

**TOWN OF OLD ORCHARD BEACH
REGULAR TOWN COUNCIL MEETING
TUESDAY, FEBRUARY 5, 2013
TOWN COUNCIL CHAMBERS
7:00 P.M.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, February 5, 2013. Vice Chair Bolduc opened the meeting at 7:00

The following were in attendance:

**Vice Chair Bolduc
Councilor Coleman
Councilor Dayton
Councilor Mailhot
Councilor Quinn**

**Absent: Chair MacDonald
Councilor Furtado**

Pledge to the Flag

Vice Chair Bolduc requested moving Agenda Item 5821 to the beginning of the meeting for a vote. Agenda Item 5821- Discussion with Action – Appoint Interim Town Council Secretary.

MOTION: Councilor Mailhot motioned and Councilor Coleman seconded the motion with discussion.

Councilor Coleman stated that he thought all those that had applied were good candidates for the position. He thought the process for this item was however inappropriate and was again proof of back office practices by doing this all through emails. Vice Chair Bolduc explained that the process that the Council agreed to at a previous meeting was followed 100% including the use of emails to expedite things.

MOTION: Councilor Mailhot motioned and Councilor Coleman seconded to appoint Sheila Flathers as Interim Town Council Secretary. Vote was 5-0.

APPROVED ABSENCE

Vice Chair Bolduc explained that Chair MacDonald has an excused absence due to attending the governor's speech and that Councilor Furtado is excused due to a planned vacation. All other Councilors present.

ACKNOWLEDGEMENTS

Councilor Dayton gave an update on the Assistant Town Manager's surgery and expressed V. Louise Reid's thanks for all the prayers and concerns.

ACCEPTANCE OF MINUTES

Administrative Review Board Minutes of January 8, 2013

Councilor Coleman motioned and Councilor Mailhot seconded to accept the minutes. Vote was unanimous 5-0

Town Council Workshop of January 10, 2013

Councilor Mailhot motioned and Councilor Dayton seconded to accept the minutes. Vote was unanimous 5-0

Town Council Meeting of January 15, 2013

Councilor Mailhot motioned and Councilor Coleman seconded to accept the minutes. Vote was unanimous 5-0

Town Council Workshop of January 16, 2013

Councilor Mailhot motioned and Councilor Dayton seconded to accept the minutes. Vote was unanimous 5-0

Special Town Council Meeting of January 30, 2013

Vice Chair Bolduc requested an amendment to the minutes. The minutes should reflect a change to correct the missing motion for the transfer of \$68,591 from Account Number 25140/40510 – Miscellaneous Revenue, with a balance of \$92,767.11 to the Edith Belle Memorial Library Accounts (s).

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL

Thomas Romano (202-1-8), 193 East Grand Avenue, Unit 2, one year round rental; **Robert Johnson dba/Good & Evil Tattoo** (210-10-2), 9 Ocean Park Road, Tattoo Establishment/Body Piercing Establishment/Body Piercer; **Brigitte Menard** (303-1-6), 103 East Grand Avenue, one seasonal rental; and **Gary & Barbara Ashe** (316-7-2), 19 Ocean Avenue, Unit #2, one year round rental.

MOTION: Councilor Coleman motioned and Councilor Quinn seconded to approve as read. Vote was unanimous 5-0

TOWN MANAGER'S REPORT

The Town Manager will meet with John Duncan of PACTS and the Maine Department of Transportation on February 13, 2013 at 9:00 a.m. to discuss the costs and final plans for the intersection lights at the corner of Saco Avenue and E. Emerson Cummings Boulevard.

He met with members of staff in the reformulation of maintenance duties here at Town Hall, the Recreation Department, Harmon Museum and the Police Department.

He had the opportunity to meet personally with Vice Chair Bolduc to discuss many issues related to our community and the workings of the Council.

He had a meeting with former Council Vice Chair Michael Tousignant and Joel Golder, owner of Palace Playland, on issues related to commercial waste; and a meeting with Councilor Quinn relative to the same issues.

He attended the Workshop and the Special Council Meeting on the Library matters. Met with members of the Library Board of Trustees and transferred \$120,000 (approx 92%) of the funds to the Library Trustees. The remainder of the funds, about \$10,000 is either

encumbered or available in case of payments that need to be paid before turning over the balance to the Library Trustees.

He had a meeting with Superintendent of Schools Mr. Phillips on matters related to security at the school and other budget matters.

