

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, April 1, 2014
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, April 1, 2014. Chair O’Neill opened the meeting at 7:02 p.m.

The following were in attendance:

**Chair Shawn O’Neill
Vice Chair Bob Quinn
Councilor Malorie Pastor
Councilor Jay Kelley
Councilor Joseph Thornton
Councilor Michael Tousignant
Councilor Kenneth Blow
Tow Manager Larry Mead
Assistant Town Manager V. Louise Reid**

**Pledge to the Flag
Roll Call**

ACKNOWLEDGEMENTS:

COUNCILOR PASTOR: The Fire/EMS Department recently received a check in the amount of \$74 for the donations raised from a “Supporting Those Who Serve” holiday campaign at the Sears Hometown Store in Biddeford. In partnership with the National Volunteer Fire Council (NVFC) Sears gave a percentage from holiday sales of certain items to the NVFC to distribute to our fire department. We would like to thank Old Orchard Beach residents Rick and Carol St. Michel who are co-owners of the local business for supporting Old Orchard Beach Fire/Rescue and giving us the opportunity to receive the donation. She also announced that Jameson School is a drop off place for donations to the Community Food Pantry.

COUNCILOR THORNTON: A special invitation to all residents to attend the Community Dinner – A Pie Extravaganza – Anything Pie is on the menu – Chicken Pot Pie, Shepard’s Pie, Salmon Pie, Pork Pie – Pie, Pie and more Pie. Sponsored by OOB365 it is scheduled for Sunday, April 6th from 1:00 to 5:00 p.m. at The American Legion. Want to help, contact Sharri MacDonald at 590-4201.

ACCEPTANCE OF MINUTES:

ACCEPTANCE OF MINUTES: Town Council Meeting Minutes of March 18, 2014; and Special Town Council Minutes of March 27, 2014.

MOTION: Councilor Pastor motioned and Councilor Tousignant seconded to Accept the Minutes as read.

VOTE: Unanimous.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: We are pleased this evening to welcome to the Community three new businesses.

Maine Country Woods – Shelly Kerry – 39 B Old Orchard Street
David’s Sub Shop – Paula Gagne – at a new location – 9 Ocean Park Road
The Green Bee – Jason Crockett at 213 Saco Avenue.
We are pleased to welcome them and wish them much success in their endeavors.

BUSINESS LICENSES:

CHAIR: I open this Public Hearing at 7:07 p.m.

Shelly Kerry dba/Maine Country Woods (206-31-8), 39B Old Orchard Street, Retail; David & Lacey Tardiff (210-1-20-24), 39 Smithwheel Road, #24, one year rental; Paula Gagne dba/David’s Sub Shop (210-10-2), 9 Ocean Park Road, Victualers with Preparation and No Alcohol Sales; Jason Crockett dba/The Green Bee (211-9-17), 213 Saco Avenue, Retail; Victualers with Preparation with Beer, Wine and/or Liquor Take-out; Molly Russell (211-17-5-9), 6 Hobson Avenue, #9, one year round rental; Samlab Enterprises LLC (314-13-4), 131 Union Avenue, one year round rental; Luca & Victoria Pompei (318-8-6-56), 146 West Grand Avenue, #56, one year round rental; and CRDBCD LLC (319-5-7), 14 Hampton Avenue, one seasonal rental.

CHAIR: I close this Public Hearing at 7:09 p.m.

MOTION: Councilor Blow motioned and Councilor Thornton seconded to Approve the Business Licenses as read.

VOTE: Unanimous.

PUBLIC HEARING AMUSEMENT PERMITS:

CHAIR: I open this Public Hearing at 7:09 p.m.

New England Restaurant Group dba/Pirate’s Patio & Galley (304-2-9), 2 Walnut Street, Amplified Music, Dancing, Karaoke Outside and Inside – 12:00 p.m. to 8:00 p.m.

CHAIR: I close this Public Hearing at 7:10 p.m.

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

VOTE: Unanimous

TABLED ITEM: # 6119 - Discussion with Action: Approve wording of referendum question for the June 10, 2014 ballot on the granting of an easement over a portion of the Town of Old Orchard Beach Historical Society (Harmon Museum) parcel.

John Bird again reiterated his concerns about the terminology of “perpetuity” or “permanent” easement. The quality or state of being perpetual denotes it being lasting or destined forever. His concern was if the Bank should sell that property to another landlord. The resident abutting the parking lot, Paul Dornan of 10 “B” Street, raised questions relative to his concerns about the easement. It was assured that his questions would be answered during public hearings at the Planning Board level. Again appreciation was expressed by the Chair and Council for the efforts of both the Saco Biddeford Savings Institution but also the Harmon Museum in working out this arrangement.

MOTION: Vice Chair Quinn motioned and Councilor Blow seconded to Approve the wording of referendum question for the June 10, 2014 ballot on the granting of an easement over a portion of the Town of Old Orchard Beach Historical Society (Harmon Museum) parcel.

