

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, November 19, 2013
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, November 19, 2013. Chair O'Neill opened the meeting at 7:01 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
Councilor Michael Tousignant
Town Manager Larry Mead
Assistant Town Manager V. Louise Reid**

**Pledge to the Flag
Roll Call**

EMERGENCY ITEM:

CHAIR O'NEILL: We have a request to add an Emergency Item to the Agenda:

MOTION: Councilor Pastor motioned and Vice Chair Quinn seconded to add the following Emergency Item, Agenda Item Number 6063, pursuant to Charter Section 404.1 - to the Agenda following Agenda Item Number 6061: Discussion with Action: Approval of AFSCME Council 93, Local 481, Old Orchard Beach Public Works Department Union Contract, effective July 1, 2012 through June 30, 2014.

VOTE: Unanimous.

PRESENTATION:

Update on the RSU – Gary Curtis, Chair – RSU Board

Good evening. I'm here to hopefully shed a little light (without so much of the heat) as to where we are with the RSU and where we, as the RSU, are headed. As you know on November 5th, Saco voted to discontinue its membership in the RSU23 and as I speak here tonight Dayton is voting on whether or not to follow suit. On November 10th, the current Superintendent, Mr. Phillips, submitted his letter of resignation to the current Board, effective June 30, 2014. Regardless of the Dayton tally tonight, you should know that RSU23 – Old Orchard Beach – is alive and well. The young people entrusted to us for their education needs will continue to be well-served by a caring and professional staff of educators and support people. There are a number of "mechanical steps" in order to follow statute that have not begun, or will begin shortly. We are in a unique situation, shared I

believe with only one other RSU. In most instances of withdrawal, it is a single smaller community that has withdrawn. In our case, assuming Dayton follows Saco's lead, about 80% of the RSU will have withdrawn. Maine statutes are quite specific as to the procedures a withdrawing community must follow, but not as clear as how to manage the remaining RSU community. We are receiving guidance from the Department of Education, the Attorney General's office, and our own legal representative, Drummond Woodsom. The next seven to eight months present a unique challenge to us all. There will, in effect, be three different school departments working on three different 2014-2015 budgets, with three different superintendents, and cobbling together three different staffs. The Saco "transition team" made up of the four current Saco reps on the RSU 23 Board is meeting tonight to discuss what kind of staffing they will need to "stand alone." While there is no provision in law for such a transition team for the remaining RSU community, the answer appears to be that the current board will appoint the remaining members of the RSU from OOB to act as a parallel "transition team" for the RSU. I have called a special meeting of the current RSU Board to have such a "transition team" named, and to sign the warrant for a special RSU Town Meeting to amend the RSU Plan to increase the number of Board members of RSU 23 from 2 to 5, effective July 1, 2014. I say increase, because until next June 30th, the current RSU Board of 7 will keep their seats. As of July 1st due to the withdrawal of Saco and most likely Dayton, the number of RSU Board members will drop to 2. We are asking the Commissioner of Department of Education to increase that to 5, all elected at large, from the Town of Old Orchard Beach. After talking with our Town Clerk, Kim McLaughlin, we anticipate holding the election for these three additional RSU Board members in early April, in order that they may assist the current representatives from Old Orchard Beach in preparing the budget, and finalizing staff. The actual budget process, while stream-lined, will be the same as last year. There will be a number of public budget meetings where the principals of the schools and the new superintendent will present their needs to the RSU Transition team and the public. A regional budget meeting will be held and the public will vote on each of the eleven cost centers, as it has always been done, and that budget will be presented to the public at large to vote on it in referendum in June. This is probably a good time in the presentation to announce that we have chosen an "Interim Superintendent" for RSU 23. This decision was made in consultation with the current Superintendent, members of the Teacher's Union, the Principals of the Old Orchard Beach Schools and the Old Orchard Beach Representatives on the current RSU Board. It was felt that someone within the current system would provide the needed historic context of where we are, and where we hope to go, and would give a "comfort level" to the support and classroom staffs in Old Orchard Beach that will make the transition to a single community RSU easier, particularly at the classroom level. The person we have selected is well-known in our local, as well as the State education community. He has served as a teacher, a Principal, and most recently as President of the Maine Principals Association. I am happy to announce our selection of Lloyd Crocker, the current Principal of Loranger Middle School, as our choice for Interim Superintendent of RSU 23 beginning officially on July 1, 2014, but who will be assuming some of his duties yesterday. There will be a period of central office staff building after the election and seating of a new Saco School Board, and the selection of a new Saco Superintendent. We felt it only fair to wait until such events had occurred in order for prospective staff members in both systems to know who the "boss" was going to be, and the withdrawal plan, negotiated by the RSU and the City of Saco withdrawal committee, calls for such arrangements. Before taking any questions you might have I'd like to say that this is an exciting time for Old Orchard Beach students and staff. This realignment has given us a window of opportunity to redefine who we are and where we want to go. I think some exciting initiatives are about to present themselves from programing, to curriculum, to staffing. The day after the election, I was contacted by representatives of Biddeford, Scarborough, and Portland, as to their hopes that we could discuss areas of collaboration in areas such as business office, food service, transportation, and technology. It is not out of the question that anew K-8 school may be proposed, freeing up from the Town prime tax

