

two year round rentals; Michael Petrone (104-2-10), 129 Portland Avenue, Unit 19, one year round rental; Ron & Kristen Hanson dba/Hanson's Hometown Hardware (205-15-1), 2 Cascade Road, Suite 6, Retail; Sun Wild Acres RV LLC dba/Wild Acres RV and Campground Resort (208-3-2-A), 179 Saco Avenue, Tent & Trailer Campground, Sites, Laundromat; Sun TRS Wild Acres LLC dba/Sun TRS Wild Acres LLC (208-3-2-B), 179 Saco Avenue, Victualers with Preparation, Alcohol off Premise; Coin Operated Devices, Vending Machines, Rental of Merchandise, Mini Golf, Recreational Vehicle Sales; Sun TRS Wild Acres LLC dba/Sun TRS Wild Acres LLC (208-3-2-C), 179 Saco Avenue, 45 RV Rentals, one year round rental, three seasonal rentals; Timothy Crane (305-2-1-44), 31 East Grand Avenue, #44, one year round rental; Tanya Robinson (305-3-9), 5 Boisvert Street, Unit #108, one year round rental; Finiko LLC dba/Les Crepes (307-2-1), 1 Old Orchard Street, Victualers with Preparation, No Alcohol Sales; and Vanessa & Ronald Darling (311-15-8), 10 Prospect Street, Building 8 & 10, two year round rentals.

Councilor Mailhot abstain as her husband has some interest in MKM Realty Trust.

Motion was made for that Company by Vice Chair Bolduc Seconded Councilor Quinn 6-0-1
Motion for the balance of others

Seconded Councilor Quinn Seconded Councilor Coleman 7-0

TOWN MANAGER'S REPORT:

Before you tonight-pending action, is the stipulation found in the proposed Consent Agreement proposed by the Town's Administrative Review Board with Kate's Butter addressing the moving of the business to Arundel. The matter of the Agreement was before the Council at its last meeting during which the proposed agreement was discussed. The matter was referred back to the Board with the Manager being directed to work the matter through with the Company and its attorney prior to the next Council meeting and Board meeting. The Company has agreed to and signed the moving stipulation. The Administrative Review Board will meet this Thursday to resolve the remaining issues.

Union negotiations are on going as Councilor Bolduc and I are now negotiating with the Public Works Department Union, Firefighters Union, and the Police Union. Regarding union matters, I will be participating in an arbitration hearing this Wednesday to resolve a Public Works grievance from last year.

The Finance Director and I continue to work on the budget in preparation for the upcoming workshops including meeting with Department Heads. Time has also been spent discussing and responding to information requests from the Council to help with the process.

The Assistant Town Manager, Safety Committee Chair Chris White and I met with representatives from MMA Risk Management regarding the Leader Program to which the Town is a member. The Leader Program affords credit applicable to Workers Compensation costs for developing and maintaining a safety program. Each year there is an annual evaluation that can lead to a Workers Compensation contribution reduction of up to 10%. For 2012, the Town's reduction was 8.5% equating to \$14,810. The meeting was to address the findings of the annual evaluation and responses to the Action Plan recommendations. Due to events, the Town was not current in its submittals and the Assistant Town Manager undertook the task of researching and providing the required information. In your Council Packet is additional information regarding this program and the meeting.

Just an alert to you and the public that this Sunday, June 9th, starting at 11:00pm to 7:am, Public Works will be painting crosswalks on Saco Avenue from Adelaid to Pine Avenue; on Washington Avenue from Saco Avenue to Atlantic Avenue; and E. Emmons Cummins for the Police Department to Dirigo Drive. Notice is also given on the Town's website. I would like to remind folks that the website also has monthly activity reports for each department.

NEW BUSINESS:

5948 Discussion with Action: Approve the Special Event Permit application for the Harley Davidson Motor Company to hold a Maine State H.O.G. Rally on Saturday, June 28th, 2014, from 7 p.m. to 11 p.m., to include a dance party, P.A. System and DJ, and closing ceremonies. First Street will be closed from Staples Street to the end of the Chamber of Commerce building. Motorcycles will be parking in part of the Memorial Park parking lot; a police escorted parade; possibility of a tent. Request for a banner in the Square and the Gazebo from June 26th-28th, 2014. Application fee to be paid to the Town Clerk's Office by August 1st, 2013. Insurance, listing the Town as additionally insured, to be provided to the Town Clerk's Office at least one month prior to the event.

