

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, September 3, 2013
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, September 3, 2013. Chair O'Neill opened the meeting at 7:04 p.m.

The following were in attendance:

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

Absent: Councilor Roxanne Frenette

**Pledge to the Flag
Roll Call**

**PRESENTATION: Comprehensive Plan Update
by Planner, Jeffrey Hinderliter**

The purpose of this presentation is to provide you a brief update regarding the creation of our new comprehensive plan. As you may know, the comprehensive plan is the adopted official binding document for future planning, development and conservation. The plan solicits public comment through meetings and surveys; analyzes existing conditions and trends; describes and illustrates a vision for the physical, social and economic characteristics of our town; and outlines policies, guidelines and goals intended to implement that vision within 10 years time.

The town formally began the creation of a new comprehensive plan during the fall of 2011. Since the effort and work to create a plan can be daunting, the first task was to organize. The comprehensive plan committee developed a schedule that includes three primary tasks to complete work towards creating a first complete draft: 1. Public Process (gathering public comment through surveys and meetings); 2. Inventory and Analysis (analyzing existing conditions and trends); 3. Goals, Policies and Strategies (developing guidelines and goals to implement the comp plan vision); 4. Implementation Strategy (the recommended outline for goals, policies and strategies implementation).

1.Public Process (complete winter 2012)

The initial public process has been complete. This process included four public meeting sessions (one was televised and held on a Saturday) and a survey (mailed to every

taxpayer's address, available electronically via the town's website and a service named 'Survey Monkey', available as hard copies at public locations).

Public session feedback and survey response rate was quite good. Overall attendance at the public sessions was approximately 75 and we received 447 completed surveys. What impressed me the most is how much of this feedback was positive and extremely thorough and helpful! Even the criticism was constructive. This truly is a reflection of the terrific people we have in our town. Once we begin creation of the Goals, Policies and Strategies, the survey data will prove to be a valuable resource as it will be a great help to create a vision supported by the peoples input. This is where we translate the results into action.

2.Inventory and Analysis (complete fall 2013)

I expect the Inventory and Analysis section of the comp plan to be completed by the end of the fall this year. This is the data heavy, number crunching part of the plan and includes significant narrative. Basically, we take inventory of all that exists in our town and analyze this data. We identify any potential issues through analysis of the inventory. These issues are addressed in the Goals, Policies and Strategies section of the comp plan. State statute controls much of what goes into this portion of the plan. The Inventory and Analysis includes the following specific sections:

- Population
- Future Land Use Plan
- Transportation
- Public Facilities
- Fiscal Capacity
- Housing
- Natural Resources
- Water Resources
- Marine Resources
- Cultural and Recreation
- Historic and Archeological
- Local Economy

3.Goals, Policies, Strategies (complete winter 2013/2014)

We are currently working on the final (and probably the most important) phase of the comp plan, development of the Goals, Policies and Strategies. This is a critical phase because the real action steps are developed at this time- this is where we truly chart the town's direction for the next 10 years. This phase is where the public comment and data from the inventory and analysis come together to provide our town's goals, policies and strategies for the next 10-years. This is the section that will be considered the most when planning our future direction and one that impacts many aspects of town government and people's overall lives in our community. We will develop Goals, Policies and Strategies for each of the inventory and analysis sections. One of the more important components of this phase is the Future Land Use Plan which includes designating growth, transitional, rural and critical rural areas. Often the Future Land Use Plan leads to zoning ordinance revisions. This will be the primary phase of the comp plan which the State Planning Office reviews (especially the Future Land Use Plan) and will receive the most attention during the implementation phase of the process.

4.Next Steps

Once the Goals, Policies and Strategies are done, the majority of the comp plan work will be complete. The next phase will be preparing a first complete draft, distributing the draft plan for comment and refining the town's vision as we work towards an adopted plan. During winter of 2013/2014, I expect to have a complete draft of the new comprehensive plan available for review and comment.

In order to receive full approval of the comp plan and for it to become an "official" controlling document, it needs both council and State Planning Office approval (note: the state does not "approve" the plan, they determine if it is consistent with the statute that controls comprehensive planning, the Growth Management Act). This is where all our work comes together and is ready for public review as one complete plan. It is unfortunate that some communities comp plans arrive at this phase but never achieved full adoption due to controversial recommendations in the plan, committee member burn-out, personalization of authorship, etc. There will be people who don't agree with some of the comp plan content. It will be important to work with the council, department heads and public to the best of our ability while recognizing this is a vision for the town as a whole and satisfaction of everyone is nearly impossible.

Below is a summary of the next steps towards development of our new comprehensive plan:

~Goals, Policies and Strategies~

Committee Meeting (Completed)

- Discuss work done to date and any revisits
- Discuss next steps, approach, work assignments
- How to include public comments, survey results, meeting results

Work on Goals, Polices and Strategies (To be complete Winter 2013/2014)

Work on Goals, Polices and Strategies for each section

- Population
- Future Land Use Plan (see below)
- Public Facilities
- Fiscal Capacity
- Housing
- Transportation (Completed)
- Culture and Recreation (Completed)
- Natural Resources (Completed)
- Water Resources (Completed)
- Marine Resources (Completed)
- Historical and Archeological (Completed)
- Local Economy (Completed)

Work on Future Land Use Plan

- Identify stakeholders who should be included with this discussion
- Committee to review current land use ordinances

Work on Summary and Implementation Strategy

- Findings, key issues, implications of recommendations

- Develop implementation strategy
- Public release of summary

Committee Meeting (Winter 2013/2014)

- Discuss work completed up to date
- Create executive summary
- Create info sheets describing process, key issues, key changes, etc.
- Discuss next steps, approach and how to present draft plan (e.g. in what manner, public hearings v. public info meetings, etc.)

