

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, September 17, 2013
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, September 17, 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
Councilor Jay Kelley
Councilor Malorie Pastor
Councilor Joseph Thornton
Councilor Roxanne Frenette
Interim Town Manager Robert Peabody, Jr.
Assistant Town Manager V. Louise Reid**

Absent: Councilor Kenneth Blow

**Pledge to the Flag
Roll Call**

PRESENTATION

**CERTIFICATE OF RECOGNITION TO:
Trish Driscoll Carruthers
*for her outstanding leadership in organizing
Volunteers for the Revolution 3 Triathlon Race
and Acknowledgement of the Volunteers
for their untiring contribution to the success of the event.***

by Councilor Joseph Thornton

BACKGROUND:

The recent REV3 Triathlon was an enormous success with over 1,500 participants. The success of the event was due to the participation of citizens and business owners of our community. One of those most instrumental in the success and in the organizing of 450 volunteers was Trish Carruthers who the Council honors this evening. Trish is anxious that it is the volunteers that are complimented and praised this evening for all that they brought to the event and its success. There were so many to thank but this expression to Trish is in respect to all those who volunteered their time and efforts.

Councilor Joseph Thornton made the presentation.

Fellow Members of the Council, the Town Manager, the Assistant Town Manager, and members of the community; I thank you for the opportunity to address the community

today to highlight an amazing event that took place in our community. The Rev3 Triathlon event held in Old Orchard Beach on August 24, 2013, was an enormous success with over 1,600 participants. The event and weekend was filled with amazing stories from athletes all over the world, and even from our own community. Overall the success of the event was due to the overwhelming participation of citizens and business owners from our community. Tracy Bryant, the Rev3 Volunteer Director contacted me and informed me that Old Orchard Beach has become one of the series' most popular venues, and they plan to include Old Orchard Beach in their series again in 2014. She specifically mentioned Pat Brown, Bud Harmon, Louise Reid, Paul Golzbein, Rich Redmond, Jimmy the Greek's Restaurant, JJ's and OOB365 for their amazing support and volunteerism during the event. Most importantly, however, is to recognize the amazing community support and involvement and all the volunteers who showed up early, stayed late, worked extra shifts, and moved around the downtown area to fill in gaps. The enthusiasm and excitement of the people of Old Orchard Beach is commendable and contagious. A USA Triathlon official was quoted as saying, "The volunteers in Old Orchard Beach are the best I have ever seen." For this event, over 400 hundred volunteers donated their time to help organize and keep the event safe. This number is amazing to me. More amazing to me is the amount of money that was raised for local causes due to this tremendous volunteer effort. Rev3 donated \$15 per shift worked to a local charity. Although I do not have an exact dollar amount raised at this time, I can assure you this number will have an extremely positive influence on the community. 400 Volunteers. I wish I had the time and ability to shake the hand of each of these volunteers. Every volunteer, and every hour donated, is commendable. Most mindboggling to me is the organization and motivation of these 400 plus volunteers. The most instrumental in the success of that process was Trish Carruthers. Trish's selfless giving of God knows how many hours over the course of the year to organizing, recruiting, and motivating these volunteers is deserving of recognition. There are so many volunteers to thank, and I as well as the Town Council, wish to thank, but this expression to Trish, is in respect to all those who volunteered their time and efforts. On behalf of the Town of Old Orchard Beach I am pleased to present this official certificate of recognition to Volunteer Coordinator Trish Driscoll Carruthers.

"For her outstanding efforts and leadership in organizing volunteers for the Revolution 3 Triathlon Race held in Old Orchard Beach on August 25th, 2013. Revolution 3 declared the volunteers in Old Orchard Beach, Maine to be the best they have ever worked with. Her dedication to this event has bettered the image of Old Orchard Beach and holds value for all inhabitants of the community."

