

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, July 2, 2013
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, July 2, 2013. Chair O'Neill opened the meeting at 7:02 p.m.

The following were in attendance:

**Chair Shawn O'Neill
Vice Chair Bob Quinn
Council Kenneth Blow
Councilor Roxanne Frenette
Councilor Jay Kelley
Councilor Malorie Pastor
Councilor Joseph Thornton
Interim Town Manager Robert Peabody, Jr.
Assistant Town Manager V. Louise Reid**

**Pledge to the Flag
Roll Call**

ACKNOWLEDGEMENTS:

ACCEPTANCE OF MINUTES:

Town Council Workshop Minutes of May 28, 2013; Town Council Workshop Minutes of May 29, 2013; Town Council Workshop Minutes of May 30, 2013; Town Council Meeting Minutes of June 4, 2013;

CHAIR O'NEILL: Because only Vice Chair Quinn was on the Council and attended when these Minutes were prepared the Town Council accepts these minutes as is with the caveat that only Vice Chair Quinn was a Town Councilor at the time of these meetings.

MOTION: Councilor Frenette motioned and Councilor Pastor seconded to Accept these Minutes with the caveat that only Vice Chair Bob Quinn was a Town Councilor at the time of these meetings.

VOTE: Unanimous.

ACCEPTANCE OF MINUTES:

Administrative Review Board Minutes of June 6, 2013; Administrative Review Board Minutes of June 11, 2013; Administrative Review Board Minutes of June 18, 2013; Special Town Council Meeting Minutes – Canvas and Certification – June 17, 2013; Special Town Council Meeting Minutes – Inauguration – June 17, 2013; Town Council Minutes of June 18, 2013; Town Council Workshop Minutes of June 19, 2013; Special Town Council Meeting Minutes of June 24, 2013; Executive Session Minutes of June 24, 2013.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Accept the Minutes as read.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR O'NEILL: I open this Public Hearing at 7:06 p.m.

Charles Solesky (306-1-2), 1 East Grand Avenue, three push carts, Victualers with Preparation; one push cart, games of skill; Patricia Pittman (311-11-1), 35 Fifteenth Street, one year round rental; Roger & Maureen Desveaux (316-13-8), 22 Union Avenue, two year round rentals; Justin & Jody Stiegemeyer (321-4-4), 9 Ancona Avenue, one year round rental; James MacDougall (321-4-8), 4 Colby Avenue, one seasonal rental; and Holly & Ron Amidon (322-3-3), 25 Massachusetts Avenue, Use of sleeping rooms with approved egress on second floor, one year round rental.

CHAIR O'NEILL: I close this Public Hearing at 7:07 p.m.

MOTION: Councilor Kelley motioned and Councilor Frenette seconded to Approve the Business Licenses as read.

VOTE: Unanimous.

TOWN MANAGER'S REPORT:

The continuous rain has resulted in the ground being saturated, which has caused flooding issues in some areas. The Public Works Department has been doing their best to address the issues as they arise. The Manager's Office and Finance Department were busy last week with preparing for and attending the evening budget sessions. Code Enforcement has been proactively addressing ordinance and land use violations as well as citizen complaints. Many times this involves other department such as police, fire and the Manager's Office. Should Council receive complaints or concerns, please notify the Manager's Office.

NEW BUSINESS:

5966 Discussion with Action: Approve the transfer of the Defendant in Rem CR-13-280 (\$2,964.40), or any portion thereof, pursuant to M.R.S.A., Section 5824(3) and Section 5826(6) and accept the seizure money should it be awarded by the Courts.

BACKGROUND: A defendant in rem would be a defendant in an in rem action. In the US, we recognize two types of actions, in personam and in rem. An in personam action seeks to hold the defendants personally liable for something, such as damages or an injunction. An in rem action adjudicates rights to a thing or its legal status. The judgment in an in rem action is more of a declaration of rights rather than a judgment against specific parties. The Police Department often will receive drug money by the Courts which can be used for purchase of equipment, etc., or could be put into the General Fund.