ORDER APPROVING REFERENDUM QUESTION ON THE GRANTING OF AN EASEMENT OVER A PORTION OF THE TOWN OF OLD ORCHARD BEACH HISTORICAL SOCIETY (HARMON MUSEUM) PARCEL

Be it ordered: The Town Clerk shall place on the ballot for the Town election to be held on June 10, 2014 the following referendum question:

Shall the Town Council be authorized to grant a permanent easement located over the rear portion of the Old Orchard Beach Historical Society (Harmon Museum) parcel at 4 Portland Avenue to the Saco & Biddeford Savings Institution (“SBSI”), owners of the adjacent parcel, to allow for SBSI to develop, maintain and use a parking lot on the Harmon Museum parcel to be constructed by SBSI, in exchange for the Town receiving:

- 1. perpetual access and use of a portion of the parking lot,**
- 2. an easement from SBSI to the Town for the Town’s perpetual right of access from Adelaide Road over the SBSI parcel to the Harmon Museum parcel,**
- 3. the construction by SBSI of a paved walkway around the Harmon Museum parcel, and**
- 4. the construction by SBSI of an access ramp for the Museum building,**

all subject to the terms and conditions of an Agreement and survey on file in the Town Clerk’s Office?

VOTE: Unanimous.

TOWN MANAGER'S REPORT:

In anticipation of the presentation of the 2015 Fiscal Budget, the Town Manager made his report short indicating that there were still ongoing Union negotiations, Not surprisingly a very large portion of the week was spent working on the FY15 budget. Bill Robertson and the Town Manager met with representatives from PACTS and MDOT to discuss the signalization and intersection improvements at the corner of Saco and Union. This project has been kicking around for a few years. Cost increases delayed it moving forward, as well as personnel changes and changes on the Council. The reality is it has to move forward because the Town is on the hook for the expenses that have already been incurred should the project be canceled. There is currently \$113,000 in a capital budget account available. We need an additional \$107,000 (estimated) to address the Town's share of the overall project cost. I am putting that amount in the proposed FY15 capital budget. If approved the work could get done in the spring of 2015. The project would be managed by the State. He followed up on a tree complaint (dead tree overhanging the road) on Saco Avenue at the Fern Park cabins. The tree base is on private property but the overhang poses a safety concern in the public ROW. Worked with MMA legal to define the Town's rights and limitations. Contacted the property owner Mr. Jackson who does not wish to address the problem himself. The Town Manager asked for his written approval for the Town to remove the portion that extends over the public ROW. He said he would give that to me. Once we have it we will have the limb removed. This is not an easy matter. There are significant liability concerns related to the Town dealing with trees that are located at the base on private property.

6130 Presentation of the 2015 Fiscal Year Municipal Budget.

This is my first budget as your Town Manager. I have put in a great deal of time to review the various departmental budgets in order to gain a solid understanding of what is contained in each. In addition it has taken time to familiarize myself with the recent budget history because there has been a good deal of transition in the key players, including Town Manager, Finance Director, and Council. Budget components have moved between accounts over the past several budgets, complicating the task of tracking the historical trends in expenditures. One of the goals I have is that this year's budget process is marked by stability, transparency and accountability. I am presenting both a proposed operating budget and a proposed capital budget for consideration. I recognize that it is the responsibility of the Finance Committee to prepare a capital budget to recommend to the Town Council. Therefore the proposed capital budget contained herein is presented to the Finance Committee as a starting point in its deliberations. I also forward it, as well as the proposed operating budget, to the Town Council, because it is difficult to begin to shape a final budget without having some understanding of how both elements of the municipal budget are shaping up. To assist you in reviewing the FY15 budget I have attached to this memo the following additional information:

- A list of "budget drivers", factors that significantly affect the proposed budget.**
- An analysis of operating budget costs by Department.**
- An analysis of the proposed non-profit property tax revenues.**

FY 15 BUDGET DRIVERS

EXPENSES

As proposed the FY 15 operating budget increases \$550,768 or 4.2% over FY14. As with any budget the FY15 submittal consists of key “budget drivers” that are either out of the administration’s direct control, or are deemed essential needs. The significant budget drivers include the following:

<u>CATEGORY</u>	<u>INCREASE</u>	<u>PERCENTAGE INC</u>
Debt Service	\$80,679	7%
Health Insurance	\$64,000	7%
Retirement Contributions	\$45,000	13%
Separation Pay for retiring employees	\$42,000	100%
Libby Library (expansion)	\$40,106	14%
Workers Compensation	\$40,000	30%
Town Hall Maintenance	\$26,745	39%
Street Lights	\$24,000	12%
Fire Hydrants	\$22,860	18%
Memorial Park	\$14,760	33%
TOTAL BUDGET DRIVERS	\$423,010	

As this list demonstrates the overall budget increase is heavily influenced by these expenses.

REVENUES

Equally important in managing the municipal budget is seeking to grow non-property tax revenues when appropriate because these revenues hold down the property tax rate. The non-property tax revenue increase as proposed is \$183,111, or a 4.5% increase. The “revenue drivers” in the proposed FY 15 budget include the following:

<u>CATEGORY</u>	<u>INCREASE</u>	<u>PERCENTAGE INC</u>
Business Permits/Licenses	\$58,000	39%
Parking Meters	\$20,000	10%
Parking Fines	\$20,000	22%
Rescue Fees	\$40,000	9%
RSU reimbursement: school police officer	\$62,500	100%
TOTAL REVENUE DRIVERS	\$200,000	

If adopted as proposed this revenue growth reduces the property tax rate by about 14 cents.

- Create additional space for the broadcast room and the Town Manager's office on the third floor by removing two walls and replacing with one new wall. (\$2,000)

20199 INSURANCE **Up \$192,750** **9%**

- Two long time employees will retire in Police and Fire. Separation pay for accrued sick and vacation time is expected to be \$42,000.
- Contributions to Maine State Retirement increased \$35,800. Most of that increase is due to the decision by the retirement system to raise the employers' contribution towards employee retirement. In addition the employer cost for the ICMA 457 plan is projected to increase \$9,000.
- Health insurance costs increased \$64,000, or 6.8%.
- Worker's compensation expense was woefully under-budgeted in FY14, by about \$31,000. It is projected to increase another \$9,000 in FY15, a 5% increase. Because of the under-funding the increase in FY15 is \$40,000.
- General insurance costs are projected to increase by \$7,400, or 3.5%.