**Town Clerk
Kim McLaughlin**

Bud Harmon from the Chamber of Commerce addressed the Council. Most of the event will be on High School property. Chief Kelley said the route would not interfere with town traffic. They will also make a donation to the local food pantry to cover parking. This is a competitive situation so he hopes OOB will accept this event which will be in 2014. The street closing from Staples to Heath would start at 6:30 Friday. It would be for about 4 hours. Vice Chair Bolduc said past experience with this event was uneventful except that neighbors were not notified it was going to occur. She suggested folks be notified in advance of it happening. The event spokesman said that past events have received raved reviews from places where the event has been held.

Motioned by Councilor Coleman with the changes Bud noted Seconded Councilor Furtado 7-0
Mary Beth Robillard mentioned the Library event that takes place every evening, She said she was sure something could be worked out. Vice Chair Bolduc suggested they tie the two events together.

5941 Discussion with Action: Accept the bid from Defining Lines Landscaping for weekly maintenance of Veteran's Memorial Park from June 5, 2013 through June 30, 2013, at a rate of \$380 per week for three-and-one-half-weeks (3 1/2) totaling \$1,330.00 from Account Number 20152-50310 – Service Contracts, with a balance of \$3,178; and pending the approval of the Fiscal 2014 budget from July 1, 2013 through October 31, 2013 at a rate of \$380 per week for eighteen weeks (18) totaling \$6,840.00; and to continue mowing fifteen (15) times at \$380 per mowing, totaling \$5,700 from Account Number 20152-50310 – Service Contracts.

**Public Works
Director
Bill Robertson**

Bill Robertson said they only got two bids on this. Hiring a seasonal person didn't work out. Councilor Mailhot asked what happened with hiring a Seasonal Employee. The Town Manager said it is a personnel matter and he is not at liberty to discuss it. Bill said defining lines has do it before
Motioned by Councilor Coleman
Seconded Councilor Dayton

Mary Beth Robillard said she doesn't know why their seasonal employee wasn't rehired. She said he has done a great job. She wants to make sure whoever does it will do everything that was done before. The Town Manager said if anything didn't go right to let the Town Manager or Bill know about it. John Bird said there was some confusion of the RPF as to how much time would be spent each week. Jay Chase said he had done this before and asked for an Executive Session to discuss why he wasn't being hired to do this again. He said he was denied that. Nobody has called him. The park means a lot to him. Councilor Dayton said this is not a personnel matter as the RFP was changed. The Town Manager said they followed the personnel policy. Councilor Dayton interrupted. The Town Manager said they did meet with Mr. Chase. Councilor Coleman said he does not think this is reviewable by the Council. Jay said the Councilor had not approved some of the test that were now required. Vice Chair Bolduc agreed with him. Councilor Dayton said she has tried for months to get the personnel policy on the agenda. She was corrected that it was the purchasing policy that she was talking about. She did say she has asked for it before. Mr. Chase said he does have a problem with the personnel department. Council Quinn said most of what's in there is for fiscal 2014. He doesn't think they should approve a contract that hasn't been funded. He thinks Public Works should be able to do it. Councilor Coleman said the item notes the 2014 status.

Councilor Dayton	Yes
Councilor Furtado	Yes
Councilor Coleman	Yes
Councilor Quinn	No
Councilor Mailhot	Yes
Vice Chair Bolduc	No
Chair MacDonald	No

4-3

5942 Discussion with Action: Accept and Approve the Stipulation of the Proposed Consent Agreement between the Town of Old Orchard Beach, Maine and Kate's Homemade Butter, Inc. (the "Operator"), to use its best efforts to complete and move to its new business operations facility in Arundel, Maine, on or before September 30, 2013; but if unable to move its operation to Arundel prior to the target date, the Operator shall provide to the Town Manager a thirty (30) day advanced notice and a new target date; and continue to monthly update the Code Enforcement Officer on the status of the project starting June 30, 2013 and provide reasonable access during that period and during normal business hours to the facility it is constructing in Arundel.