Create Draft Plan (Winter 2013/2014)

- Assemble complete draft plan.

~Completion of First Draft of the Comprehensive Plan~

Council and Public Meetings (Winter 2014)

- Present first draft of completed Comprehensive Plan
- Specific presentation for Future Land Use Plan and all Goals, Policies and Strategies
- Present summary of findings, key issues, implications of recommendations

Committee Meeting (Winter 2014)

- Identify items that need further committee consideration
- Revise draft plan to address public comments

~Completion of Second Draft of the Comprehensive Plan~

Council Meetings (Winter/Spring 2014)

- Present complete second draft to council
- Identify revisions to the first draft of the comp plan
- Discuss process from here

Public Hearings/Public Info Meetings (Winter/Spring 2014)

- Present second draft through formal public hearings and informal public info meetings
- Present key findings and identify issues that could result in changes to the town.
- Media
- Discuss process from here

Committee Meeting (Spring 2014)

- Discuss results from council meetings, public hearings, public info meetings, reconsider/revise
- Identify items that need further committee consideration
- Prepare implementation strategies
- Discuss preparation for final comp plan

~Completion of Final Draft of the Comprehensive Plan~

Council and Public Meetings (Spring 2014)

- Presentation of the final draft

State Planning Office Submission (Spring 2014)

- Prepare plan and associated paperwork for SPO submission (Note: this does not need to be done last, it can be done once we complete the complete draft)

ACKNOWLEDGEMENTS:

COUNCILOR KELLEY: We would like to acknowledge the excellent services that have been provided to our international students this past summer by Pierre Bouthiller of our Fire Department. He has personally nurtured and mentored them and also been the primary person for working with them on community projects which have benefited the community. Thanks Pierre.

COUNCILOR PASTOR: Wish to express our thanks to all the employees for their input this summer and to the businesses and citizens alike for what was a good summer.

ASSISTANT TOWN MANAGER: This evening is the last Council meeting that our Interim Town Manager will attend as Interim Town Manager. I want to express on behalf of the Department Heads and the employees our appreciation for the service that has been provided by Bob during the six months he has been here. At our picnic in another week more will be said. Leadership comes in many forms and certainly we have experienced that over the past ten years; and our fifth town manager has brought his own personality and leadership skills to the table. Bob has been appreciated by staff. He is not a micromanager but rather has respected the talents of the staff. His sense of humor has been enjoyable to us all and he has stretched out the hand of friendship to citizens and tourists alike who have entered our office. Old Orchard Beach is a wonderful community but managing in the administrative form is difficult indeed as many have experienced. We wish him Godspeed. I reminded Bob the other day that in my life I have proved it: When one doors closes; another opens more glorious and opportunistic. Don't be dismayed at goodbyes. A farewell is necessary before you can meet again. And meeting again, after moments or a lifetime, is certain for those who are friends.

ACCEPTANCE OF MINUTES:

Town Council Workshop of August 15, 2013; Town Council Minutes of August 20, 2013; and Town Council Workshop Minutes of August 21, 2013.

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

VOTE: Unanimous.

PUBLIC HEARINGS:

AGENDA ITEM: Shall we Amend the General Assistance Ordinance, Section 6.8, Basic Necessities; Overall Maximum Levels of Assistance?

BACKGROUND:

The change in Overall Maximum Level of Assistance (in Section 6.8 Basic Necessities) Increases the monthly maximum level of assistance by 10 percent.

History: In Fiscal Year 2013 GA was required by the State Legislature to REDUCE the maximum income guidelines by 10% for 1 year only. This increase represents a return to the maximum level of assistance for 2012.

**NOTICE OF PUBLIC HEARING
MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH**

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on September 3rd, 2013 at 7:00 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the General Assistance Ordinance by changing the dollar amounts allowed for Basic Necessities and Overall Maximum levels of assistance, by deleting the strikethrough amounts and adopting the underscored amounts, as follows:

Amend Section 6.8 Basic necessities; Overall maximum levels of assistance

No. in Household	CURRENT MONTHLY	<u>PROPOSED</u> <u>MONTHLY</u>
1	\$731.00	<u>\$750.00</u>
2	\$868.00	<u>\$888.00</u>
3	\$1124.00	<u>\$1148.00</u>
4	\$1416.00	<u>\$1444.00</u>
5	\$1517.00	<u>\$1546.00</u>
6	\$1585.00	<u>\$1653.00</u>

PUBLIC HEARING:

Shall we Amend the General Assistance Ordinance, Section 6.8, Basic Necessities; Housing Maximums, Electricity Maximums, Fuel, Personal Care and Household Supplies, to take effect October 1, 2013?

BACKGROUND:

OOB has historically used the York County HMFA (HUD METRO FAIR MARKET) housing guidelines. These guidelines are supplied to the town by Dept. of Health and Human Services (Augusta). These have increased for the first time in many years. I believe these numbers more fairly and accurately represent the low-end of the rental market in OOB. Sadly these numbers were established after the budget was completed so much careful consideration will be necessary for each application.

Annually the Council must establish and approve the maximum income guidelines for eligibility for General Assistance. Once approved the "adoption form" must be signed and forwarded to DHHS. I am also asking the board to approve for adoption on 10/1/2013 the maximum expense allowances (Food, Non-Food, Utilities, Diapers and Rent) established by DHHS as a guideline. I believe these numbers are reasonable with the only change being an increase in the allowed expense for Electricity that includes electrically heated hot water.