20131 POLICE EXPENSE **Up \$81,580** **3.6%**

- Full and part-time wages increased \$15,400, including step increases per the union contract.
- Seasonal wages, including overtime, increased by \$7,300, or 4%.
- There is an increase of \$7,500 in training and \$1,000 in travel to account for the cost of supervisory training for three supervisors as well as the cost of the police academy for one replacement new hire.
- Service contracts increased 4%, most of which is related to the increased contract cost for dispatch services in Sanford (\$9,500). The Council will be asked through the budget process to consider transferring dispatch services to Scarborough Communications. This would result in an initial increase in cost for FY15, but lower costs going forward.
- Equipment replacement is up \$22,500 to fund the replacement cost of the two ATV's used for beach and summer patrol.
- Electricity is up \$1,000.
- Phone expense is down \$5,700 (42%).
- Networking expense is up \$4,800 to account for the purchase of air cards to back up the mobile data terminals.
- Computer service is down \$4,000 because it was a onetime expense in FY14.
- Operating supplies and equipment is increased by \$13,500 to fund the cost of ballistic vests.

20136 PUB SAFETY COMPLEX MAINT EXPNS **Up \$3,500** **7%**

- Electricity is up \$1,600.
- Operating equipment repair is down \$3,500.

20137 LIFEGUARDS EXPENSE **Up \$8,400** **6%**

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- The cost of wages is increased by \$8,000. This will allow for an increase in the starting hourly rate as well as an increase for those returning. The low starting wage is making it increasingly difficult to recruit and retain lifeguards.

20138 FIRE/RESCUE EXPENSE **Up \$35,857** **2.6%**

- Full and part time wages are up \$10,000 (1.3%). This includes step increases for full time personnel and \$3,500 for part time EMS personnel.
- Hydrant rental expense increased \$22,860 due to an 18% increase in rates from the Water District.

20140 STREET AND TRAFFIC LIGHT Up \$24,000 13%

- Increase in electricity rates.

20151 PUBLIC WORKS Up \$36,038 2.5%

- Employee wages increased \$17,000, or 3.7% as a result of the labor contract settlement for FY13 and FY14.
- Overtime wages increased \$4,000 to provide for the cost of doing maintenance work on school buses for the Old Orchard Beach School Department. All cost related to this work will be reimbursed by the School Department.
- Clothing allowance increased \$1,650 as a result of the labor contract settlement.
- Professional and Engineering services increased \$11,000. Required storm water engineering services and permitting increased \$5,000. Funding for a salt-water marsh environmental evaluation in Ocean Park is \$3,500. Funding for phragmites control in the marsh is \$2,600.
- Service contracts is reduced by \$5,400.
- Equipment rental is reduced by \$9,400 as long as the small excavator requested in capital is funded.
- Phone expense is increased due to \$1,860 additional reimbursement to employees for cell phones per union contract.
- Vehicle fuel expense is increased by \$5,000 (10%).

20152 PARKS MAINTENANCE Up \$14,760 33%

- Add \$12,000 for wages to provide maintenance of the flower beds and grounds.
- Reduce contract services by \$3,240.
- Increase operating supplies by \$4,000 in order to build a dog park bench with roof.
- Increase grounds improvements by \$2,000 to fund tree replacement.

20161 WASTEWATER Up \$32,775 3%

- Service contracts are down \$1,100.
- Equipment Replacement is up \$41,500. The increase is for maintenance improvements that need to be done but are not substantial enough to include in capital expenditures.
- Waste pumping expense is reduced \$5,000.
- Building repair maintenance is increased \$5,000 for small paving jobs needed at pump stations and in the main plant.
- Non-capital operating supplies is reduced \$5,000.
- Vehicle fuel is increased \$1,500.

20163 SOLID WASTE EXPENSE Down \$40,000 - 6%

- Waste tipping fees is reduced by \$40,000 to reflect the average volume of waste delivered over the past two years.

20171 RECREATION**Up \$3,219****1.5%**

- Full-time wages are up \$3,000 to reflect the actual hours worked between standard weekly hours and 40 hours per week.

20173 CONSERVATION COMMISSION**Up \$3,000****32%**

- Advertising expense is up \$900 due to Charter requirements pertaining to meeting notice.
- Grounds maintenance improvements are up \$2,100 to complete installation of kiosks and signage directing people to and from the Eastern Trail.
- The Commission requested almost \$60,000 to develop a connector trail linking the Town center and beach with the Eastern Trail. This funding request should be considered as part of the Capital budget.

20174 SERVICE AGENCY ALLOCATION

- The Council last year requested that the Finance Committee make recommendations for service agency funding.

20175 LIBBY MEMORIAL LIBRARY**Up \$40,106****14.6%**

- The Library is seeking funding increases related to the operation of the expanded facility in November or December of 2014. The Library will present its request at a budget workshop.

20176 TRANSIT DISTRICT SUBSIDY**No change in budget request****20177 OOB HISTORICAL SOCIETY****Down \$2,530 - 12%**

- Heating fuel request down \$1,000 as a result of window replacement last year.
- Building repairs down \$4,000. The project for building improvements was completed in FY14.