**Town Manager
Robert Peabody**

After much discussion on all sides (Neighbors, The Town Manager, Code enforcement and Kate's attorney) and questions as to if someone is actually living there in order for it to be a home based business, the attorney said he was his understanding that someone was living there and the neighbors said it appeared no one was living there. A neighbor addressed the Council and said someone at Kate's had called the police on her. She felt intimidated and upset. Other Councilors shared concern about the neighbor's feelings and their having to put

up with deadlines being missed for a long time. Councilors said that it appeared the current wording does not address the date to be out and other concerns of the neighbors. The neighbors said this all needed to be decided tonight: this has been going on since 2009. After lengthy discussion on correct procedures and policies, the final motion decided on is stated below as per Vice Chair Bolduc's motion to instruct the Town Manager to put the order together. Councilor Mailhot seconded. 7-0

(Please note Louise provided this below to the Interim Town Council Secretary as she said the attorney needed it the day after the Council meeting, she did state that she showed this to the Town Manager for approval).

Kate's Butter – Motion – June 4, 2013

VICE CHAIR BOLDUC MOTIONED AND COUNCILOR MAILHOT SECONDED TO:

Be it so Ordered by the Town Council that Kate's Homemade Butter, Inc. (the "Operator") complete and move to its new business operation facility in Arundel, Maine, on or before September 30, 2013; but if unable to move its operation to Arundel, Maine prior to this date, the Operator must notify the Town Council by August 30, 2013 which will set forth a Business License Revocation Hearing on or before October 1, 2013. If there is non-compliance to the Consent Degree to be approved at the Administrative Review Board Meeting on June 6, 2013, the business license may be revoked. The Operator shall provide monthly updates to the Code Enforcement Officer on the status of the project starting June 30, 2013; and shall provide reasonable access during normal business hours to the facility it is constructing in Arundel, Maine.

5943 Discussion with Action Regarding 13 Old Orchard Street Enforcement matter (Assessor's Map 307, Block 3, Lot 4), and disposing of Adjacent Town-owned property.

**Code Enforcement Officer
Jim Butler**

Jim said he was looking for direction from the Council as to how to proceed. The Chair asked for the options. Jim said one option would be to prosecute Harrisburg Group and Big Daddy's as a land use violation. Option number two would be deeding the property to Harrisburg Group reserving the right to access and maintain any existing utility lines. Option 3 would be to allow the encroachments to continue. This can be revoked at any time. There is still an outstanding code violation. He would recommend option three.

Councilor Mailhot confirmed that no one has tried to work out a consent agreement in the past. Jim Confirmed that.

Councilor Coleman made a motion to authorize the code enforcement officer and the Interim Town Manager to pursue option 3. (Council Coleman did not want this as part of the motion but wanted the Town to be compensated for the violation to date). He is asking for the Code Enforcement Officer to work on a consent agreement. Councilor Mailhot seconded the motion. Council Quinn asked for an agreement on a timeframe for this. Jim said 30 days would be agreeable. Councilor Quinn said let's make it until the 8th of July.

(Please note Louise provided this below to the Interim Town Council Secretary as she said the attorney needed it the day after the Council meeting: she stated that she had shown this to the Town Manager for approval)

TOWN COUNCIL MOTION – HARRISBURG – JUNE 4, 2013:
MOTION:

Councilor Coleman motioned and Councilor Mailhot seconded to Authorize the Town Manager and Code Enforcement Officer to address a fine for the violation that has occurred and form a Consent Agreement granting Harrisburg Group and Big Daddy's Bar and Grill, (Map 307, Block 3, Lot 4), a license to allow the encroachments to continue on Town of Old Orchard Beach property. If a Consent Agreement cannot be reached by July 8, 2013 to be addressed by the Town Council, authorize the Code Enforcement Officer to move forward with prosecuting the Harrisburg Group and Big Daddy's Bar and Grill as a land-use matter.