General Assistance continues to be the avenue of last resort for persons who have exhausted or are waiting for determinations regarding other resources; i.e. subsidized

housing, Veteran's Benefits, SSI or SSDI, Workers Comp, UE etc. The first goal of general assistance is to reduce the client's dependence on this program."

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Shall the Town Council of the Town of Old Orchard Beach amend the General Assistance Ordinance by changing the dollar amounts allowed for Basic Necessities; maximum amounts allowed for housing, Electricity maximums, deleting the strikethrough amounts and adopting the underscored amounts, and re-adopting the current Fuel maximums and Personal Care and Household Supply maximums, to take effect as of 10/01/2013, as follows:

Amend Section 6.8 Basic necessities; Housing maximums

UNHEATED				
Bedrooms	<u>CURRENT</u> <u>PROPOSED</u>		CURRENT	<u>PROPOSED</u>
	WEEKLY	WEEKLY		
0	90.00	<u>126.00</u>	387.00	<u>541.00</u>
1	105.00	<u>126.00</u>	451.00	<u>541.00</u>
2	132.00	<u>156.00</u>	567.00	<u>672.00</u>
3	167.00	<u>216.00</u>	700.00	<u>928.00</u>
4	183.00	<u>216.00</u>	800.00	<u>928.00</u>

HEATED				
Bedrooms	<u>CURRENT</u> <u>PROPOSED</u>		CURRENT	<u>PROPOSED</u>
	WEEKLY	WEEKLY		
0	100.00	<u>139.00</u>	425.00	<u>596.00</u>
1	116.00	<u>147.00</u>	500.00	<u>633.00</u>
2	141.00	<u>188.00</u>	610.00	<u>810.00</u>
3	175.00	<u>259.00</u>	725.00	<u>1,114.00</u>
4	193.00	<u>266.00</u>	860.00	<u>1,143.00</u>

Electricity Maximums for Households Without Electric Hot Water. The maximum amounts allowed for utilities for lights, cooking, and other electric uses, excluding electric hot water are:

<u>Number in Household</u>	<u>Weekly</u>	Proposed	<u>Monthly</u>	<u>Proposed</u>
1	\$14.00		\$60.00	
2	\$15.70		\$67.50	
3	\$17.45		\$75.00	
4	\$19.20		\$82.50	

5	-\$21.00	<u>\$23.10</u>	\$90.00	<u>\$99.00</u>
6	\$22.70	<u>\$25.00</u>	\$97.50	<u>\$107.00</u>

*Add \$7.50 a month for each additional family member.

Electricity Maximums for Households that Use Electrically Heated Hot Water. The maximum amount allowed for electric utilities for dwelling units that have electrically heated hot water shall be \$70 per month for the first member of the household, with an additional \$10 per month for each additional household member.

<u>Number in Household</u>	<u>Weekly</u>	<u>Proposed</u>	<u>Monthly</u>	<u>Proposed</u>
1	\$16.30	<u>\$19.10</u>	\$70.00	<u>\$82.00</u>
2	\$18.60	<u>\$23.75</u>	\$80.00	<u>\$102.00</u>
3	\$21.00	<u>\$27.70</u>	\$90.00	<u>\$119.00</u>
4	\$23.30	<u>\$32.25</u>	\$100.00	<u>\$139.00</u>
5	\$25.60	<u>\$37.30</u>	\$110.00	<u>\$160.00</u>
6	\$27.90	<u>\$41.00</u>	\$120.00	<u>\$176.00</u>

D) Fuel. Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May) provided such expenses are reasonable, and at other times during the year when the administrator determines the request for fuel assistance is reasonable and appropriate.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not responsible for back bills except in an emergency as provided in section 4.9. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless, and can show no just cause for failing to give the administrator timely notice of their need for fuel, the administrator shall find that the emergency was not beyond the applicants' control, and process the emergency request accordingly, pursuant to section 4.9 of this ordinance.

When considering requests for heating fuel, eligible applicants will be granted assistance with the actual amount necessary up to the following maximums:

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225

October	100	February	225
November	200	March	125
December	200	April	125
.		May	50
-			

VICE CHAIR QUINN: He spoke about our municipality being assigned to the same area as the city of Portland which raises the levels of cost and guidelines for the above. So we are locked into it and I am concerned on the adverse affect it will have on the budget. I believe it would be good to have a discussion on winter rentals and perhaps a workshop in the future.

ASSISTANT TOWN MANAGER: I have had a long conversation with our General Assistance Director this week and we have been fortunate in our community to have two excellent General Assistance Directors who have sensitively attended to the needs of those who need the attention of General Assistance.

MOTION: Councilor Pastor motioned and Councilor Kelley motioned to close the Public Hearings.

VOTE: Unanimous.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

Colleen Toth (104-3-5-4A), 26 Walnut Street, Unit 4A, one year round rental; New Heritage Builders Inc. dba/Colindale (107-2-1), 51 Smithwheel Road, four year round rentals; Beau Rivage Inc., dba/Beau Soleil (205-6-14), 21 A & B Milliken Street, two year round rentals; Paul R. Landry dba/Landry's Shop n' Save (205-15-1), 2 Cascade Road, Victualers with Preparation with Beer, Wine & or Liquor take-out; three vending machines; Cascade Corporation dba/Seabreeze Suites (205-19-11), 14 Foote Street, two year round rentals; Michael & Carol Nadeau (207-2-13-113), 161 Saco Avenue, Unit 113, one year round rental; Donna Neves & Adam Harley (311-8-5), 44 Fifteenth Street, one seasonal rental; Terry Farmer (314-2-4), 19 Somerset Avenue, one year round rental; Dora N. Parks (314-3-5), 17A Lake Avenue, one year round rental; James L. Hoxie (318-8-6-81), 17A Lake Avenue, one year round rental; and Family Dollar, Inc., dba/Family Dollar Inc. (206-27-13), 8 Heath Street, Victualers without Preparation/No alcohol sales, retail.