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producing real estate where the Current Loranger and Jameson School stand. This could be seen as a great new tax base for the Town and the opportunity to upgrade, in a fiscally responsible manner, the facilities within which our learning takes place. I will be calling for a number of public forums in the coming Months so that our partners in the community can share their hopes and dreams and concerns as to the kind of school system they would like us to create. We have a terrific foundation on which to build, a competent and caring education and support staff, and an education friendly, concerned and involved community. How can we do anything but succeed. I'm happy to try to answer any of the questions that you might have. Mr. Curtis also related information provided to him by Dick Spencer who understands the entire process. He indicated that as far as a timeline is concerned, the RSU Board of Directors can adopt the votes establishing the RSU/OOB transition committee and calling the joint meeting of the voters of the three municipalities, and sign the warrants for that meeting on Thursday, November 21st. The warrants for the joint meeting must be posted seven days before the joint meeting so that the joint meeting can be held during the first week of December, say, December 2nd. We will then need to obtain a new certificate of organization from the Department of Education which shouldn't take more than a week, say by December 9th. At that point the Old Orchard Beach Town Council will be able to schedule an election to fill the vacancies for the three new RSU directors to be elected at large in Old Orchard Beach. The timeline for that election could take 85-90 days, if the municipal officers decide to use the regular timeline for municipal elections contained in 30-A MRS Section 2528 or, if the municipal officers want to shorten the timeline and conduct the election on an accelerated schedule, the election process could be compressed to 24-30 days. Under the regular election timeline, nomination papers must be made available 40 days before the filing deadline which is 45 days before the election, for a total of 85 days from the date that nomination papers are made available until the date of the election. Under this schedule, the new members of the RSU Board would not be elected until at least 85 days after December 9, or no sooner than March 4, 2014. In reality, under this schedule, the week of March 17 would probably be a more realistic timetable for the election of the new directors. On the other hand, if we set up the first election as one to fill the vacancies created by the increase in the number of directors, under 30-A MRS Section 2528(4)(E), the Town Council could shorten the timeline for the election to fill the vacancy to just 24 days, by allowing only ten days for circulating nomination papers and by shortening the filing deadline to 14 days before the election.