There is a Roundtable meeting at the RSU # 23 on February 11, 2013 (Next Monday) at 7 p.m. on the State and local budget considerations and issues. (Location: Saco City Hall Council Chambers) There is another roundtable meeting at the RSU # 23 on February 13, 2013 at 6 p.m. dealing with School Security where the officials of Old Orchard Beach will participate in. (Location: Saco Middle School)

He met with Ed Leonard (Wright-Pierce) and Chris White executing the contract for the energy efficient boilers and providing the official documentation for safekeeping in the Town Clerk's office.

They had a very successful training seminar on January 29, 2013 titled Managers as Leaders for Old Orchard Beach which was held at the Police Station for all the department heads and second in command/supervisors provided by Bill O'Brien of ICMA. This was a productive time for all and an opportunity to expose department heads to additional training in this important area.

They produced and mailed out RFP's for Legal, Town Hall, Payroll Services, the Fire Department Mannequin, the Police Garage, Police Parking Meters, Electrical, Plumbing, Paving and Tree Removal and some were also opened over the last couple of days and some will be opened in the next couple of weeks. You will see some of these in the next couple of agendas for the Council to review and approve. Because of the number of RFP's there have been requests for meetings with him personally to ask questions on the RFP before the bids are opened.

The Police Department has advertised for the summer seasonal officers program at the Police Department.

Last fall, we initiated a RFP and received bids for replacement of the town copiers because the previous contract expired last year. He was able to purchase the current copiers for about \$35.00 which we have been using since last fall and maintained just a service agreement. Although the bid came in last fall, and looked attractive, he had the vendor(s) go back out to bid and we were able to get a better price from last year. The interest rates are lower this year and the payments for each year moving forward is less than what we paid each year over the last five (5) years.

They had a meeting yesterday regarding Social Media, a subject that they are reviewing and planning to move forward once they gather all the information.

The Auditors are working with the Finance Department and he said there was a person working from the Auditor's Accounting firm on the reconciliations of the checking and other accounts.

Old Orchard Beach hosted a York County Managers meeting here today – a lunch meeting at the Captains Galley to discuss matters the affect the county and each municipality therein.

NEW BUSINESS

AGENDA ITEM #5822: Discussion with Action: Extend the previous approval of the Community Garden, dated September 20, 2011 to December 31, 2013 to December 31, 2015.

Discussion:

Lynn Selden, Community Garden Board member spoke of how much the garden has done and has meant to the community. Councilor Quinn questioned the time period of the approval due to the uncertainty of the Ballpark property usage. Council Mailhot wanted clarification on water usage. It was explained that it has been set up from the beginning that if water usage goes over a certain amount the Community Garden will be billed. Jason Webber, Recreation Director, mentioned that there is a grant out there through the National Park and Recreation Association that applies to Schools and Community Gardens. He is pursuing this.

After a discussion about a conflict regarding the language of the Item, Vice Chair Bolduc suggested a compromise to extend the previous approval of the Community Garden dated September 20, 2011 to December 31, 2014.

MOTION: Councilor Dayton motioned and Councilor Coleman seconded to extend the previous approval of the Community Garden, dated September 20, 2011 to December 31, 2014.

Vote was unanimous 5-0

AGENDA ITEM #5823: Discussion with Action: Approve the Special Event Permit for OOB365 to hold Winter Carnival 2013 on Friday, February 22nd and Saturday, February 23rd, 2013. Public Works to build hill on Wednesday and Thursday. Old Orchard Street closed Friday from 4 p.m. to 8 p.m. and Saturday, 9 a.m. to 2 p.m. and a request to waive the fee.

Councilor Mailhot disclosed that she is a member of OOB 365.

MOTION: Councilor Coleman made a motion to approve with the provision not to purchase snow. Councilor Quinn seconded the motion.

Discussion came up about use of Town Employees (Public Works) and conflict of interest. Vice Chair Bolduc mentioned that other organizations that hold activities are not charged. She gave the car show and road races as examples. The Town Manager was asked to check other communities to see how they handle these situations so that we have this info for future events. Jerome Begett also mentioned others using Town resources. John Bird stated that if things need to be change that the application for these events needs to be revised. **Vote was 3-2 with Councilors Quinn and Dayton voting No.**

AGENDA ITEM #5824: Discussion with Action: Approve the Special Event Permit for Beach RAID/RAID events, 5k obstacle course, set up all day on Friday, September 13th, 2013 with security provided, and event on Saturday, September 14th, from 10 a.m. to 1 p.m. on the beach, both sides of the Pier. Application fee to be received by the Town Clerk's Office by March 1st, 2013. Insurance, listing Town of Old Orchard Beach as additionally insured, to be received by the Town Clerk's Office no later than June 1st, 2013.