20191 GENERAL ASSISTANCE**Up \$4,880****6.7%**

- Assistance expense is up \$5,000. This expenditure is reimbursed at 50% by the State.

20197 DEBT SERVICE**Up \$80,679****7%**

- Lease costs are reduced by \$29,160 because one vehicle lease was completed.
- Principal payments increased by \$144,200 due to the addition of the library bond.
- Interest Expense is reduced by \$29,160 due to refinancing of 2003 bond and scheduled reductions in other existing bonds.

The Town Council expressed their appreciation to the Town Manager and to the Finance Director for the commitment to the timely and professional preparation of this report to the Council and the presentation of the Budget proposal. They also discussed upcoming Workshops with the various Department Heads.

6131 Discussion with Action: Order of the Town Council of the Town of Old Orchard Beach to Issue Bonds in a principal amount not to exceed \$1,740,000 to refund the Town's General Obligation Bonds dated November 1, 2003; and Order of the Town Council of the Town of Old Orchard Beach to Declare its Official Intent to reimburse expenditures paid in connection with a Library Capital Improvement Project with proceeds from Bonds.

BACKGROUND:

The Finance Director has provided the two documents relative to this agenda item. In regards to the Official Intent to reimburse please note *Bond Counsel recommends that this Declaration of Official Intent is needed for the Town to pay certain current project costs to be reimbursed when the Library bonds are issued.*

MOTION: Councilor Thornton motioned and Councilor Tousignant seconded: Order of the Town Council of the Town of Old Orchard Beach to Issue Bonds in a principal amount not to exceed \$1,740,000 to refund the Town's General Obligation Bonds dated November 1, 2003; and Order of the Town Council of the Town of Old Orchard Beach to Declare its Official Intent to reimburse expenditures paid in connection with a Library Capital Improvement Project with proceeds from Bonds.

VOTE: Unanimous.

6132 Discussion with Action: Shall the Council engage the firm of RHR Smith & Company, CPA's to conduct the Town-wide Audit as required by statute and by Charter for the fiscal year ending June 30, 2014, at a cost not to exceed \$17,000?

MOTION: Vice Chair Quinn motioned and Councilor Kelley seconded to engage the firm of RHR Smith & Company, CPA's to conduct the Town-wide Audit as required by statute and by Charter for the fiscal year ending June 30, 2014, at a cost not to exceed \$17,000.

VOTE: Unanimous.

6133 Discussion with Action: Award contract for the removal of hazardous materials from the Edith Belle Memorial Library from the Account Number - 31144-50396 – Library Bond/Expansion, with a balance of (\$1,879.96).

BACKGROUND:

In preparation for the Renovation and Expansion of the Libby Memorial Library, an Asbestos Identification Survey and Potential Hazardous Materials and Universal Waste Assessment was conducted. Current regulations require that all asbestos containing materials (ACM) be removed prior to disturbance by renovation or demolition activities by a licensed asbestos

abatement contractor. The survey, which involved sampling and testing in accordance with Department of Environmental Protection (DEP) protocols, was conducted by CES Inc. The findings are summarized in a report submitted to the Town Council.

CES Inc. – Engineers, Environmental Scientists, and Surveyors conducted an Asbestos Identification Survey and Potential Hazardous Materials and Universal Waste assessment for the Property at 27 Staples Street (Edith Belle Libby Memorial Library). The surveyed building consisted of an approximately 3,500 square foot (SF) single-story masonry structure with a concrete slab on grade foundation. A report prepared by CES Inc. has been prepared for the Town Council and presented them. It notes several hazardous materials and universal waste including fluorescent light tubes, ballasts and emergency light batteries. Removal would be approximately \$2,075. Removal of Asbestos-Containing Materials (ACM) includes floor tiles, wall boards, paper wall covering, chimney flashing, etc. The total cost of this removal will be \$23,900 with an estimate between \$20,000 to \$25,000.

Four licenses abatement contractors were contacted and invited to offer a proposal for abatement of the asbestos containing materials and universal waste. The invitation was based on actual experience working with them or upon recommendation by CES Inc. A summary of pricing received from each of the contractors for the abatement is outlined below:

Contractor	Total
Abatement Professionals	\$ 9,350
Bios Environments	16,355
Acadia Contractors	9,950
RJ Enterprises	19,300

Two of the four contractors proposed to handle the removal of the floor tile through a heat treatment process that allows for asbestos containing materials to be removed without engineering controls as long as the tiles remain in-tact. Based on a review of the proposal, Claire P. Betze, P.C., has recommended to the Town that the abatement contract be awarded to Abatement Professionals of Westbrook for \$9,350. She also recommends that the Town provide a contingency amount of 25% of the contract, for a total project amount of \$11,690. The contingency would allow the flexibility to address any unforeseen conditions by change order so that the project can continue to move forward without delay. Abatement Professionals is ready to start upon contract award.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Award the contract for the removal of hazardous materials from the Edith Belle Memorial Library to Abatement Professionals in the amount of \$9,350, with 25% contingency for a total amount of \$11,690 from the Account Number - 31144-50396 – Library Bond/Expansion, with a balance of (\$1,879.96).

VOTE: Unanimous.

6134 Discussion with Action: Accept the bid of \$6,610 from Beach Glass and Window Co., for interior repairs of the Harmon Museum from Account Number 20177-50450 – Building Repair/Maintenance, with a balance of \$6,947.51.