Awarded this 3rd day of September, 2013

Shawn O'Neill, Chair

TRISH CARRUTHERS: She responded in humbly thanking the Council for their thoughtfulness but continued to explain that it was the work and commitment of these volunteers who made this event success and encouraged others next year to get involved.

ACKNOWLEDGEMENTS:

COUNCILOR FRENETTE: On behalf of the Community Animal Watch and its Chair, Beverly Russell, our sincere thanks to a number of citizens who came forward in our time of need in fundraising efforts. We thank Paul Golzbein for the Chili Fest this past weekend and for the donations shared with the Community Animal Watch. In addition we wish to thank George Kerr, Cary Seamons and Ron Boutet for their donation of \$500 each for a total of \$1,500. We thank Carl Agostino for his donation of "Puddy Doodles (home-made dog biscuits) with a donation coming back to the Community Animal Group. This group of volunteers does so much for the elderly citizens in our community who have pets and because of their economic conditions have difficult times when medical care is needed. For those who don't know what it is to have a loving pet by your side, you should try it. Sometimes, for some people, particularly those that live alone, this is their closest family member. More donations are necessary and your assistance is appreciated. Donations can be made to the Town of Old Orchard but indicated: Community Animal Watch.

COUNCILOR PASTOR: She reminded everyone of the events of the upcoming weekend when the POW/MIA observance at the Ballpark is an opportunity for all to participate in this memorial of "You Are Not Forgotten." Since World War 1, more than 92,000 American soldiers are unaccounted for. An unoccupied seat is being dedicated to the memory of those brave men and women and to the sacrifices made in serving this country.

ACCEPTANCE OF MINUTES:

Town Council Workshop of August 21, 2013; and Town Council Meeting Minutes of September 3, 2013.

MOTION: Councilor Kelley motioned and Councilor Pastor seconded to Accept the Town Council Minutes as read.

VOTE: Unanimous.

PUBLIC HEARINGS:

CHAIR: I open this Public Hearing at 7:17 p.m.

Shall the Town of Old Orchard Beach approve the Charter Amendments summarized below: Amend the Charter to reduce the number of Town Council members from seven (7) to five (5) with all Council members serving two (2) year terms and with a single Council member being elected for a two-year term in November, 2014? The text of the proposed Charter amendments is available from the Town Clerk.

Old Orchard Beach voters, if agenda items are approved this evening, will face a November vote to reduce the Town Council by two members, a move opponents say is an emotional reaction to a contentious seven months with a larger Council that ended in a recall election. This evening the Council will hold two public hearings on whether to send to referendum a proposed charter amendment that would reduce the Council to five members from seven members. Residents in 2011 narrowly approved the increase from five to seven. They will also consider sending a referendum a charter amendment to eliminate term limits put in place in 2011. Voters approved implementing a seven-consecutive year term limit by a two to one margin. The five to seven member Council won by only eleven votes. It has been noted by

several citizens that the first seven months with the larger Council, the Council was embroiled in a contentious and emotional battle with a majority of Councilors voting to fire the Town Manager. The fall-out of that decision resulted in the recall election which unseated six of the seven Councilors. Although there are many who feel the seven who are in power at this time are doing a very good job and it should remain as voted; others feel that the voters should have another opportunity to decide. The present Council is very cohesive and appreciated by many. If the Charter amendment is approved, each of the five Councilors will service a two-year term. Currently, six seats are for three-year terms and one is for a one-year term.

Speakers this evening included Jerome Begart and John Bird, both having served on the Charter Commission and spoke against changing the Charter to reduce the number back to five explaining the reasoning for the recommendation to make it seven which included diversity; and less opportunity to form blocks for a vote. Michael Coleman, former Councilor, expressed his opinion that going back to five was a good idea since obviously seven did not prevent the formation of blocks as indicated in the last Council. He also congratulated the present Council for their ability to work together but still felt five was a better number. 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. Councilor Frenette indicated she was not against the change but not particularly for it since the seven are obviously working well together. John Gallos stressed that the vote will give the will of the people and whether it is a vote taken once or ten times, the will of the people will be told each time which is the purpose of the vote. Karen Rozak asked how many people really asked for the change and who are they. Pat Brown encouraged the ballot referendum be moved forward. Ricki Letowt said she didn't see any reason for it to be on the ballot when people just voted on it.