Councilor Dayton Yes
Councilor Furtado Yes
Councilor Coleman Yes
Councilor Quinn Yes
Councilor Mailhot Yes
Vice Chair Bolduc Yes
Chair MacDonald Yes

7-0

5944 Discussion with Action: Appoint Robert Peabody and Phil Weyenberg as Representatives to the Citizen's Board of the Maine Water Company/aka/ Connecticut Water Service (formerly Biddeford Saco Water Company). Chair
Sharri MacDonald

Motioned by Vice Chair Bolduc Seconded Councilor Dayton 7-0
Councilor Mailhot suggested the change the wording to the Town Manager

5945 Discussion with Action: Approve line item transfer from the Tax Department; transfer \$300 from Account Number 20104-50251 – Conference Training with a balance of \$475; to Account Number 20104-50500 – Office Supplies, with a balance of \$20.26; Approve line item transfer from Council's Department ; transfer \$1,100 from Account Number 20101-50310 – Service Contracts, with a balance of \$4,000; to Account Number 20101-50303 – Audit Services, with a balance of (\$1,100); Approve the line item transfer from the Town Manager's Department; transfer \$1,500 from Account Number 20102-50454 – Computer Support Services with a balance of \$10,203.06; to Account Number 20102-50500 – Administrative Office Supplies with a balance of (\$241); Approve the line item transfer from Town Manager's Department; transfer \$10,000 from Account Number 20102-50315 – User License with a balance of \$25,574.27; to Account Number 20102-50852 – Computer System Upgrade with a balance of \$4,913.62; Approve the line item transfer from the Public Works Department in the amount of \$1,500 from Account Number 20151-50101 - Department Head Salary, with a balance of \$12,316.49; to Account Number 20151-50108 – Seasonal Employee Wage with a balance of \$8,288.00; Approve the

Line item transfer from the Town Manager's Department in the amount of \$5,000 from Account Number 20102-50300 – Professional Engineering with a balance of \$10,738.78; to Account Number 20102-50809 – GIS Program with a balance of \$2,883.49; Approve the line item transfer from the Council Department; transfer \$300 from Account Number 20102-50549 – Miscellaneous Expense, with a balance of \$1,839.87; to Account Number 20102-50252 – Mileage, with a balance of \$29.13.

**Town Manager
Robert Peabody, Jr.**

Motioned by Councilor Quinn

Seconded Councilor Coleman

7-0

5946 Discussion with Action: Approve the Special Event Permit application for OOB365 to hold their Smokin' at the Ballpark BBQ, on Friday, June 21st, from 9 a.m. to 8 p.m. and Saturday, June 22nd, from 6 a.m. to 7 p.m., 2013; request to place a banner at the intersection of E. Emerson Cummings Blvd and Saco Avenue; and a request to waive the fee.

**Town Clerk
Kim McLaughlin**

Motioned by Vice Chair Bolduc

Seconded Councilor Dayton

7-0

Councilors Mailhot and Chair MacDonald stated they were members of OOB365

5947 Discussion with Action: Approve the Special Event Permit application for the POW/MIA Recognition/ OOB365 to hold the POW-MIA Recognition Weekend on Friday, September 20th through Sunday, September 22nd, 2013 at the Ballpark from 8 a.m. to 8 p.m.; to include ceremonies, BBQ grills and the Ballpark Concession Stand, the landing of a Huey 68-16563, and other military equipment. A request to place a banner on the posts at the intersection of E. Emerson Cummings Boulevard and Saco Avenue two weeks prior to the event; and a request to waive the fee.

**Town Clerk
Kim McLaughlin**

Motioned by Councilor Coleman

Seconded Councilor Furtado

7-0

Discussion with Action: Approve line item transfer from the Ballpark Account; transfer \$13,500 from Account Number 30424-40600 – General Fund, with a balance of \$50,000; to Account Number 30414-50511 – Ground Maintenance with a balance of (\$8,950.10); and Approve the line item transfer from Ballpark Account; transfer \$3,000 from Account Number 30424-40600 – General Fund, with a balance of \$36,500; to Account Number 30414-50450 – Building Repair, with a balance of (\$1,255.78.)