BACKGROUND:

The Harmon Museum Board went out to bid approaching seven individuals/companies for bids and requiring a meeting with the Museum administration prior to their bids so that they understood the emphasis on the type of work needed to be done. The following companies were contacted:

Beach Glass and Window Co., LLC	\$ 6,610.00
K.M.V. Inc.	11,790.00
Vachon Construction Co. – Reviewed work – no bid	
Bishop Perkins Construction – Reviewed work – no bid	
D&W Builders – Did not return phone calls	
Richard Nadeau Builder – Did not return phone calls	
Michael Lapoint – Did not return phone calls.	

Attached for the Council’s review:

- List of Requestors
- Request for Proposal (RFP)
- Minutes of Meeting of Board
- Actual copies of two bids
- Agreement
- Insurance

The Harmon Museum Board is requesting that the Request for Proposal bid from Beach Glass and Window Co., LLC, in the amount of \$6,610 be accepted for the interior work.

MOTION: Councilor Tousignant motioned and Councilor Thornton seconded to Accept the bid of \$6,610 from Beach Glass and Window Co., for interior repairs of the Harmon Museum from Account Number 20177–50450 – Building Repair/Maintenance, with a balance of \$6,947.51.

VOTE: Unanimous.

6135 Discussion with Action: Approve the Agreement with Ted Berry Company, Inc., in the amount of \$15,000, from Account Number 20161-50342 – Waste Pumping Expense, with a balance of \$23,276 for the removal of debris from tanks at the Wastewater Facility and Pump Station.

BACKGROUND:

The OOBWWTF does not have any automated equipment to remove grit/sand/textiles as it enters the WWTF. Instead of removing the textile items, they are ‘shredded’ by inline grinders. A portion of the grit/sand settles in tanks and wet wells at the WWTF and pump stations. The OOBWW department must periodically clean out the various tanks, channels and wet wells manually. Cleaning is normally performed twice a year. Some of the cleanings require the staff to divert flow, bypass a portion of the treatment process and perform

permitted confined space entry(s). This makes some of the cleaning 'time sensitive'. All debris is taken to Eco-Maine in Westbrook for final disposal. The OOBWW department has worked alongside the Ted Berry Company with all aspects of the cleaning over the past few years. The OOBWW department supplies the safety equipment and runs the permitted confined space entry program that is required to access some of the tanks. Ted Berry Company has previous knowledge of the system and has demonstrated a high level of efficiency. OOBWW staff and the Ted Berry Company have reduced the amount of time it takes to complete the cleanings. It is expected that the Ted Berry Company and OOBWW staff will complete the cleanings in three days. I have included three vendor quotes in the packet and a summary below. Disposal costs are not included. All prices are from 2013 and include an eight (8) hour day at the site;

Walker Industrial Services (Based in Skowhegan, Maine)

- Vector Truck w/operator, laborer and support truck - \$2100 per day
- Total per day- \$2100 per day

Ted Berry Company (Based in Livermore Falls, Maine)

- Vector Truck w/operator and laborer - \$2400 per day
- Support truck - \$78 per day
- Total per day- \$2478 per day

Hartigan Wastewater Services (Based in Middlesex, Vermont)

- Vector Truck w/operator - \$1688 per day
- Confined space technician - \$1250 per day
- Support truck – N/A
- Total - \$2938 per day

MOTION: Councilor Thornton motioned and Councilor Kelley seconded to Approve the Agreement with Ted Berry Company, Inc. in the amount of \$15,000, from Account Number 20161-50342 – Waste Pumping Expense, with a balance of \$23,276 for the removal of debris from tanks at the Wastewater Facility and Pump Station.

VOTE: Unanimous.

6136 Discussion: Location of Pay and Display Parking.

BACKGROUND:

Chief Kelley has several times conducted assessments of locations within the Town for consideration of installation of parking meters. Discussion this evening is on the request of the Chief to permit more meters to be installed on Old Orchard Street rather than First Street. His reasoning for this is the plans of the Public Works Director to install new sidewalks in the location of First Street between Heath Street and Atlantic Avenue. Councilor Tousignant and Vice Chair Quinn discussed the parking meter revenue issues; is there a process for collecting the money from the parking meters; is there a way to statistically account for the revenue from various sections of the Town's parking plan; is there a possibility in this next fiscal year to account for each section of the Town and the amount collected?

- # 6137 **Discussion with Action: Rescind the Policy Concerning Public Records Requests adopted 7/20/04 and all the amendments, and adopt the new Policy Governing Access to Public Records under the Maine Freedom of Access Act.**

BACKGROUND:

Several meetings were held between the Assistant Town Manager, the Human Resource Director and the Town Clerk to prepare this document showing legal changes that have been made in the Public Records law. It was the intent to make it a more friendly document listing what is required. In addition individuals can go directly to the FOAA Liaison with correspondence requests in writing or directly to the e-mail: foaalaisson@oobmaine.com which will go directly to the three individuals listed above so that in the absence of one of them the ability to meet the five day deadline is possible.

**TOWN OF OLD ORCHARD BEACH, MAINE
POLICY GOVERNING ACCESS TO PUBLIC RECORDS
UNDER THE MAINE FREEDOM OF ACCESS ACT**

1. SUMMARY AND PURPOSE

This policy governing access to public records is established to implement the provisions of the Maine Freedom of Access Act, 1 M.R.S.A. Sections 401-414. The purpose of these rules are to support the policy of providing public access to the public records in the possession of the Town while, at the same time, complying with State law requirements as to confidential information and maintaining administrative efficiency.