The Council would also have to declare an emergency and shorten the time for making absentee ballots available from 30 days to 14 days. Under this approach, the election to fill the vacancies created could be held as early as the second week in January. In order to follow this schedule the three additional school board members would have to be elected to fill the vacancies created by the joint meeting on an interim basis until the next annual election in Old Orchard Beach in November of 2014. If the Council wants to conduct the election on an accelerated basis under Section 2528(4)(E) as an election to fill vacancies, we would have to alter the article to be adopted at the joint meeting of the voters of the three RSU municipalities to make it clear that the first election of new board members will be just to fill the vacancies on a temporary basis until the next regular Old orchard Bach municipal election in November. If this is the manner in which the Council wishes to proceed, let me know tomorrow so that I can alter the article in the warrant for the join meeting accordingly.

Discussion between the Council, Mr. Curtis and members of the audience continued. Some of the issues and concerns raised by Laura Bolduc, Jerome Begart and Israel Collins as well as members of Council were for assurance that the interests of Old Orchard Beach were being protected and decisions being made in our best interest. Questions were raised

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about legal representation and how the transition team is being selected. When there are major changes such as this RSU vote has brought forward this often involves placement of staff, incorporating redundant operations into the system, accounting and finances, assets, Mr. Curtis did his best to relieve concerns and indicated that the transition team has been working together for many months to ensure a trust relationship with each other so that the good of the students is the top primary. He indicated there has been honest dialogue and great flexibility. Concern was raised that decisions have already been made without the input of the public but Mr. Curtis reminded everyone that all their meetings have been open for public attendance and participation.

ACKNOWLEDGEMENTS:

ASSISTANT TOWN MANAGER: We have on display this evening two pictures which were donated to the Town by Dr. and Mrs. Whelan (“Weelan”). They have some historical value and are on display in the Administration Offices. The artist was Robert Welch, a self-taught painter, a good friend of Dr. Whelan. The first painting was done from a photo taken July 19, 1943 of the heart of Old Orchard Beach’s business district. The view looks away from the beach down Old Orchard Street near its intersection with East Grand and West Grand Avenues. At the time Old Orchard, with its famous pier and night clubs, was in its wartime heyday. The Hotel White Hall is at the right, and there is a wax museum at the far left. Notice that the car headlights are shaded to comply with wartime blackout regulations. The second painting is from the 1930’s and shows the Ballroom built around 1898. Its Wonderland Ballroom welcomed locals and tourists, especially French Canadians, who came to enjoy big bands, movies (“or talkies”), casino games and romantic moonlit views of one of the Atlantic coasts’ longest sand beaches. Our sincere appreciation to Dr. & Mrs. Whelan.

COUNCILOR TOUSIGNANT: We want to express our congratulations to our very competent Journal Tribune Journalist, Liz Gottfelt, who covers Old Orchard Beach as her assignment, and Brian Othot, owner of “Life is Good,” who were married this past month. Our best wishes to Liz and Brian and our hope they will enjoy their new home they purchased in Old Orchard Beach.

COUNCILOR BLOW: I’d like to acknowledge and thank the Hanson Hometown Hardware for holding a donation event to benefit the Old Orchard Beach Community Food Pantry. Your help is needed and if you wish to donate stop out at the store located by Landry’s Shop and Save and donate a dollar or two and be entered to win a gas powered chain saw. Again, we thank Hometown Hardware for their community involvement. I would also like to thank the OOB 365 for hosting the terrific Community Dinner this past Sunday with over 286 meals served. Over 15 turkeys were served. The event was held at the Lions Club and we thank especially the McDonalds for supplying all the vegetables and for the dozen home cooked loafs of bread. Thanks to everyone who contributed in so many ways.

VICE CHAIR O’NEILL: I would especially like to thank those involved in the nightly flag lowering ceremonies at Memorial Park. That effort is appreciated by so many and in recognition of those who have given the ultimate gift of life and service.

ACCEPTANCE OF MINUTES:

Special Town Council Meeting Minutes of October 15, 2014.

MOTION: Councilor Pastor motioned and Councilor Blow seconded to Approve the Minutes as read.

PUBLIC HEARING:

CHAIR: I open this Public Hearing at 7:45 p.m.