Motioned by Vice Chair Bolduc

Seconded Councilor Furtado

7-0

Councilor Dayton pointed out this are prior year dollars. Fiscal year 2011 and 2012. Councilor Quinn did ask what the money was for. The Town Manager said ground maintenance. Council Quinn said there was no talk of this last week. He feels the money was spent out of the general funds. He doesn't support spending these funds. Councilor Furtado said the Ballpark will not be in the red this year. He said review the tapes and check the minutes. Councilor Mailhot said she recalls that Tommy

said there were Service Contracts that would be coming through. Councilor Quinn restated his view that the money was never to be moved forward.

Councilor Coleman	Yes
Councilor Quinn	No
Councilor Mailhot	Yes
Councilor Dayton	Yes
Councilor Furtado	Yes
Vice Chair Bolduc	Yes
Chair MacDonald	Yes

6-1

5949 Discussion with Action: The first is Item #5950 Discussion with Action: Accept the bid of \$10894 from Adams and Fog Oil Equipment for the installation of a Fuel Management System at the Public Works Department to provide fuel dispense authorization and management of the unattended fueling operations from the Town Manager's Department Account Number 20102-50300-Professional Engineering, with a balance of \$10,738.78.

Per the Town Manager, It should be up and running by June 30th. Councilors Furtado and Coleman agreed that this has been worked on for a while. Council Coleman thinks we have chosen wisely on the bids.

Motioned Councilor Coleman

Seconded Councilor Furtado

7-0

GOOD AND WELFARE:

Neil Weinstein suggested they limit folks to 5 minutes and that this time not be used for politics since there appears to be some in attendance for that. He would suggest people talk about what is good for the community. Please don't let people repeat what we have heard before. This is the last meeting before the election.

Richard Greenlee respectfully asked the Chair that people speaking would be citizens of this town. Everything has been said. Enough is enough.

The Chair said they would enforce the 5 minute rule and only speaking once. Generally only town's folks can speak. Councilor Dayton said that was not true and it is a violation of freedom of speech.

John Bird talked about the old IGA building. He feels there hasn't been any improvement or progress. He thinks it is time to figure out what improvements have been made.

Paul Goltzien is matching whatever money is collected in the fountain this year. He also wanted to say the he feels Louise Reid is one of the nicest people he knows. He has been ready things in the Taxpayers for Truth. He also heard that some of the Councilors want to get rid of her. He doesn't get it. He thanked Sharri for getting something off the website about him. The garbage needs to stop.

William Childs, Councilor Dayton's attorney, said he requested two weeks ago that they be able to air the truth about the allegations against Dayton. He referred to a letter Chair MacDonald referred to in a newspaper about the NAACP. He said he request has not been addressed. He said he thinks people should know some facts before they vote. They did an investigation regarding Mr. Gracie and his credibility is questionable. He said history has taught us that people who have been convicted of felonies are suspect. He said their testimony should be viewed with great skepticism. He referred to state law 609 which says that people would have been convicted of a felony within the past 15 years, that fact of conviction in and of itself is evidence of impeachment. It shows the person is not trustworthy. He referred to the prisons as a college of criminality. Where people who go there come out less trustworthy. He retained a private investigator to do a background check on Mr. Gracie and he would like him to report his results.

There was an objection to this and Councilor Dayton said it was public information. The Chair said if there was going to be a suit then they probably should not be discussing this. Councilor Dayton said the public needs to know... this is not okay. Councilor Coleman said these were material facts in his estimation. Councilor Dayton had a loud conversation with someone in the audience.

Councilor Mailhot made a motion to adjourn Vice Chair Bolduc seconded the motion.

Councilor Dayton yelled that it was public information and accused someone of bringing a convicted felon into town.

The Chair closed the meeting.

ADJOURNMENT

Respectfully Submitted,

**Sheila M. Flathers
Interim Town Council Secretary**

I, Sheila M. Flathers, Interim Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of 10 (10) pages is a copy of the original Minutes of the Town Council Meeting of June 4, 2013.

Sheila M. Flathers