2. DEFINITIONS

Terms used in this Policy Governing Access to Public Records shall have the same meaning as in the Maine Freedom of Access Act.

“FOAA” means Freedom of Access Act.

“Requestor” means a person who submits a request for public records under the provisions of the FOAA.

3. PROCEDURES FOR REQUESTING PUBLIC RECORDS

Written requests for public records are requested to be submitted to the Town Clerk, who is appointed as the Town Public Access Officer and/or the Human Resource Manager as the Deputy Town Public Access Officer at the following addresses:

FOAA Liaison
C/o Town Manager’s Office
Town of Old Orchard Beach
1 Portland Avenue
Old Orchard Beach, Maine
04064

OR:
foaaliaison@oobmaine.com

Written or oral requests submitted to Town Officials or Town employees other than the Town Clerk will be referred to the Town Public Access **Officer and/or the Deputy Town Public Access Officer** for processing and response. The public access officer will confer with the Town Manager as needed regarding any information request. The public access officer shall be responsible for ensuring that each records request is acknowledged and that an estimate of the response time is provided, but a request must be acknowledged and responded to regardless of whether it was delivered or directed to the public access officer. Also, a response may not be delayed due to the unavailability of the Public Access Officer.

4. **FORM AND CONTENT OF REQUEST**

Requests in accordance with the FOAA and the Town of Old Orchard Beach Policy Governing Access to Public Records are requested to be made in writing to ensure that a complete response is given, but a written request is not required. For the requestor's convenience, e-mail shall be considered a written request.

The following information is requested when submitting a FOAA request:

- A. The requestor's full name, address and phone number. If a requestor does not wish to provide this information, the requestor will be informed as to when the requested information, or an estimate, will be available.
- B. A brief description of the public records being sought, being as specific as possible. If you do not know what document you are seeking please state which specific information is being sought.
- C. Whether the request is for inspection of public records, copies of public records, or both.

5. **TIMELINE FOR TOWN RESPONSE TO REQUEST FOR PUBLIC RECORDS**

The Town shall respond to a request within five (5) working days. In a "reasonable time" after the receipt of such request, the Town's Public Access Officer will provide a good faith non-binding estimate of the response time and must make a good faith effort to respond within that time.

Should a request be denied by the Town, the requestor shall be notified of the reasons for the denial within five (5) working days.

Factors defining "reasonable time" shall include administrative work load, complexity of request or amount of staff time required to fill request.

6. **TOWN RESPONSE TO REQUEST FOR PUBLIC RECORDS**

After review of a request for public records, the Town may either provide the materials; give notice that the materials shall be made available upon payment of reproduction costs and/or staff time, or give notice of the time and place for

inspection of records. A denial of a request for public records shall be made in writing. It shall state the reason(s) for the denial.

The Town may request additional clarification concerning what public records are sought before responding to a request.

Acknowledgement of receipt of request. PL 2013, c. 1216 amends 1 M.R.S.A. (SS) 408-A to require officials to acknowledge receipt of a public records request within five working days. (A good faith, nonbinding estimate of when the request will be fulfilled, along with a cost estimate, must still be provided “within a reasonable time.”) Also, if an official refuses a request but fails to provide written notice of denial, stating reasons, within five working days (a longstanding requirement), this is now considered a failure to allow inspection, which is subject to appeal to Superior Court within thirty (30) days (formerly five <5> working days). (Effective 10/9/13)

7. PROCEDURES FOR APPEAL OF A DENIAL

A requestor whose FOAA request has been denied may appeal in accordance with the requirements of Maine Law.

8. PROCEDURES FOR PROVIDING RECORDS TO REQUESTORS

Inspection of records at Town Offices – generally, public records will be made available for inspection during normal working hours of the Old Orchard Beach Town Office.

Unless otherwise arranged, the inspection of records shall take place at the Old Orchard Beach Town Office.

Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. An employee of the Town may be present throughout the inspection.

Generally, all copying shall be done by a Town employee. A requestor may be prohibited from bringing bags, brief cases or other containers into the inspection room.

Person requesting copies can also request the public access officer to make and mail a copy, for which a reasonable copying fee and actual mailing costs may be charged. A request for a copy need not be made in person or in writing.

Town is not required to create a record that does not already exist.

Access to electronically stored records must be provided either as a printed document or in an electronic medium in which the record is stored at the requestor’s option, except that an agency or official is not required to provide access to a computer file if they have no ability to separate or prevent disclosure of confidential information in that file. The law does not require the Town to provide access to a computer terminal. Nor does it require that an electronically stored record be provided in a different electronic medium or format. If an electronically stored record must be converted into a comprehensible or usable format in order to provide access to it, the

Town may charge for the actual cost of conversion.

Copies of public records shall be provided to the requestor only upon payment of any charges which are due.

Charges for copies of public records shall be assessed in accordance with the “fee schedule” as approved by the Town Council.

9. FEES

The Town shall assess any and all fees to the requestor allowable by the State of Maine Freedom of Access Act. Current law authorizes a charge of up to \$ 15.00 per hour after the first hour of staff time.

Should a requestor make a request requiring Town employee time to fill such request, which exceeds the allowable “free” time allotted by the FOAA, an estimate of charges to fulfill the request shall be given to the requestor before such work begins. Prepayment shall be required if the estimated response costs exceed \$100 or if the requestor has previously failed to pay a properly assessed fee under this policy in a timely manner. Any overpayment shall be refunded upon receipt of request by requestor through the Town’s payment warrant system.