Shall We Amend the Zoning District Amendment: Expand the Campground Overlay District over a single parcel zoned R-1 located at 9-11 St. John Street, MBL – 206-26-7 (Ne're Beach Campground), owned by Pacy LLC.?

JEFFREY HINDERLITER – PLANNER: This purpose of this proposal is to extend the existing Campground Overlay District to a 0.23 acre lot. The current district is Residential 1 (R1) and this district will remain. What will change is the lot will, in addition to R1, have the Campground Overlay zoning designation and which allow the lot to take advantage of the Campground Overlay (CO) standards.

Alan Weinstein (Pacy LLC) approached me last year about what he could do concerning a blighted building on property he owns adjacent to the his campground, Ne're Beach. I visited the site and the building was a safety hazard and in my opinion, could not be rehabbed- it needed to be demolished. To move forward, Mr. Weinstein and I discussed several options and the best appeared to be removing the building and extending his campground. Mr. Weinstein brought a proposal to landscape and add 4 camp sites. I could see this was to be a considerable improvement to the property (as well as surrounding area) and I approved this as an administrative site plan review.

As party of my review, I checked all the normal items, including the zoning district, and my interpretation of the zoning map was that the parcel was in the CO District. Since that time, a few zoning district discrepancies came up and I decided to work with our GIS consultant to update the maps to make sure the zoning districts were correctly represented by using the most recent, Council signed zoning map and to make the districts more clear by adding different colors and hatching for the overlay districts. When this was completed, sure enough, we found that Mr. Weinstein's redeveloped lot was not in the CO District- the CO District ended at the abutting lot.

So, to correct this mistake, it is in my opinion that the best way to move forward was to extend the existing CO District associated with Ne're Beach Campground to include this 0.23 Acre lot. If you look at the areas of Ne're Campground currently zoned CO, this appears to be a natural extension that makes complete sense.

Because the proposal is a zoning change and part of Chapter 78, it first requires a public hearing to be held by the Planning Board (PB) as well as the PB to offer a recommendation to the Council (see below). On 12 September, the PB held a public hearing and provided a recommendation that the Council approve the proposed zoning change. On 1 October, the Council scheduled a public hearing to be held on 19 November. Abutter's within 100' of the property associated with the proposed zoning change have been notified of the 19 November public hearing.

Sec. 78-31. - Amendments to chapter.

(a) This chapter may be amended from time to time as the needs of the town require after public hearing on a proposed amendment held by the planning board and following posting and publishing of notice of the hearing.

(b) Such notice shall be posted in the town office at least 14 days before the public hearing and shall be published at least two times in a newspaper of general circulation in the town. The date of the

first publication must be at least 14 days before the hearing, and the date of the second publication must be at least seven days before the hearing.

(c) Amendments to this chapter shall be adopted only after favorable vote of a majority of the members of the town council.

One of the primary tests for zoning changes- is it consistent with the adopted comprehensive plan. Our most recent adopted comp plan is from 1993. I reviewed the Community Goals and Policies and found “campgrounds should be allowed to expand as a conditional use with standards to assure their operation as good neighbors.” Therefore, in my opinion, this proposal is in consistent with the adopted comprehensive plan.

Mr. Weinstein has made considerable improvements to this lot and surrounding area and it was my misinterpretation of the zoning boundary that allowed the proposal to move forward.

CHAIR: I close this Public Hearing at 7:49 p.m.

PUBLIC HEARING:

CHAIR: I open this Public Hearing at 7:50 p.m.

Shall We Amend the Zoning District Amendment: Expand the Campground Overlay District over a single parcel zoned GB-1 located at 17 Ocean Park Road, MBL 210-10-4 (OOB Campground) owned by RBD Inc.?

JEFFREY HINDERLITER – PLANNER: This purpose of this proposal is to extend the existing Campground Overlay District to a 1 acre lot. The current district is General Business 1 (GB1) and this district will remain. What will change is the lot will, in addition to GB1, have the Campground Overlay zoning designation and which allow the lot to take advantage of the Campground Overlay (CO) standards.