MOTION: Vice Chair Quinn motioned and Councilor Blow seconded to Approve the transfer of the Defendant in Rem - CR-13-280 (\$2,964.40), or any portion thereof, pursuant to M.R.S.A., Section 5824(3) and Section 5826(6) and accept the seizure money should it be awarded by the Courts.

VOTE: Unanimous.

5967 Discussion with Action: Approve the Special Event Permit application from Surfrider Maine to host their annual beach clean-up at the end of Walnut Street, on Saturday, July 20th, 2013 starting at 9 a.m.; request to waive the fee.

MOTION: Councilor Frenette motioned and Councilor Pastor seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

5968 Discussion with Action: Approve the Special Event Permit application for Pine Point Vista Condo Association to hold their meeting of the Association with a bonfire on the beach in front of 205 East Grand Avenue on August 17, 2013, with a rain date of September 7, 2013, from 6:00 p.m. to 11:00 p.m.

MOTION: Vice Chair Quinn motioned and Councilor Thornton seconded to Approve the Special Event permit as read.

VOTE: Unanimous.

5969 Discussion with Action: Approve the Special Event Permit application for MAPS to hold their annual Breakaway 5K Road Race on Saturday, August 17th, 2013 starting at 8:00 a.m. in the Square. 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 Frenette motioned and Councilor Pastor seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

5970 Discussion with Action: Canvass and Certify the results of the Recount on Question #3 held on June 20, 2013.

BACKGROUND:

The results for the Recount, which was held on June 20, 2013 as declared by Town Clerk, Kim McLaughlin, is as follows;

Question 3: Shall Councilor Michael Coleman be recalled?

YES	1082****
NO	1063

The original certification approved by the Town Council on June 17, 2013, from Recall Election held on June 11, 2013 were as follows:

YES	1073
No	1062

MOTION: Councilor Frenette motioned and Councilor Pastor seconded to Canvass and Certify the results of the Recount on Question #3 held on June 20, 2013.

VOTE: Unanimous.

5971 Discussion with Action: Accept, with regret, the resignation of John Moore and Patricia Carter from the Ballpark Commission; Move Robert Rings to Regular Member of the Ballpark Commission, term to expire December 31, 2015; Appoint Michael Fortunato as an Alternate Member of the Planning Board, term to expire December 31, 2015; Appoint David Boudreau as 2nd Associate to the Zoning Board of Appeals, term to expire December 31, 2015.

MOTION: Councilor Frenette motioned and Councilor Pastor seconded to Accept, with regret, the resignation of John Moore and Patricia Carter from the Ballpark Commission; Move Robert Rings to Regular Member of the Ballpark Commission, term to expire December 31, 2015; Appoint Michael Fortunato as an Alternate Member of the Planning Board, term to expire December 31, 2015; Appoint David Boudreau as 2nd Associate to the Zoning Board of Appeals, term to expire December 31, 2015.

VOTE: Unanimous.

5972 Discussion with Action: Appoint Councilor Joseph Thornton to the Biddeford Saco Old Orchard Beach Transit Committee.

BACKGROUND: The Shuttlebus Board is composed of three members from each community – Saco, Biddeford and Old Orchard. There is a Councilor from each Council; a community business associate and an appointed representative. Our community contribution is the input from James Harmon, Director of the Chamber of Commerce, Councilor Joseph Thornton and the Assistant Town Manager, V. Louise Reid who has served on the board of ten years. Councilor Roxanne Frenette served for many years as the representative and was recently honored by the Shuttlebus Board.

MOTION: Councilor Pastor motioned and Councilor Frenette seconded to Appoint Councilor Joseph Thornton to the Biddeford Saco Old Orchard Beach Transit Committee.

VOTE: Unanimous.