I would like to open this Public Hearing at 7:29 p.m.

CHAIR O'NEILL: I would like to thank the Radley family for their service to our community now that they have sold the store. They have been an enormous influence and help in our community over many years. I would also like to thank the Landry family and wish them much success in their endeavors.

CHAIR O'NEIL: I would like to separate Family Dollar, Inc. dba/Family Dollar Inc. (206-27-13), 8 Heath Street, Victualers without Preparation/No alcohol sales, retail but will accept a motion for acceptance of the other business license if it is the will of the Council.

JEROME BEGART: He commented on the referendum last year and the changes that were to be made. He recommended that the item for Family Dollar be tabled.

JOHN BIRD: Conservation Commission has authority over Memorial Park and we are disappointed that the changes that were promised have not been made. It rained heavily last night and we have a great deal of erosion that is evident. The changes have not been made and the water is coming into the tennis courts and the dog park. We have seen no evidence that there have been \$50,000 worth of improvements nor what these improvements were to be. I recommend that this discussion on this item be separated from the other business licenses.

TOM ELLIS: I am the owner of the property and am surprised. I have a close knowledge of the issues that were there as I have been a part of this process since the beginning. It was an old and deteriorated property and we have spent a lot of time and money to improve the property. We found a lot of issues when we started the construction project and when you first start this type of procedure you don't always know what you will find. We literally have had water pouring into the back of the property. The run off was already there before we bought the property. Anything that was there before has caused what is happening now. We have done nothing to add to the additional run of water in that project. We aren't even complete and are just trying to get the Family Dollar open. We have three other openings that we are working on. The Planning Board asked us to add on a French drain system – it is basically a pipe under four feet of crushed stone with a fabric on the top with loam on top. We have done enormous amount of work. We have done nothing to add to what was already an issue there. I would say that if there is an issue – it would have been that we did a better job on the grass issue. I am asking that the Council consider giving us and the Public Works Director an opportunity to work on this project together to see what is a correction to the issue but we did not make the issue that is being discussed this evening. The whole Family Dollar is not responsible for this and the issue tonight is just to open Family Dollar and give them a license. I would be fined enormously if we do not open up at this time. We have received a lot of compliments and appreciation for the work that we have done.

Information was provided by speakers Andrea Berlin, Mary Beth Robillard, John Bird, Jerome Begart and Mark Koenigs. The speakers spoke about what occurred in 2012 when Stillridge LLC requested the Council grant an easement across land located in Memorial Park, west of the tennis courts. The purpose of the easement was to provide delivery truck access to the rear of the existing AZ's Market building so that a new business, Family Dollar, could replace AZ's Market. The proposal could not move forward unless the easement was granted because the current turning radius is not in accordance with Family Dollar's engineering guidelines. Ellis Commercial Management and Stillridge LLC pursued the easement proposal and developed a detailed plan, including complete building renovation, vegetation improvements to replace what may be removed and an overall more defined plan. They received a positive recommendation from the Conservation Commission and Memorial Park Committee once they saw plans identifying easement location, paving line and new trees, and showing improvements to be made. One of these recommendations was that Stillridge LLC would give \$5,000 to the Memorial Park Committee to ensure all work is completed in a professional workman manner and if it is, this money will be returned to Stillridge LLC. In response, Ellis Commercial Management created a letter outlining Stillridge's commitment to the Memorial Park Committee recommendations. Mr. Ellis explained to the Town Council at that time that he completely would redesign the building and put a Family Dollar store in part of the building and the other part to be determined. In order to meet the discount store's regulations for a turning radius for delivery trucks they would need the use of a 700-square foot portion of the abutting Veterans Memorial Park. Mr. Ellis at that time indicated they would plant new vegetation and make improvements to the area of the park near the store. The Chair of the Memorial Park Committee spoke favorably for the Committee and felt that the changes, if made, would greatly enhance the park as well. They did, however, ask for the

French drain condition. Part of the issue in moving the mature trees was to allow them to widen that driveway. Those tree roots sucked up that water overage.

They continued to speak about the damage done to the Memorial Park area as a result of the recent storm and based their belief that inadequate work was done and not completed as proposed when the Planning Board accepted the project by Ellis Commercial Development Leasing and Management. They all discussed the various ecological concerns reminding everyone that soil is naturally removed by the action of water. But there had been accelerated soil erosion, loss of soil at a much faster rate than it is formed. It is a result of unwise decisions and action taken leaving the land vulnerable. During times of erosive rainfall or windstorms, soil becomes detached, transported and deposited in another area. Mark Koenigs, member of the Planning Board at the time, talked about the need and instructions for swale conditions to be addressed in the park which include being moist and marshy. Swales are designed to slow and capture runoff by spreading it horizontally across the landscape, facilitating runoff infiltration into the soil. This type of swale is created by digging a ditch on contour and piling the dirt on the downhill side of the ditch to create a bern. This was not done and has resulted in the present condition of the Park. The standing water is killing the grass and other plants, ruining the landscape. It is also a health hazard because it harbors mosquitoes and other pests.