Last year, Mike Daigle approached me and discussed his desire to improve his property, the OOB Campground. We met several times and reviewed several concepts. The proposal was to be done in several phases over a few years. The first phase was to create a safer, new entrance/exit to Ocean Park Road, reconfigure the interior front vehicle circulation patterns and landscaping. To do this (and to make the entire project work), Mr. Daigle had to purchase a 1 acre triangle-shaped lot (which is the lot associated with the proposed CO District) that included the Vacancy Pub and several overnight cabins. At the time this work was done, it was permissible in the GB1 District; therefore, a zoning change was not necessary. As many of you have probably seen, the first phase is close to completion.

Mr. Daigle would like to begin the second phase which includes significant updates to the campground sites. As part of this proposal, the campground will extend into a portion of the former Vacancy Pub lot. Since this lot is zoned GB1, the campground lots are not permissible. To make the proposal work, we are proposing to include the CO as an overlay zone. If you look at the areas of OOB Campground currently zoned CO, this appears to be a natural extension that makes complete sense.

Similar to the Ne're Beach CO proposal, because the proposal is a zoning change and part of Chapter 78, it first requires a public hearing to be held by the Planning Board as well as the PB to offer a recommendation to the Council (see below). On 12 September, the PB held a public hearing and provided a recommendation that the Council approve the proposed zoning change. On 1 October, the Council scheduled a public hearing to be held on 19 November. Abutter's within 100' of the property associated with the proposed zoning change have been notified of the 19 November public hearing.

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One of the primary tests for zoning changes- is it consistent with the adopted comprehensive plan. Our most recent adopted comp plan is from 1993. I reviewed the Community Goals and Policies and found "campgrounds should be allowed to expand as a conditional use with standards to assure their operation as good neighbors." Therefore, in my opinion, this proposal is in consistent with the adopted comprehensive plan.

Mr. Daigle has made considerable investment and improvements in this property and, according to his vision, will continue to do so.

VICE CHAIR QUINN: He asked if this would increase the number of sites but was told that it would decrease them from 110 to 60, all meeting new and current code requirements..

CHAIR: I close this Public Hearing at 7:53 p.m.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 7:54 p.m.

MOTION: Councilor Thornton motioned and Vice Chair Quinn seconded to Remove without Prejudice Milestone Foundation Inc. (205-1-27), 28 Portland Avenue, Retail/Exterior of the building for selling woodworking items throughout the year; also Christmas items including wreaths and ornaments; requesting the waiving of the fee from the Business License consideration.

VOTE: Unanimous.

Greg Soderburg (205-19-18-29), 47 Milliken Avenue, Unit 29, one year round rental; Joey Cormier (210-1-20-2), 39 Smithwheel Road, Unit 2, one year round rental; Douglas M. Edson (210-1-20-22), 39 Smithwheel Road, Unit 22, one year round rental; Dana Duhamel dba/Duhamel Motors, Inc., (211-1-15), 1 Old Orchard Road, Service Station; Used Car Lot; and Deborah Roma, Peter & Jeanne Plowman (302-3-6-1), 163 East Grand Avenue, Unit #1, one year round rental.

CHAIR: I close this Public Hearing at 7:55 p.m.

MOTION: Vice Chair Quinn motioned and Councilor Kelley second to approve the Business Licenses as read.

VOTE: Unanimous.

PUBLIC HEARING AMUSEMENT PERMITS:

CHAIR: I open this Public Hearing at 7:56 p.m.

Gregory G. Mezoian & Michael H. Mezoian dba/The Captain's Galley Restaurant (208-1-6), 168 Saco Avenue, D.J. Inside – 11:00 a.m. to 11:30 p.m.

CHAIR: I close this Public Hearing at 7:57 p.m.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to approve the Amusement Permit as read.

VOTE: Unanimous.