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

MOTION: Vice Chair Quinn motioned and Councilor Thornton seconded to Place on the ballot for the regular Town election to be held on November 5, 2013 the following question:

Question 1: Shall the Town of Old Orchard Beach approve the Charter amendments summarized below? Amend the Charter to reduce the number of Town Council members from seven (7) to five (5) with all Council members serving two (2) year terms and with a single Council member being elected for a two-year term in November, 2014. The text of the proposed Charter amendments is available in the Clerk's Office.

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

Text of Charter amendments proposed to be adopted under Referendum Question 1 at the November 5, 2013 election:

Amend the first three (3) sentences of Section 201.1 to read as follows:

Sec. 201.1. Town Council. The Town Council shall be composed of five (5) members, with two-year terms, each of whom shall be elected by the registered voters of the entire Town, and each of whom shall serve until a successor is elected and qualified. The two-year terms of the Town Council shall be staggered, and expire at two year intervals.

Amend Section 1002.1 to read as follows:

Sec. 1002.1. Transition to Amended Charter.

The provisions of Section 202 notwithstanding, the terms of the Town Councilors shall continue and expire as follows: the terms for Councilors elected before November of 2013 shall expire normally at the end of their respective terms on the third Monday in November of the final term year. Three Councilors shall stand for election in November of 2013 for two 3-year terms and one 1-year term and such terms shall expire on the third Monday in November of the final term year. In November of 2014, one Councilor shall stand for election for a 2-year term. In November of 2015, two Councilors shall stand for election for 2-year terms. In November of 2016, three Councilors shall stand for election for 2-year terms.

All succeeding elections under this Charter shall alternate between electing two or three Town Councilors for 2-year terms based on the vacancies created by expiration of terms on the third Monday in November of the final term year.

Amend Section 1004 as follows:

Sec. 1004. Terms of Current Officials.

The terms of members of the Town Council, elected through November 5, 2013, shall expire on the third Monday in November of the final term year.

Text of Charter amendments proposed to be adopted under Referendum Question 2 at the November 5, 2013 election:

Amend the last sentence of Section 201.1 as follows:

Amend Section 1002.2 as follows:

Sec. 1002.2. Term Limits.

Nea:

PUBLIC HEARING:

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

**Shall the Town of Old Orchard Beach approve the Charter amendments summarized below?
Amend the Charter to eliminate term limits for Town Council members. The text of the proposed Charter amendments is available from the Town Clerk.**

The majority of individuals who spoke this evening were against changing the term limits expressing their opinions to let the term limits stay in place. John Bird and Jerome Begart of the Charter Commission believed it should not be changed and former Councilor Coleman agreed with them in this regard. It was something they felt could be considered at another time.

CHAIR: I close this Public Hearing at 8:12 p.m.

MOTION: Councilor Kelley motioned and Councilor Thornton seconded to NOT place on the ballot for the regular Town election to be held on November 5, 2013 the following question:

Question 2: Shall the Town of Old Orchard Beach approve the Charter amendments summarized below? Amend the Charter to eliminate term limits for Town Council members. The text of the proposed Charter amendments is available in the Clerk's Office.

VOTE: Unanimous.

THIS MOTION FAILED:

Text of Charter amendments proposed to be adopted under Referendum Question 2 at the November 5, 2013 election:

Amend the last sentence of Section 201.1 as follows:

Amend Section 1002.2 as follows:

Sec. 1002.2. Term Limits.