10. STATE PUBLIC ACCESS OMBUDSMAN

The new law funds an Assistant State Attorney General position to serve as a Public Access Ombudsman. The Ombudsmen’s duties include working to informally resolve complaints by the public and public officials concerning FOAA and, upon request, issuing advisory opinions on the interpretation of and compliance with the FOAA.

Link to FOAA: www.maine.gov/foaa

MOTION: Councilor Thornton motioned and Councilor Tousignant seconded to Rescind the Policy Concerning Public Records Requests adopted 7/20/04 and all the amendments, and adopt the new Policy Governing Access to Public Records under the Maine Freedom of Access Act.

VOTE: Unanimous.

6138 **Discussion with Action:** Set a Public Hearing date of April 15, 2014 for the following ordinance amendment: Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 78 (Zoning), Article VI(Districts), Division 8 (General Business District 1), Sec. 78-803 (Conditional Uses) to allow Tattoo Parlors as a Conditional Use within the General Business District 1 (GB-1) and to Amend Chapter 78 (Zoning), Article I (In General), Sec. 78-1 (Definitions), to add definition “Tattoo Parlor.”

Amendment to Chapter 78 – ZONING, Article I – IN GENERAL, Section 78-1 – DEFINITIONS

1. Section 78-1 shall be amended by adding the underscore language as follows:

Tattoo Parlors means any location, property, establishment, use where an individual, firm, company, corporation or association owns or operates at a location, property, establishment, use where tattooing is performed and any individual who performs or practices the art of tattooing on the person of another.

Tattoo, tattooed, tattooing refers to any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with permanent ink or any other permanent substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin.

Amendment to Chapter 78 – ZONING, Article VI – DISTRICTS, Division 8 – GENERAL BUSINESS DISTRICT 1 (GB-1), Section 78-803 – CONDITIONAL USES

2. Section 78-803 shall be amended by adding the underscore language as follows:

(5) Tattoo Parlors

Amendment to Chapter 78 – ZONING, Article VI – DISTRICTS, Division 16 – HISTORIC OVERLAY DISTRICT (HO), Section 78-1135 – PROHIBITED USES

3. Section 78-1135 shall be amended by adding the underscore language as follows:

(7) Tattoo Parlors

SUBJECT: Proposed Zoning Ordinance Amendment (Tattoo Parlor)

I am writing to you regarding agenda item #6118 on the 18 March Council agenda. The proposal to be discussed is a Zoning Ordinance Amendment to allow Tattoo Parlors as a conditional use within the General Business District 1 (GB-1). Because this proposal is identified as a “Discussion” agenda item, formal action is not required; although, it is my hope you will provide guidance as to how it should and if it should move forward. Below, I will provide some of the history of the proposal as well as information I considered during my review.

HISTORY

During 2013, former Code Officer Jim Butler, permitted a Tattoo Parlor (business owner is Robert Johnson) use for a property located adjacent to Ocean Park Rd. (close to OOB Campground). At that time, Mr. Butler determined that Tattoo Parlors are a permitted use at this location by classifying this use as a “Personal Service.” Personal Service is an allowed use within this area of town which is zoned as General Business District 1 (GB 1). After Mr. Butler determined this was a permitted use, the proposed Tattoo Parlor went through the business licensing process and received Council approval.

Sometime during late 2013, the Tattoo Parlor business owner decided to relocate the same business to a location at Halfway Intersection. Due to this relocation, the Tattoo Parlor was required to apply for a new business license.

As part of the business licensing process, staff is required to perform a zoning check in order to determine if a proposal meets applicable zoning standards. During the zoning check, recently hired Code Officer Dan Feeney, determined that a Tattoo Parlor is not a Personal Service as defined in town ordinances (Definition: “*Personal services* means establishments primarily engaged in providing services involving the care of a person or his personal goods or apparel.”) but is a Tattoo Parlor because Tattoo Parlor is much more similar to the proposed use than Personal Service.

Both the former and proposed new location are within the same zoning district (GB 1). Personal Services are identified as a allowable use within GB 1 but Tattoo Parlors are not; Therefore, Mr. Feeney could not permit the Tattoo Parlor at its proposed location. Tattoo Parlors are a use identified within other Zoning Districts (Downtown District 1 and Amusement Overlay). Since it is identified as a use within other districts, and the use is not identified as a permitted or conditional use within GB 1, by ordinance Sec. 78-148, the Tattoo Parlor business is prohibited at the proposed location (Sec. 78-148, Omitted Uses: “Any use permitted in one zoning district of the town and not specifically prohibited in any other district shall be considered prohibited in such other districts. Any use not specifically allowed as either a permitted use or a conditional use is specifically prohibited. As new uses occur over time or existing uses are found to have been omitted, action allowing such shall be by amendment to this chapter.”).

The Tattoo Parlor business owner did not agree with Mr. Feeney’s decision and decided to seek relief and overturn through the appeals process. During January 2014, the appeal was brought to the Zoning Board of Appeals (ZBA) and the ZBA ruled in favor of Mr. Feeney’s decision; therewith, denied the Tattoo Parlor business appeal.

Town ordinances allow the appellant to appeal ZBA’s rulings in Superior Court. The appeal must be filed in Superior Court within 30 days from the date of the ZBA’s decision. For reasons unknown to me, the appellant did not appeal ZBA’s ruling; therefore, ZBA’s ruling remains in-effect.