TOWN MANAGER'S REPORT:

The Town Manager's schedule has been very busy including ongoing negotiations with the Public Works, Police, Fire and Wastewater Unions. He has had several personal discussions with individual department heads regarding their concerns, goals, department priorities, etc. He has had ongoing personnel discussions and also meetings with the Finance Director and the Human Resource Director relative to staff changes and we congratulate Fran Beaulieu on her program from Payroll Clerk to Finance Clerk. We will be filling the position of Payroll Clerk in a short time. Lots of communication issues relative to the need for new cameras in connection with the broadcasting of meetings; upgrading our internet capability; replacing telephones in the Town Hall; and a training session which provided great information in the area of winter rentals and we expect to put together a working group to move this issue forward.

NEW BUSINESS:

6052 Discussion with Action: Authorize the payment of \$5,040 plus possible interest charges to the Internal Revenue Service for a proposed penalty in the late filing of the 2011 Form 1099's, from Account Number 20118-50350 – Contingency, with a balance of \$245,293.53.

BACKGROUND: This item authorizes the payment of an Internal Revenue Service fine totaling \$5,040, plus any applicable interest charges. The penalty was assessed as the result of the Town being late in filing 1099 forms for the 2011 tax year. Attached for your information is explanatory material, including a memorandum dated August 5, 2013 from Finance Director Diana Asanza to the Interim Town Manager. On direction from Town Council the Town sent a letter to the IRS dated August 12, appealing the penalty. However the Town has not yet received any decision from the IRS in this matter. Because interest expenses continue to grow while this matter remains unresolved staff recommends that the Town pay the penalty plus current interest costs while the appeal is pending. If the Town prevails in its appeal this payment would be reimbursed to the Town.

MOTION: Councilor Tousignant motioned and Councilor Thornton seconded to Authorize the payment of \$5,040 plus possible interest charges to the Internal Revenue Service for a proposed penalty in the late filing of the 2011 Form 1099's, from Account Number 20118-50350 – Contingency, with a balance of \$245,293.53.

VOTE: Unanimous.

6053 Discussion with Action: Approve the proposal for Engineering Services from Wright Pierce for rebuilding the secondary clarifier #1 in the amount of \$27,500 from Account Number 53002-50846 – Waste Water CIP, with a balance of \$372,100.

BACKGROUND: As part of the FY14 budget process the Council appropriated \$250,000 in capital funding for the rehabilitation of one of the two clarifier structures at the wastewater plant. This work was identified as a need in the 2009 master plan. I am asking the Council to approve using Wright-Pierce Engineering to perform design, procurement and project management services for the clarifier work, at an estimated cost of \$27,500. The attached draft agreement details the extent of services to be provided. Wright-Pierce has been the Town's consulting engineer for Wastewater plant operations and capital projects for most of the past 20 years and was the developer of the 2009 master plan. As such the firm is extremely familiar with the plant's infrastructure and specific operational history, which is an advantage when overseeing contractor work. That being said, it has been a number of years since the Town has sought proposals for engineering services. For this reason I plan on issuing an RFP for this purpose prior to the next fiscal year.

MOTION: Councilor Kelley motioned and Councilor Pastor seconded to Approve the proposal for Engineering Services from Wright Pierce for rebuilding the secondary clarifier #1 in the amount of \$27,500 from Account Number 53002-50846 – Waste Water CIP, with a balance of \$372,100.

VOTE: Unanimous.

6054 Discussion with Action: Approve the Liquor License Renewal for Gregory G. Mezoian & Michael H. Mezoian dba/The Captain's Galley Restaurant (208-1-6), 168 Saco Avenue, m-s-v in a Restaurant.

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

VOTE: Unanimous.

6055 Discussion with Action: Appoint Arlene Dolgon as Alternate to the Community Animal Watch Committee, term to expire 12/31/2015.