Nea:

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

Michael Hasenstaub dba/Good Thyme Café (205-15-1-E), 2 Cascade Road, Victualers with Preparation, no Alcohol sales; David H. Cohen (206-9-7-1), 88 Saco Avenue, Unit 1, one year round rental; Barbara & Zachary Hull (207-2-13), 161 Saco Avenue, Unit 315, one year round rental; Joan Pesirla Klein (210-1-15-10), 25 Smithwheel Road, Unit #10, one year round rental; John Roth (313-2-4), 15 Bay Avenue, Unit 2, one year round rental; Elizabeth J. Collins (315-18-1), 51 Union Avenue, two year round rentals; and Renchi-Zhang (401-2-2), 37 Chestnut Street, one year round rental.

MOTION: Vice Chair Quinn motioned and Councilor Frenette seconded to Approve the Business Licenses as read.

VOTE: Unanimous.

TOWN MANAGER'S REPORT:

The Town Manager recounted his first two days as Town Manager and expressed appreciation to all who have welcomed him and he looks forward to working with the Council and the town staff and to get to know those within our community. He mentioned the Staff Picnic at the Ballpark, and although it rained, it was a fun event. He thanked those who made the event possible and particularly noted Guy Fontaine and Carl D'Agostino for the use of the Ballpark and the services of the Concession Stand.

NEW BUSINESS:

6019 Discussion with Action: Award the Bid from Mark McGuire of Automotive Garage Tools for the 4-Column Truck Lift, capacity 72,000 lbs., in the amount of \$34,726.94 from Account #50002-50826 - Public Works Building Improvements, with a balance of \$88,314.41.

PUBLIC WORKS DIRECTOR: The Public Works gave a lot of attention to this purchase but in the State of Maine it is a sole-source purchase. He received a bid from AGT – of Westbrook, Maine in the amount of \$34,726.94. The Public Works Director recommends the purchase of this equipment permitting the staff to provide better and more defined service to the municipality. He then said that the Town Manager had suggested two other dealerships which could provide a bid and he called them to secure those bids which were presented to the Town Council.

| | |
|------------------------------|--------------------|
| All Seasons Equipment | \$42,195.00 |
| CL Challenger Lifts | 42,360.75 |

Obviously that bid of #34,726.94 is the lower bid and was accepted by the Town Council.

MOTION: Councilor Kelley motioned and Councilor Thornton seconded to Award the Bid from Mark McGuire of Automotive Garage Tools for the 4-Column Truck Lift, capacity 72,000 lbs., in the amount of \$34,726.94 from Account #50002-50826 - Public Works Building Improvements, with a balance of \$88,314.41.

VOTE: Unanimous.

6020 Discussion with Action: Award the Bid from Weirs Motor Sales, Inc. for a GMC 2013 Model 2500 HD Pickup, ¾ ton extended cab with 8 foot bed, in the amount of \$28,989.66; and also, Award the Bid from Viking Cives (USA) for a 4-ton Hot Patcher Reclaimer, Tandem Axle, Dump Hopper Trailer, in the amount of \$29,500.00; both items from Account #50002-50835 – Public Works Vehicle, with the balance of \$57,000.00; and a line item transfer of \$1,000 from Account Number 20151-50330 – Equipment Replacement, with a balance of \$1,000; to Account Number 50002-50835 – CIP – Public Works Vehicles, with a balance of \$57,000; and a line item transfer from Account Number 20151-50452 – Vehicle Repairs, in the amount of \$489.66; with a balance of \$92,142.66; to Account Number 5002-50835 – CIP- Public Works Vehicles, with a balance of \$57,000.

PUBLIC WORKS DIRECTOR: The RFP for the ¾ ton extended cab pickup truck 8 foot bed went out to:

**Frank Galos Chevrolet Saco, Maine Quirk Chevrolet Portland, Maine Weirs Motor Sales
Arundel, Maine
Bill Dodge Auto Group Westbrook, Maine**

The only one to respond was Weirs Motor Sales with a bid of \$28,989.66; the sticker price being \$37,467 and the Bid includes the Dodge- trade in. The Public Works Director recommends the acceptance of the Weirs Motor Sales bid.