The Town Manager introduced Parker Swenson, Event Manager for RAID EVENTS LLC. Parker stated that the event has been held in the past in Kennebunk but that area is now

too small to handle the growth the event is experiencing. In 2011 the event had about 150 participants; 2012 had about 300 and they expect more this year. The event is self sustaining. Most of the event would take place on the southside of the pier. No Public Works involvement. They will bring in port-a-potties, clean up trash and maintain a turn key operation. Councilor Mailhot brought up parking. Mr. Swenson said parking would be free. Councilor Coleman asked if they had taken into consideration the tide and they have. Jason Webber, the Director of the Recreation Dept has checked with his counterpart in Kennebunk and he was given a good recommendation for this event and its leadership. MOTION: Councilor Coleman motioned and Councilor Dayton seconded to approve the Special Event Permit. Vote was unanimous 5-0

AGENDA ITEM #5825: Discussion with Action: Appoint Guy Fontaine as a regular member of the Ballpark Commission, term to expire 12/31/15.

MOTION: Councilor Quinn motioned and Councilor Coleman seconded to approve Guy Fontaine as a regular member of the Ballpark Commission. Vote was unanimous 5-0

AGENDA ITEM #5826: Discussion with Action: Accept, with regret, Dean Plante's resignation from the Recreation Board.

MOTION: Councilor Coleman motioned and Councilor Dayton seconded to accept with regret Dean Plante's resignation from the Recreation Board. Vote was unanimous 5-0

Jason Webber mentioned that George Shabo would be joining the Board in the future, pending Council approval.

AGENDA ITEM #5827: Discussion with Action: Transfer \$2,000.00 from Account Number 20118-50350 – Contingency, with a balance of \$256,645.39 to Account Number 20201/50888 – Video Production Equipment Expense, with a negative balance of (\$1,354.23).

The Town Manager explained that with the increase in the number of Councilors serving, additional equipment has been needed and to also cover the requirements needed for tapings at the Police Community Room we have had to expend funds in making equipment available.

Vice Chair Bolduc mentioned that it appears there might be a need for a workshop on Line Items. The Town Manager agreed that this would be a great idea as they are not overspending per the budget but some lines were under funded and some were over funded. Council Dayton took exception to the perception that the budget might have some inaccuracies. She noted that what is needed is a transfer policy.

The Town Clerk, Kim McLaughlin was asked to read her memo into the record: "During the FY12 budget process, the Town Council placed \$5000 in the line item for Video Production Equipment. I was advised by the former Finance Director that would be the case for FY13.

On October 22nd, I needed to order supplies for the room, and found out that the line was unfunded. I spoke with Maura Halkiotis, Interim Finance Director. She sent me an email advising me to use the same account and she and Mark would work on transferring funds into that budget.

I'm sure everyone was so busy it got placed on the back burner. I need to now order microphone input modules, and before I do so, I do not want to continue to be in the hole in that line.

I've requested from the Town Manager to be placed on the agenda to request the Town Council to transfer funds into the Video Production Equipment line item to cover the items previously purchased (\$1,354.23), the purchase of the modules (\$400) and approximately \$250 to cover an emergency service visit.

If anyone has any questions over the weekend, please don't hesitate to call my cell phone, 604-0442.

Thank you.

Kim McLaughlin

Kim also mentioned that the actual negative balance will be closer to \$1700 after the purchasing of the modules.

MOTION: Councilor Coleman motioned and Councilor Quinn seconded to approve as read. Vote was unanimous 5-0.

GOOD AND WELFARE

Jerome Begert gave his opinions on:

No spending

Line Items (he noted he is not against the budget)

Overfilled Debit Cards

Staff attending a Massachusetts conference when there is local training available

Jason Webber told the Town Council and those attending the Town Council meeting that Cheryl (Rague) Komola, a former Town Councilor and current Ed Tech staff in OOB had passed away. Vice Chair Bolduc asked for a moment of silence.

Adjournment

Councilor Mailhot motioned and Councilor Dayton seconded to adjourn the meeting at 8:19.

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 six (6) pages is a copy of the original Minutes of the Town Council Meeting of February 5, 2013.

Sheila M. Flathers