MOTION: Vice Chair Quinn motioned and Councilor Blow seconded to Appoint Arlene Dolgon as Alternate to the Community Animal Watch Committee, term to expire 12/31/2015.

VOTE: Unanimous.

6056 Discussion with Action: Appoint Larry Mead as Representative to the Citizen's Board of the Maine Water Company/aka/Connecticut Water Service, (formerly Biddeford Saco Water Company.)

BACKGROUND: Councilor Blow and the Assistant Town Manager attended a meeting with the administration of the Maine Water Company (formerly Biddeford Saco Water Company) and received an update on the comprehensive systems facilities plan detailing more than \$7 million dollars worth of immediate and short-term improvements needed to update the 125 year-old facility. I was amazed when I realized that the building itself was built in 1884 and the only other update was done in 1936. The Maine Water Company acquired the former Biddeford Saco Water Company which serves Biddeford, Saco, Old Orchard Beach and part of Scarborough in December of 2012. Engineering firms Woodward & Curran and Tate & Howard were hired in January of 2013 to prepare the plan. It was obvious in the walk through of the code violations related to chemical handling and storage, inadequate lighting, steep and unprotected stairways, inadequate railing heights, inadequate electrical systems and high noise levels. As we walked through the sedimentation basin room we all noted the chipped paint that needs to be replaced. Painting is estimated to cost more than \$100,000 because of the logistics of the large basins of water. The first volume showing the cost factors (anticipated) were presented to each invited representative and the second volume will come out in 2014. We were made aware that there are two options; the first to make changes to the current location which is located within the 100 year flood-plain of the Saco River and is the risk of flooding is a significant concern; or rebuild in an adjacent lot out of the flood-plain area. I asked the question as to how much influence the suggested choice is given to the communities that the water company covers and I got the feeling that our input would be accepted but that the Water Company as a public company will make their own decision. This visit was encouraged I believe to garner public support for the improvements rather than simply hiking the rates to upgrade the facility and better develop good public relations. I thought this showed a great deal of respect for their customers. Costs to upgrade/build are in the \$7.1 million dollar range with \$100,000 already paid out for the study. Rates will go up. We need to find the valued equation for our community; reasonable pricing to pay for service that we want to have continued.

MOTION: Councilor Pastor motioned and Vice Chair Quinn seconded to Appoint Larry Mead as Representative to the Citizen's Board of the Maine Water Company/aka/Connecticut Water Service (formerly Biddeford Saco Water Company.)

VOTE: Unanimous.

6057 Discussion with Action: Approve the Special Event Permit application for the Special Olympics of Maine to hold their annual Lobster Dip on the beach by the Brunswick on Wednesday, January 1st, 2014 from 9 a.m. to when the “Dip” takes place at noon; clean up by 2 p.m.; and a request to waive the fee. No parking allowed on West Grand Avenue; Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk’s Office at least one week prior to the event.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

6058 Discussion with Action: Approve the Special Event Permit for the Normandie Inn to hold a Harley Owner’s Group (HOG) Rally Lobsterbake and Pig Roast on Saturday, June 28th, 2014 on the beach. Close York Street from noon to 11 p.m. Tent on the beach for the Lobsterbake and Pig Roast on the 28th (set up Friday night and remove Sunday); Band and alcohol service will occur on Normandie Inn property after the Lobsterbake and Pig Roast. Other conditions listed on permit; Insurance, listing the Town as additionally insured, to be provided at least one month prior to the event. Liquor liability insurance from the caterer, listing the Town as additionally insured, also to be provided to the Town Clerk’s Office at least one month prior to the event.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

6059 Discussion with Action: Approve the Special Event Permit application for RAID Events LLC to hold Beach Raid on the beach on Saturday, September 13th from 5 a.m. to 8 p.m.; set up on September 12th starting at 8 a.m. and take down on September 14th, by noon. Application fee due by February 1, 2014; Request for Banner downtown to be worked out with Chamber of Commerce; Insurance listing the Town of Old Orchard Beach as additionally insured to be provided to the Town Clerk’s Office at least one month prior to the event.