The Council expressed concern that there was only one bid that was received on what appeared to be a purchase that would have interest of several dealers. It was recommended

that the Public Works Director go out to bid again and not indicate the trade-in of the currently owned vehicle.

MOTION: Councilor Frenette motioned and Councilor Thornton seconded to Remove Without Prejudice to Award the Bid from Weirs Motor Sales, Inc. for a GMC 2013 Model 2500 HD Pickup, ¾ ton extended cab with 8 foot bed, in the amount of \$28,989.66

VOTE: Unanimous,

The Public Works Director indicated that they went out to the following vendor for bids for Viking Cives (USA) for a 4-ton Hot Patcher Reclaimer, Tandem Axle, Dump Hopper Trailers:

Cives Corporation dba/Viking Cives
H. P. Fairfield LLC
Ray-Tech Infrared Corp.

Two bids were received for Hot Top Reclaimer.

H.P. Fairfield, LLC \$34,600 with a \$1,200 trade in
on the old Hot Box – Bid - \$33,400
Cives Corporation \$26,000 with \$500 trade –in for a
total of \$25,500. The Public Works Department requested additional cost of
Hydraulic Doors for safety reasons - \$31,500 with \$500 trade-in for a total of
\$31,000. Bidder had one in stock as a demo, never used for \$30,000 with \$500
trade-in for a final bid of \$29,500. Unit was available then otherwise at least a 120
day wait.

MOTION: Councilor Frenette motioned and Councilor Thornton seconded to Award the Bid from Viking Cives (USA) for a 4-ton Hot Patcher Reclaimer, Tandem Axle, Dump Hopper Trailer, in the amount of \$29,500.00 from Account #50002-50835 – Public Works Vehicle, with the balance of \$57,000.00.

VOTE: Unanimous.

6021 Discussion with Action: Accept the Proposal for Fiscal Advisory Services for the Town of Old Orchard Beach from Unibank Fiscal Advisory Services, Inc., from Account Number 20105-50403 – Consulting/Financial Advisory Services, with a balance of \$10,000.

FINANCE DIRECTOR: The Finance Director was seeking proposals from qualified firms or institutions wishing to provide financial advisory services in connection with the Town's debt management and debt issuance activities. The selected firm or institution is expected to provide these services for a period of three (3) years upon annual renewal.

RFP was sent to:

Unibank Fiscal Advisory Services – Whitinsville, MA
Capital Market Division – Moors & Cabot, Inc. – Boston, MA
Gorham Savings Bank – Portland, Maine

Three responses were received:

Unibank - \$12,500
Gorham Savings - \$10,000
Moor & Cabot - \$4,000

Although the difference between Unibank and Moors & Cabot seems substantial, when you consider a \$2 million dollar bond issue to be financed over long term (15-20 years) the difference is not a major discrepancy. The Finance Director recommends Unibank for this project believing that their experience, expertise, support and oversight will provide the municipality for this Capital project will prove to move the municipality forward in the right direction.

MOTION: Vice Chair Quinn motioned and Councilor Frenette seconded to Accept the Proposal for Fiscal Advisory Services for the Town of Old Orchard Beach from Unibank Fiscal Advisory Services, Inc., from Account Number 20105-50403 – Consulting/Financial Advisory Services, with a balance of \$10,000.

VOTE: Unanimous.

6022 Discussion with Action: Approve the purchase of a Varda Silent Alarm for the Police Department from Varda Company, a sole-source provider, in the amount of \$7,056.27 from Account Number 30170-50311 – Police Grants & Donations, with a balance of \$10,973.91; as a donation from The American Legion.

POLICE CHIEF: With much appreciation to the American Legion for their continued support of the programs in Old Orchard Beach, and particularly for their support of the Police Department. This was a single-source company that offers this product. The money to pay for it was a donation from the American Legion and the Police Department is recommending approval of this purchase.

