Executive Session: AFSCME Council 93 Local 481-06, Old Orchard Beach Public Works Department Union Contract, pursuant to 1 M.R.S.A., Section 405(6)(d).

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Councilor Dayton motioned and Vice Chair Bolduc 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 eight (8) pages is a copy of the original Minutes of the Town Council Meeting of November 20, 2012.

V. Louise Reid