PLANNER HINDERLITER: All fees owed to the Town which includes Planning Board, DRC, Building, Plumbing, Electrical, and two that were specifically part of the referendum question, legal fees and \$5,000 donation to Memorial Park, have been paid. The \$50,000 that has been mentioned was not to be received by the Town as a fee but rather according to the Referendum question it was stated – “certain agreed upon landscaping improvements estimated at \$50,000.” You will note that it states “certain agreed upon landscaping improvements” and as I recall the “landscaping improvements” were negotiated between the developer and the Memorial Park Committee. He reviewed the stipulations of the agreement with Stillridge LLC.

- 1. Removal of existing and over-grown trees and stumps**
- 2. Re-grading of the embankment to better match the dog side of the park.**
- 3. Buy and plant trees to be placed on the tennis court side to match the dog park side of the park. (Veterans Memorial Park will determine the kind of trees and their placement). ;**
- 4. Drainage will be addressed with the consideration of the Veterans Memorial Park Committee.**
- 5. Maintenance of the newly planted trees will be the responsibility of Stillridge LLC until the trees are stable and thrive (to be determined by Veterans Memorial Park Committee.**
- 6. All graffiti will be removed from the side elevations facing the park.**
- 7. \$5,000 will be given to the Veterans Memorial Park and set aside to ensure that all the work above is completed in a professional workman-like manner and will be returned to Stillridge LLC.**

VICE CHAIR: We are getting off topic. We are talking about; the Lessee, not the Lessor. I think we should move forward with the motion for this item as it is addressed.

CHAIR: I close this Public Hearing at 7:58 p.m.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Approve the business licenses as read with a separate vote on the Family Dollar.

VOTE: Unanimous.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to approve the Business License for Family Dollar, Inc., dba/Family Dollar Inc. (206-27-13), 8 Heath Street, Victualers without Preparation/No alcohol sales, retail, with the proper repairs to the drainage issue at the back of the building be addressed and approved by the Planner and the Public Works Director in a period of one month and that all future licenses for that facility be held up until the drainage work is completed.

VOTE: Unanimous.

TABLED ITEM:

5993 Discussion with Action: Appointment of Larry S. Mead as Town Manager for a six-month probationary period, anticipating a further two-year contract upon confirmation by the Town Council at the conclusion of the probationary period; at a salary of \$105,000; \$8,000 in lieu of health benefits; and an 8% contribution to International City Management Association (ICMA); and effective September 16, 2013.

MOTION: Vice Chair Quinn motioned and Councilor Thornton seconded to Approve the Appointment of Larry S. Mead as Town Manager for a six-month probationary period anticipating a further two-year contract upon confirmation by the Town Council at the conclusion of the probationary period; at a salary of \$105,000; \$8,000 in lieu of health benefits; and an 8% contribution to International City Management Association (ICMA); and effective September 16, 2013.

BACKGROUND:

Larry Mead, a resident of Old Orchard Beach, and presently the Town Manager of Kennebunkport, Maine, from 2006 to the present, and comes with an impressive resume have served from 1997 to 2006 as the Assistant City Manager of Portland, Maine and from 1994 to 1997 as Director of Parks and Recreation for the City of Portland.

VOTE: Unanimous.

LARRY MEAD: He spoke of his pleasure on being appointed as Town Manager and looks forward to a working relationship with staff and with the Council and thanked those who have been welcoming him to the position.

TOWN MANAGER'S REPORT:

Tonight is the last regular Council Meeting I will be attending as your Interim Town Manager. It has been an eventful six-months. With the help of the Town's Department Heads and Assistant Town Manager, I undertook doing the business of the Town professionally, effectively, and efficiently while political turmoil engulfed the Council. As well as providing the day-to-day services expected by our residents, a budget was passed, union negotiations undertaken, a ballpark agreement negotiated, summer help hired, land use issues addressed, and countless resident concerns addressed and resolved. I have greatly appreciated the trust and support of the Council who hired me and that of this new Council. More so, my thanks go out to the Department Heads and their staff who accepted my leadership and partnered with me in moving the Town forward through the turbulence. The Town is fortunate to have such dedicated employees. It has been an honor to serve

the people of Old Orchard Beach. I wish the Town the best as it faces the challenges of the future.

NEW BUSINESS:

- # 6011 **Presentation, Discussion and Possible Action: Agreement to Convey Easement between the Town of Old Orchard Beach, the Old Orchard Beach Historical Society, and the Saco & Biddeford Savings Institution.**

BACKGROUND:

The Town owns land where the Harmon Museum is located. The Harmon Museum has no parking and is not ADA compliant. Saco and Biddeford Savings Institution, who owns the property adjacent to the Museum is proposing to build and maintain a parking lot behind the Museum and ADA compliant access to the Museum's entrance. Basically finance and construct the entire project. In order to access the proposed parking lot, vehicles will need to travel through SBSI parking lot. In exchange for SBSI financing and building the parking lot, they are requesting an easement to allow bank employees to access and use the parking lot and an easement for the Town to cross SBSI property to access the parking lot. To allow this exchange, it needs to go to referendum in November.

This is a request for a possible referendum agenda item to be placed on the September 17th agenda asking for the authorization of a permanent easement related to terms, conditions and the scope and conveyance of cross easements over the parcels identified on the Town Tax Maps as MBLU 205-1-21 and 205-1-22, located at 2 and 4 Portland Avenue, Old Orchard Beach, between the Town of Old Orchard Beach, the Old Orchard Beach Historical Society and Saco & Biddeford Savings Institution ("SBSI") for the following purposes:

1. Authorizing SBSI, at its sole expense, to develop and maintain a parking lot on the Historical Society parcel;
2. For securing the Town's right of perpetual access and perpetual use of the parking lot to be constructed and maintained by SBSI;
3. For securing SBSI's perpetual right of access over the lands of the Town; and
4. For such purposes and such other terms as agreed to be SBSI, the Town and Historical Society and to further direct the Town Clerk to place such a referendum on the November 5, 2013 ballot.