Please note: RAID’s initials do not represent a name – the name of the company is RAID Events, LLC – an endurance event and media company who hold a series of obstacle races.

VICE CHAIR: A request has been made by the promoter to change the set up date from September 12th to September 11, 2014 with all other information remaining the same. I make a motion to Amend the Special Event Permit to include that change of date.

MOTION: Vice Chair Quinn motioned and Councilor Tousignant seconded to Amend the Special Event Permit to include Set up on September 11th as well as September 12th.

VOTE: Unanimous.

6060 Discussion with Action: Approve the Special Event Permit application for the Chamber of Commerce to hold their annual Celebrate the Season by the Sea

on Sunday, December 8th, 2013 from 1:00 p.m. to 3:00 p.m. on First Street and Memorial Park; to include a Parade, fire pits, horse-drawn hay wagon rides, vendors and a DJ playing holiday music; place a banner in the Square one week prior to the event; and a request to waive the fee.

MOTION: Councilor Kelley motioned and Councilor Thornton seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

6061 **Discussion with Action:** Approve the Special Event Permit for OOB365 to hold Winter Carnival 2014 on Friday, February 21st, and Saturday, February 22nd, 2014; OOB365 members working with Public Works to build the snow hill on Wednesday and Thursday. Old Orchard Street closed Friday from 4 p.m. to 8 p.m. and Saturday, 10 a.m. to 6 p.m.; a request for a banner at the Intersection of Saco/E. Emerson Cummings Blvd from January 15th - February 23rd. Application fee to be paid to the Town Clerk's Office at least one month prior to the event.

Councilor Tousignant indicated he is a volunteer for OOB 365. The Town Clerk updated the Council on the insurance policy that is in place for all events conducted by OOB365 and that an insurance certificate is on file and therefore not mentioned in the agenda item.

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

VOTE: Unanimous.

6063 **Discussion with Action:** Approval of AFSCME Council 93, Local 481, Old Orchard Beach Public Works Department Union Contract, effective July 1, 2012 through June 30, 2014.

MOTION: Councilor Thornton motioned and Councilor Kelley seconded to approve the AFSCME Council 93, Local 481, Old Orchard Beach Public Works Department Union Contract, effective July 1, 2012 through June 30, 2014.

It was noted by Council that they have encouraged the Town Manager and the Administration to move forward on these contracts because as a result of changes in staffing these have been side lined and need to be moved forward. Vice Chair Quinn explained reasons and concerns why he is not voting for this Contract and Councilor Tousignant abstained indicating that he had just come back on the Council and felt that he had not been updated at this time.

VOTE: Yea: Councilors Blow, Kelley, Pastor, Thornton, Chair O'Neill
Nea: Vice Chair Quinn
Abstain: Councilor Tousignant

GOOD AND WELFARE: The Chair asked if anyone wished to bring anything to the Council and with no response they moved to the next item.

6062 Executive Session: Labor Contracts: (Note: This item discusses bargaining rules for negotiations, as defined under Title 1 M.R.S. 405,6(D); and the Council Anticipates that the discussion portion will be in Executive Session.)

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Enter Into Executive Session regarding Labor Contracts – discussion of bargaining rules for negotiations, as defined under Title 1 M.R.S. 405,6(D); and the Council Anticipates that the discussion portion will be in Executive Session.)

VOTE: Unanimous.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Exit The Executive Session regarding Labor Contracts – discussion of bargaining rules for negotiations, as defined under Title 1 M.R.S. 405,6(D); and the Council Anticipates that the discussion portion will be in Executive Session.)

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Councilor Kelley motioned and Vice Chair Tousignant seconded to Adjourn the Town Council Meeting at 9:45 p.m.

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 thirteen (13) pages is a copy of the original Minutes of the Town Council Meeting of November 19, 2013.

V. Louise Reid