NANCY FRISCO: She raised the issue of concern relative to the use of assault weapons and the Chief responded that the Police Department considers this a priority.

MOTION: Councilor Frenette motioned and Councilor Thornton seconded to Approve the purchase of a Varda Silent Alarm for the Police Department from Varda Company, a sole-source provider, in the amount of \$7,056.27 from Account Number 30170-50311 – Police Grants & Donations, with a balance of \$10,973.91; as a donation from The American Legion.

VOTE: Unanimous.

6023 Discussion with Action: Authorize the Fire/EMS Chief and the Town Manager to sign a three year Contract with Airgas to provide medical oxygen for the Town's ambulance service at the guaranteed prices quoted for one year, from Account Number 20138-50501 – Operational Supplies & Equipment – Non-Capital with a balance of \$35,834.

FIRE CHIEF: The Fire Department went out to bid for a vendor to provide medical oxygen for its emergency medical services responders. The emergency medical division of the Fire/Rescue Department provides oxygen to its medical patients through oxygen cylinders stored within its ambulances and on other fire apparatus. These cylinders are provided full by an outside company and exchanged as necessary for a few. Cost to the Department Budget has historically been \$6,000 average. Because the cost typically exceeds the current

Department approval purchasing limit and a multi-year contract will be signed to ensure pricing and deliveries, an RFP was created and bids were received. In addition a new type O2 cylinder with built-in regulator is available which is safer than our previously provided cylinders. This style cylinder will eliminate our personnel from having to fill small cylinders from a cascade supply system.

Two bids were submitted:

**Matheson Tri-gas
Airgas.**

The Airgas bid contained the specific new safer cylinders and is the lowest cost per cylinder and ancillary charges such as delivery, hazardous materials and fuel surcharge fees. Numerous other communities have contracted with Airgas and have been satisfied with their customer service and have experienced cost savings.

The Fire Chief is recommending accepting the Airgas proposal.

MOTION: Councilor Kelley motioned and Councilor Frenette seconded to Authorize the Fire/EMS Chief and the Town Manager to sign a three year Contract with Airgas to provide medical oxygen for the Town's ambulance service at the guaranteed prices quoted for one year, from Account Number 20138-50501 – Operational Supplies & Equipment – Non-Capital with a balance of \$35,834.

VOTE: Unanimous.

6024 Discussion with Action: Extend the Extreme Clean Contract, Inc., to cover through October 15, 2013 (23 days) in the amount of \$10,000; or through October 31, 2013 (39 days) in the amount of \$15,000; funding to be determined by the Town Council, from Account Number – 20118-50350 – Contingency, with a balance of \$259,763.69.

TOWN MANAGER: The past few Councils have discussed this matter with input from local residents who say that we have the use of the bathroom for the tourist trade but when it comes to the close of the season when citizens are more able to come downtown, we close the facilities and make the use of porta-potties instead of open facilities. There are events that take place through Columbus Day in the downtown area that many residents participate in and at the same time use the town facilities. The Town Manager recommended that he work with Extreme Clean owner, Adam Copeland, to establish a plan for the work to be done till the end of October in the amount of \$10,000.

Adam Copeland reminded the Council that they clean the three down-town bathrooms and pick up trash in the downtown and the beach areas. The Company also, in the fall, performs annual maintenance and painting of such items as benches. The contract was scheduled to end September 30, 2013. Assistant Town Manager, V. Louise Reid, said there were complaints in the past when the Town used portable toilets. The Town Manager reminded the Council that when visitors come to a resort town they have high expectations.

MOTION: Councilor Frenette motioned and Councilor Pastor seconded to Extend the Extreme Clean Contract, Inc., to cover through [October 30, 2013 (39 days) in the amount of \$10,000 from Account Number – 20118-50350 – Contingency, with a balance of \$259,763.69.

VOTE: Unanimous.

6025 Discussion with Action: Approve a Ballpark Facility Use Agreement and License for 2014 with Old Orchard Beach Collegiate Baseball Club, LLC, making the Ballpark Collegiate's home stadium for the 2014 season.