Overview of Proposed Parking Lot Arrangement and Easement

Saco & Biddeford Savings does not have sufficient parking for its employees and customers at its Old Orchard Beach branch. As a result, over the last two years we have been searching for additional offsite parking near our Branch Office specifically for our employees. The Old Orchard Beach Historical Society has neither a driveway into the property on which its building is located nor parking facilities on that property. Over the years the Bank has allowed Officers and visitors of the Historic Society to park in the Bank's customer parking lot. Additionally, the Historic Society building is not accessible to individuals with disabilities. The Bank and Trustees of the Historic Society have held multiple meetings over the course of the winter and spring and have come to terms on a mutually beneficial arrangement that will create a shared parking lot with a total of thirteen parking spaces. Two regular spaces and one handicapped space will be reserved for the Historical Society and ten spaces will be reserved for Bank employees during bank hours. The entire lot would otherwise be available for use by the Historic Society. The basic premise of the agreement is that the two parties will exchange permanent easements providing the Town and the Historic Society with the right to

cross the Bank property to access the new parking lot while allowing the Bank to use a portion of the lot for employee parking. The Bank has agreed to pay all costs associated with the construction of the parking lot and associated lighting and signage, a paved walkway to the front of the Historical Society building and an ADA compliant ramp at the front entrance of Historical Society. All work will be compliant with the Town Old Orchard Beach Building Code and zoning requirements. The Bank has also agreed to provide all maintenance of the parking lot (snow removal, sanding, salting, seal coating etc.) Additionally, in the future, once the Bank has amortized the cost of improvements to the Historic Society property; there may be some payments made to the Historic Society by the Bank for the continued use of the parking easement that would benefit the Historical Society. Respectfully Submitted, Jeffrey M. Vachon - Senior Vice President - Saco & Biddeford Savings Institution

There was discussion between the Councilors on this issue with appreciation being directed to Saco Biddeford Savings Institution for their willingness to move forward with this project. Vice Chair Quinn expressed concerns about Paragraph seven in the agreement because it lacked any provision for inflationary adjustment after the initial use period became fully amortized. The Harmon Resource Director, Dan Blaney, indicated that the bank or its successors would continue to maintain the parking lot after its expiration of that initial use period if they continued to use it. Dan Blaney explained that this was just a donation and had nothing to do with anything but a donation from the bank. Others spoke encouraging the approval of the agenda item include John Gallo.

MOTION: Councilor Kelly motioned and Councilor Thornton seconded to move forward to the September 17th Town Council Meeting Agenda the Agreement to Convey Easement between the Town of Old Orchard Beach, the Old Orchard Beach Historical Society, and the Saco & Biddeford Savings Institution.

VOTE: Unanimous.

6012 Discussion with Action: Amend Chapter 54 – Traffic and Vehicles, Article V – Stopping, Standing, Parking, Division 2 – Specific Places, Section 54-187 (Restrictions and Prohibitions), (a) Town Hall.

CHIEF KELLEY:

For the past couple of years we have had difficulty with people parking in the back parking lot and the ordinance previous to this change did not allow us to ticket cars parked illegally. The Police could put a warning but could not fine them. This would give them the opportunity to ticket and ensure a fine for illegal parking in the Town's back parking lot.

**NOTICE OF PUBLIC HEARING
MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH**

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on August 20, 2013 at 7:00 p.m. to consider the following:

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that THE Code of Ordinances of Old Orchard Beach, Chapter 54 (TRAFFIC AND VEHICLES), Article V (STOPPING, STANDING, PARKING), Division 2 (SPECIFIC PLACES), Section 54-187 (RESTRICTIONS AND PROHIBITIONS), (a) Town Hall, is amended by adding the underscored language, as shown below:

Section 54-187 Restrictions and prohibitions.

(a) Town hall. Upper lot parking shall be limited to town hall business only, Monday through Friday. Lower lot parking and adjacent town-owned parking lot located at Veteran's Sq. (19 Imperial St. MBL: 205-3-3) shall be limited to town hall business or by parking permit only, Monday through Friday. Amendments to Chapter 54 - TRAFFIC AND VEHICLES, Article V - STOPPING, STANDING, PARKING, Division 2 - SPECIFIC PLACES, Section 54-187 (RESTRICTIONS AND PROHIBITIONS), (a) Town Hall

1. Section 54-187 shall be amended by adding the underscore language as follows:

Sec. 54-187. Restrictions and prohibitions.

(a) Town hall. Upper lot parking shall be limited to town hall business only, Monday through Friday. Lower lot parking and adjacent town-owned parking lot located at Veteran's Sq. (19 Imperial St. MBL: 205-3-3) shall be limited to town hall business or by parking permit only, Monday through Friday.

MOTION: Councilor Blow motioned and Councilor Pastor seconded to Amend Chapter 54 – Traffic and Vehicles, Article V – Stopping, Standing, Parking, Division 2 – Specific Places, Section 54-187 (Restrictions and Prohibitions), (a) Town Hall.

VOTE: Unanimous.

6013 Discussion with Action: Accept the bid of \$9,189 from Adams Emergency Vehicles for equipment in a 2013 Ford SUV Police Interceptor.