5973 Discussion with Action: Approve the Liquor License Renewal for Lafayette Old Orchard LLC dba/Beach Street Café (313-6-1), 77 West Grand Avenue, m-s-v in a Restaurant.

MOTION: Councilor Pastor motioned and Councilor Frenette seconded to Approve the Liquor License Renewal as read.

VOTE: Unanimous.

GOOD AND WELFARE:

COUNCILOR KELLEY: He great praise to the Old Orchard Beach Campground, located as you enter into Old Orchard Beach, for the great job they have done sprucing up the entrance to the Campground and making it look very attractive for the visiting public. He encouraged other businesses to take notice of what they have done.

RUSS WARRINER: He is the Founder of the POW-MIA Recognition Weekend and he indicated that upcoming events and invited Council and the citizens to attend. The purpose of the Weekend he said was to Educate – Promote Patriotism Honor the Military Past, Present and Future. He announced that on Saturday, July 6, 2013 there would be a Maine Heroes Fund Car Wash at the Old Orchard Beach Fire Department from 8:00 a.m. to noon. On Saturday, July 13, 2013 a Public Bean Supper will be held at the Lions Club on Saco Avenue from 4:00 p.m. to 7:00 p.m. with all veterans being served free. Wednesday, August 7, 2013 will be Military Appreciation Night at the Ballpark. In addition on Sunday, August 18, 2013, there will be a Veterans Helping Veterans Golf Tournament at the Dunegrass Country Club with a 2:00 p.m. Shotgun start. There will be great prizes for this event as well. He announced that all these events lead up to the POW/MIA Recognition Weekend scheduled for Friday, Saturday and Sunday, September 20, 21 and 22. This celebrates the 40 years since the release of our POW's from North Vietnam.

COUNCILOR KELLEY: He asked for a moment of Silence in honor of the firefighters who lost their lives in the Indiana search and rescue.

5974 **Executive Session: Discuss Labor Contracts:** (Note: This item discusses labor contract issues related to AFSCME Council 93, Local 481-06, Old Orchard Beach Public Works Department Union Contract; , Old Orchard Beach Local 2247 International Association of Firefighters AFL-CIO-CLO Union Contract; and Old Orchard Beach Patrolmen's Association – Maine Association of Police Union Contract as defined under Title 1 M.R.S.A., Section 405, 6(d), and the Council anticipates that the discussion portion will occur in executive session).

MOTION: Vice Chair Quinn motioned and Councilor Frenette seconded to Enter into Executive Session: Discuss Labor Contracts: (Note: This item discusses labor contract issues related to AFSCME Council 93, Local 481-06, Old Orchard Beach Public Works Department Union Contract; , Old Orchard Beach Local 2247 International Association of Firefighters AFL-CIO-CLO Union Contract; and Old Orchard Beach Patrolmen's Association – Maine Association of Police Union Contract as defined under Title 1 M.R.S.A., Section 405, 6(d), and the Council anticipates that the discussion portion will occur in executive session).

VOTE: Unanimous.

MOTION: Councilor Kelley motioned and Councilor Pastor seconded to Exit the Executive Session.

VOTE: Unanimous.

5975 **Executive Session:** For the purpose of discussion of matters associated with receipt of applications for employment of a new Town Manager. Pursuant to 1 M.R.S.A., Section 405(6)(A).

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Enter into Executive Session For the purpose of discussion of matters associated with receipt of applications for employment of a new Town Manager. Pursuant to 1 M.R.S.A., Section 405(6)(A).

VOTE: Unanimous.

MOTION: Councilor Frenette motioned and Councilor Blow seconded to Exit Executive Session at 10:00 p.m.

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Councilor Frenette motioned and Councilor Blow seconded to Adjourn the Town Council Meeting at 10:00 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 seven (7) pages is a copy of the original Minutes of the Town Council Meeting of July 2, 2013.

V. Louise Reid