The Town Manager indicated to the Town Council that the Town Attorney recommended some considerations which were provided to the Town Council including Section 5(A) – User Fee – it is presumed the fees include use of the PA system/restroom/clubhouse/skyboxes both individual/day/night; and that Collegiate gets concession proceeds for both their events and non-Collegiate events. Guy Fontaine, a member of the Ballpark Commission, spoke positively about the relationship between the Gallos and the Ballpark Commission and encouraged the Council to move forward on this Agreement so that the Gallos can secure their sponsors for the coming year. Vice Chair Quinn indicated that he had concerns about the revenues of the Ballpark and more definitive understanding of how the Agreement was addressed.

MOTION: Councilor Kelley motioned and Vice Chair Quinn seconded to Approve a Ballpark Facility Use Agreement and License for 2014 with Old Orchard Beach Collegiate Baseball Club, LLC, making the Ballpark Collegiate home stadium for the 2014 season.

**VOTE: Yea: Councilors Thornton, Frenette, Kelley, Pastor, Chair O'Neill
Nea: Vice Chair Quinn**

6026 Discussion with Action: Consider placing on the ballot for the regular Town election to be held on November 5, 2013 authorization for the granting of a permanent easement over the parcel identified on the Town Tax Maps as MBLU 205-1-22X, located at 4 Portland Avenue, Old Orchard Beach, Maine to the Saco & Biddeford Savings Institution ("SBSI") to allow for SBSI, at its sole expense, to develop, maintain and use a parking lot on the Town of Old Orchard Beach/ Historical Society parcel, the easement area shown on the survey on file at the Town Office, in consideration for securing the Town's right of perpetual access and perpetual use of the parking lot to be constructed and maintained by SBSI, the granting and conveyance of an easement from SBSI to the Town for the Town's perpetual right of access over the SBSI lands located on the Town Tax Map as MBLU 205-1-21, located at 2 Portland Avenue, the construction of a paved walkway around the Historical Society building and an access ramp for the Historical Society building to be constructed by SBSI, and for such purposes and such other terms as agreed to by SBSI, the Town and Historical Society (the "Agreement"), the terms and conditions of the easement and Agreement subject to review and approval by the Town Council; to further set a Public Hearing on this matter for October 15, 2013; and to further direct the Town Clerk to place such a referendum on the November 5, 2013 ballot.

The Town Manager spoke to Jeff Vachon of Saco Biddeford Savings Institution regarding the proposed Agreement with the Town and the Harmon Museum. The Bank has suggested that this agenda item be removed without prejudice for the present time. The Bank has decided that, given the issues raised by the Town's Legal Counsel after review of the easement deed and the proposed Agreement, there were too many things still to be resolved and too short a time for them to be resolved before proceeding to Council. The Bank felt it unfortunate that considering the documents had been sent to the Town's Legal Counsel several months ago,

that these items could not have been moved forward more quickly for completion. It is the Bank's perspective that they want all issues ironed out between the parties before proceeding to Council. In addition, because the easement proposals have to be approved by voters before the deal is finalized, there is not time to get this project done before paving plants close in November. They were looking ahead to next June as the next opportunity to obtain voter approval. If approved, the work could then be done in the summer.

MOTION: Vice Chair Quinn motioned and Councilor Kelley seconded to Remove Without Prejudice the Order setting date for Referendum Election on the granting of an easement over a portion of the Town of Old Orchard Historical Society (Harmon Museum) Parcel. 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 referendum question:

Shall the Town Council of the Town of Old Orchard Beach be authorized to grant and convey to the Saco & Biddeford Savings Institution ("SBSI"), owners of the property at 2 Portland Avenue, further identified on the Town of Old Orchard Beach Tax Map as MBLU 205-1-21, an easement over the parcel identified on the Town Tax Map as MBLU 205-1-22X, located over the rear portion of the Town of Old Orchard Beach Historical Society (Harmon Museum) parcel at 4 Portland Avenue, Old Orchard Beach, Maine, to allow for SBSI, at its sole expense, to develop, maintain and use a parking lot on the Town of Old Orchard Beach/Historical Society parcel as shown on the survey on file at the Town Office, in consideration for the Town receiving perpetual access and perpetual use of the parking lot to be constructed and maintained by SBSI, the granting and conveyance of an easement from SBSI to the Town for the Town's perpetual right of access over the SBSI lands located on the Town Tax Map as MBLU 205-1-21 located at 2 Portland Avenue, the construction of a paved walkway around the Historical Society building and an access ramp for the Historical Society building to be constructed by SBSI, and for such purposes and such other terms as agreed to by SBSI, the Town and Historical Society (the "Agreement"), the terms and conditions of the easement and sale subject to review and approval by the Town Council?

VOTE: Unanimous.

6027 Discussion with Action: Amend the General Assistance Ordinance, Section 6.8, Basic Necessities; Overall Maximum Levels of Assistance.

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

Amend Section 6.8 Basic necessities; Overall maximum levels of assistance.

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

MOTION: Councilor Frenette motioned and Councilor Thornton seconded to Amend the General Assistance Ordinance, Section 6.8, Basic Necessities; Overall Maximum Levels of Assistance.

VOTE: Unanimous

6028 Discussion with Action: 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.

TOWN MANAGER: 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.” Amend Section 6.8 Basic necessities; Housing maximums

| Bedrooms | CURRENT WEEKLY | UNHEATED | CURRENT MONTHLY | PROPOSED |
|----------|-------------------|--------------------|--------------------|---------------------|
| | | PROPOSED WEEKLY | | PROPOSED MONTHLY |
| 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> |

| Bedrooms | CURRENT WEEKLY | HEATED | CURRENT MONTHLY | PROPOSED |
|----------|-------------------|--------------------|--------------------|---------------------|
| | | PROPOSED WEEKLY | | PROPOSED MONTHLY |
| 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 amount allowed for utilities for lights, cooking, and other electric uses, excluding electric hot water are:

| <u>Number in Household</u> | <u>Weekly</u> | <u>Proposed</u> | <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>Gallon:</u> |
|--------------|----------------|--------------|----------------|
| September | 50 | January | 225 |
| October | 100 | February | 225 |
| November | 200 | March | 125 |
| December | 200 | April | 125 |
| | | May | 50 |

MOTION: Councilor Frenette motioned and Councilor Pastor seconded to 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.

VOTE: Unanimous.

6029 Discussion with Action: Approve the Special Event Permit from the Ballpark Commission to hold a Dog Show on September 26th through 29th, 2013, from 7:00 a.m. to 2:00 p.m. each day at the Ballpark; and a request to waive the fee.

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

VOTE: Unanimous.

6030 Discussion with Action: Approve the Special Event Permit from Lance Foss to hold a Memorial Service at Winona Avenue in Ocean Park on Saturday, October 12, 2013 from 1:00 p.m. to 5:00 p.m.; and insurance listing the Town of Old Orchard Beach as additionally insured, to be delivered to the Town Clerk's office at least one week before.

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

VOTE: Unanimous.

GOOD AND WELFARE:

JEROME BEGART: He spoke about the events of OOB 365 coming up and encouraged attendance.

BEVERLY RUSSELL: She thanked everyone for the donations to the Community Animal Watch and the work of the Committee with the animals of our community.

ADJOURNMENT:

MOTION: Councilor Frenette motioned and Vice Chair Quinn seconded to adjourn the Town Council Meeting at 9:25 p.m.

VOTE: Unanimous.

Respectfully Submitted,

V. Louise Reid
Town Council Secretary

I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of sixteen (16) pages is a copy of the original Minutes of the Town Council Meeting of September 17, 2013.
V. Louise Reid