CHIEF KELLEY: The following RFP was mailed to the following vendors:

RCM – 158 Rand Road, Portland, Maine 04102
Maine Radio – 68 Mussey Road, Scarborough, ME 04072
Cocheco Communications – 232 Calef Highway, P.O. Box 119,
Barrington, NH 03825
Adams Emergency Vehicles– Post Office Box 752, Westbrook,
Maine 04098
Eric Uliano – Colonial Ford – 171 Great Road, Acton MA 01720

The only bid received was from

Adams Emergence Vehicles	\$9,189
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It was recommended that we accept this bid.

Request for Proposal

The Old Orchard Beach Police Department is soliciting proposals for the purchase and installation of the following equipment in a 2013 Ford SUV Police Interceptor. Bids may be faxed (207-934-0755), mailed or e-mailed (lreid@oobmaine.com) by August 22nd 2013.

Equipment Description	Quantity
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Equipment and uplift, 2013 Ford Utility Interceptor

Whelen Dominator 6 LED LINZ6 w/buith in traffic advisor, Blue	1
Whelen Inner Edge 8 LED LINZ6 w/takedowns, BLUE/BLUE	1
Whelen Ion Series Mirror Beams, BLUE	2
Whelen Slim Lighter LED sidelights, BLUE/Blue	2
Whelen Slim Lighter bail bracket	2
White vertex hideaway LED	4
GHOST surface mount white LED light head-grill mount to substitute as Wigwags	2
Whelen 100 watt siren with heavy duty switching and traffic advisor capability	1
Whelen 100 watt siren speaker- includes 2013 Ford Utility mounting bracket	1
Havis 14" Console mounting solution, 2013 + Ford Utility	1
Track mount cup holders	1
Havis Shield Armrest	1
Havis console laptop side mount, 7 inch	1
Setina 10 series SUV recessed Panel partition	1
Setina SUV rear screen partition	1
Setina vertical weapon mount system, recessed panel partition	1
Kenwood TK-790BK 45W VHF Remote Head radio w/external ignition external speaker and high output audio. Includes programming and installation	1
PCTEL Maxrad RG58/u 3/4" 0-960 MHZ hole mount w/17 feet RG/58U	1
MAXRAD 136-174 Mhz wideband heavy duty ¼ wave, NMO mount, black	1
Vehicle management power timer	1
8 gang fuse panel w/ground	1
Standard installation labor, including all necessary wiring and misc. hardware-Instillation. Lifetime no charge labor and on site repair at OOB location for any installed warranted equipment.	1

Any bids received after August 22, 2013 by 1pm may be considered non –responsive and may not be considered at Town of Old Orchard Beach’s sole and exclusive discretion. Bids will be opened in the Town hall Council Chambers on August 22, 2013 at 1pm. Due to the absence of the Finance Director I was unable to secure the account number and balance which will be provided to the Council prior to the receipt of their packets.

MOTION: Councilor Thornton motioned and Councilor Blow seconded to Accept the bid of \$9,189 from Adams Emergency Vehicles for equipment in a 2013 Ford SUV Police Interceptor from Account Number 30167-50311 – Drug Seizure Fund, with a balance of \$20,162.91.

VOTE: Unanimous.

6014 Discussion with Action: Amend the Special Event Permit application, approved by the Town Council on 2/5/2013, for Beach RAID/RAID events, to now add Thursday, September 12th, from 8 a.m. to 6 p.m. to load-in and build. An additional \$100 fee to be delivered to the Town Clerk’s Office by September 3rd, 2013.

MOTION: Councilor Blow motioned and Councilor Thornton seconded to Amend the Special Event Permit Application as read.

VOTE: Unanimous.

6015 Discussion with Action: Appoint Carl D'Agostino as Deputy Election Warden, term to expire September 3, 2014.

MOTION: Councilor Blow motioned and Councilor Pastor seconded to Appoint Carl D'Agostino as Deputy Election Warden, term to expire September 3, 2014.

VOTE: Unanimous.

6016 Discussion with Action: Approve the Liquor License Renewal for VFW Post 7997, dba/VFW Memorial Post 7997, (312-14-2X), 76 Atlantic Avenue, m-s-v in a Club.

MOTION: Vice Chair Quinn motioned and Councilor Thornton seconded to Approve the Liquor License Renewal as read.

VOTE: Unanimous.

6017 Discussion with Possible Action to Follow: Consider placing on the ballot for the regular Town election to be held on November 5, 2013, a non-binding or binding referendum regarding the number of Councilors to comprise the Town Council and directing the Town Clerk to place such non-binding or binding referendum on the November 5, 2013 ballot.

CHAIR O'NEILL: As a non-binding referendum, the Council is not bound to make any changes based upon the results of the election. If the binding referendum should pass, the Council would be bound to make changes based on the results of the election. The non-binding vote will provide guidance as to whether the Council should place a Charter amendment on next year's ballot that would change the number of Councilors from seven to five.

ORDER SETTING DATE FOR NON-BINDING REFERENDUM ELECTION ON THE NUMBER OF TOWN COUNCILORS

Be it ordered: The Town Clerk shall place on the ballot for the regular town election to be held on November 5, 2013 the following (non-binding) (binding) referendum question:

How many Councilors should comprise the Old Orchard Beach Town Council?

5 _____

7 _____

The Charter provision that would require an amendment is section 201.1 which currently reads as follows:

Sec. 201.1. Town Council. The Town Council shall be composed of seven (7) members, with six three-year terms and one one-year term, each of whom shall be elected by the registered voters of the entire Town, and shall serve until a successor is elected and qualified. The six three-year terms of the Town Council shall be staggered, and expire at three year intervals. The one-year term shall expire annually. All terms shall expire on the third Monday in November of the term year. No Town Councilor is eligible to serve more than seven years consecutively.

Under the non-binding referendum, the Council can take the public's pulse and if there is an overwhelming desire to return to a five-member Council, a plan could then be formulated without facing the time crunch of having to come up with the details before the creation of the November 5th local ballot. If it is a binding resolution the vote would be concrete with the reduction to five or leaving it at seven; should it revert back to five there are other considerations that need to be reviewed including the repealing the new term limits imposed on Councilors; possibly returning to a two-year term of office; and changing the Conflict of Interest clause that would allow family members of Councilors to receive raises and other increases in benefits under employment contracts negotiated on behalf of a group of workers.

As in the previous workshop on the issue of the binding or non-binding referendum, Councilors Blow and Kelley both indicated they did not favor a binding vote on the issue. At the present time the Council is working well together and they felt that they should give it a chance to work. Members of the Charter Commission spoke including Jerome Begert and John Bird who indicated that they felt that enough time had not passed to see if the seven council could be productive and that perhaps the difficulty with the recalled Council was what was pushing this issue forward. John Bird indicated that the reason the Charter Revision Commission wanted to increase the Council from five to seven members was because it wanted to create more opportunity for people with good ideas to serve; bring diversity of members; eliminate the formation of voting blocks; and encourage more turnover. He said he also realized that the mechanism the Commission chose to get two more people on the Council led to exactly what the group was trying to avoid – a voting block that acted in lockstep. Councilor Kelley also indicated that he wished to give the seven member Council a chance to succeed. Councilor Pastor indicated that she had agreed originally but that after an opportunity to think more about the process she felt the will of the voters should be expressed. Jerome Begert said he did not object to the Council asking if they wanted to return to five members but he felt the timing was off especially considering how smoothly and congenially this group is working together. Vice Chair Quinn agreed that seven could work but that he has received so many questions from voters and requests to go to referendum, that he is now leaving it to the will of the voters. Other issues that were discussed were the repealing of the new term limits imposed on Councilors and possibly returning to a two-year term of office and changes to the conflict of interest clause that would allow family members of Councilors to receive raises and other increases in benefits under employment contracts negotiated on behalf of workers.

HELENE WHITTAKER: She thanked the Council for their ability to work together in a professional manner and said that comments throughout the community are positive and it is a relief to listen to intelligent conversation and to provide the ability for people to agree or disagree and still be professional about it. She also said she agreed with the binding referendum.

BARBARA ULTSCH: She indicated that she preferred the binding referendum and felt that the non-binding was a waste of time.

COUNCILOR KELLEY: He mentioned that he had not received one call relative to a request for the change of number of Councilors.

PAT BROWN: She spoke about meeting many individuals who felt the binding referendum should go on the ballot. She understood the arguments given by Councilors Blow and Kelley but she believes the will of the people should be given the opportunity for expression since the vote was so close.

CHAIR O'NEILL: He read from a letter from former Councilor Robin Dayton: ""There is never any harm done to let the people decide how they wish to be governed. No one should assume to know the results and be assured the results may even surprise us all. Voting in support of the referendum to re-affirm how many people should be elected to our Town Council and for how long is a win-win decision. It is a simple means to put this very public question and conversation to rest. More importantly, going to referendum shows trust in the citizenry and serves to make our Town stronger.

COUNCILOR THORNTON: He expressed his strong opinion that the voters should have the opportunity to reaffirm their vote or express the desire to change the vote from seven to five.

ARLENE DOLGAN: She expressed her opinion that the non-binding vote was a waste of time and she encouraged the Council to move forward with the binding vote on the referendum question.

DORIS HARRIS: She totally disagreed with putting on the binding vote. She said she had voted before and why should she have to vote again when the will of the people was expressed in the last election and even if it was close, it was the will of the voters.

MOTION: Councilor Thornton motioned and Vice Chair Quinn seconded to direct the Town Clerk place on the ballot for the regular Town election to be held on November 5, 2013, (a non-binding) or (binding) referendum regarding the number of Councilors to comprise the Town Council.

VOTE: Yea: Councilors Pastor, Thornton, Vice Chair Quinn & Chair O'Neill
Nea: Councilors Blow and Kelley

GOOD AND WELFARE:

RUSSELL WARRINER: He updated everyone on the upcoming Maine Heroes Fund Event scheduled for September 20th through 22nd at the Ballpark. The Huey will fly in landing in the Ballpark just before the motorcycle escort arrives. On Saturday Governor Paul LePage will read the proclamation. He noted that Maine has five hundred sixty missing Americans. There will be a Rolling Thunder "Missing Man" Chair dedication; a Military Honor with a 21 Gun Salute; a Vietnam POW Exhibit; presentation by the Kora Highlanders Bagpipers. This is a Veterans Helping Veterans event. He expressed that the event is to keep our nation's promise until they all come home. The motorcycle ride will start at the York Weigh Station – Northbound 1-91. For further information he said to call him at 352-409-6969.

6018 Executive Session: Discuss Labor Contract: (Note: This item discusses labor contract issues related to AFSCME Council 93, Local 481-06, Old Orchard Beach Public Works Department 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: Councilor Pastor motioned and Councilor Blow seconded to Enter into Executive Session. This item discusses labor contract issues related to AFSCME Council 93, Local 481-06, Old Orchard Beach Public Works Department 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 Blow motioned and Councilor Thornton seconded to Adjourn the Executive Session.

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Councilor Thornton motioned and Councilor Kelley 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 twenty (20) pages is a copy of the original Minutes of the Town Council Meeting of September 3, 2013.

V. Louise Reid