During the beginning of this month, the Tattoo Parlor business owner contacted me in order to explore his options. Since the Superior Court appeals period passed, the only recommendation I had was to propose a change to the zoning ordinance so that it will allow a Tattoo Parlor within GB 1. The business owner decided to proceed with this which is why the proposal is known before you.

FURTHER INFORMATION

During my discussion with the business owner regarding his options and how to move his proposal forward, it was his opinion that a Tattoo Parlor use should be classified as either Adult Business or Personal Service (both are allowed within GB 1). I believe there are a number of issues with this including how Adult Businesses and Personal Service are defined in the town ordinance, unintended consequences, and why are Tattoo Parlors a specific use and permissible only within certain areas of town.

First, it is my opinion the Tattoo Parlor use is a specifically identified use and does not meet the definitions of Adult Business and Personal Service. Definitions:

“Adult business means any business in any use category, a substantial or significant portion of which consists of selling, renting, leasing, exhibiting, displaying or otherwise dealing in materials or devices of any kind which appeal to prurient interests and which depict or describe specified sexual activities.”

“Personal services means establishments primarily engaged in providing services involving the care of a person or his personal goods or apparel.”

Regarding classification as an Adult Business, I believe a Tattoo Parlor does not “...deal in materials or devices of any kind which appeal to prurient interests and which depict or describe specified sexual activities.” Regarding classification as a Personal Service, I believe a Tattoo Parlor does not “...involve the care of a person or his personal goods or apparel.” Because both definitions appear to identify uses that are different from Tattoo Parlors, the only way to include Tattoo Parlors within either definition is to specifically add Tattoo Parlors to either definition.

Second, if Tattoo Parlors are included within either Adult Business or Personal Service definitions, will there be unintended consequences to the areas in town that allow these uses?

Currently, *Adult Businesses* are permissible in GB 1 and the Historic Overlay (HO) Zoning Districts. GB 1 is located in two areas of town (see attached map)- First, from the OOB/Saco town line, properties abutting both sides of Old Orchard Rd. and Ocean Park Rd. and continues down Saco Ave. to E. Emerson Cummings intersection. Second, properties abutting both sides of Portland Ave. and Cascade Rd. from just above town hall to the end of Landry’s plaza. HO is located on properties abutting both sides of Portland Ave. from Portland Ave./Old Orchard Street intersection to the Portland Ave./Cascade Rd. intersection. *Personal Services* are permissible in Downtown District 1 (DD 1, dark gray on attached map), Downtown District 2 (DD 2, medium gray), Industrial District (ID, coral), Campground Overlay (CO, brown lined), GB 1 (light gray), and HO (dark red line). *Tattoo Parlors* are permissible in DD 1 and Amusement Overlay (AO, Palace Playland).

As you can see above, Tattoo Parlors and Adult Businesses do not have common permissible districts. Tattoo Parlors and Personal Services have one district in common- DD 1. If we included Tattoo Parlors within either definition, Tattoo Parlors will become a permissible use within the district where the use is allowed. For example, if Tattoo Parlors are included with the Personal Services definition then Tattoo Parlors become a permissible use in DD 1, DD2, ID, CO, GB 1, and HO districts. The potential problem with this- are Tattoo Parlors an appropriate use within the districts where it could be allowed?

Another issue is if Tattoo Parlors are included within the Adult Business definition, Tattoo Parlors will no longer be permissible in the DD 1 and AO districts because Adult Business is not a permissible use there. In addition, The Adult Business related ordinances will need to be amended which will take more time.

Third, why are Tattoo Parlors identified as a specific use and permissible only within particular areas of town? I have created numerous ordinances during my career and know there is thought behind why ordinance standards are created, amended and deleted. So, I feel there must be a reason as to why Tattoo Parlors are a specific use and only permissible within certain areas. Why was it decided Tattoo Parlors are not permissible in GB 1?

CONCLUSION

After my initial analysis, I feel that if Tattoo Parlors are to become a permissible use within GB 1, as requested by the business owner, Tattoo Parlors should remain as a specific use and not be included within the Adult Business or Personal Service definitions. Tattoo Parlors will then be classified as either a “Permitted” or “Conditional” use within the GB 1. If it is classified as a “Permitted” use, than Tattoo Parlors in most cases will only require applicable state and code related permits. If classified as a “Conditional” use, than in addition to state and code permits, it will require Planning Board review. Planning Board review will provide additional oversight including the opportunity for abutters to comment.

I believe that if the proposal moves forward, other ordinance changes should include adding a Tattoo Parlor definition in the definitions article of Chapter 78 (Zoning) and excluding Tattoo Parlors as a allowed use within the HO district.

If Council decides to continue with this proposal, I intend to analyze this more by attempting to find the reasoning why Tattoo Parlors are a specific use and only permissible within certain areas of town and trying to assess the potential impacts a Tattoo Parlor may introduce to the properties in GB 1. Thank you.

Carl D’Agostino, Chair of the Planning Board, expressed a desire for transparency in the discussion relative to this item and asked that Councilors who received comments pro or con would see that he is copied so that there would be an understanding of the expressions of opinion of the general public. Mr. Johnson, the permit requestor, was present in the meeting and it was indicated that he has provided his comments to the Council in a positive approach to the business opportunity.

MOTION: Councilor Thornton motioned and Councilor Tousignant seconded to Set a Public Hearing date of April 15, 2014 for the following ordinance amendment: Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 78 (Zoning), Article VI (Districts), Division 8 (General Business District 1), Sec. 78-803 (Conditional Uses) to allow Tattoo Parlors as a Conditional Use within the General Business District 1 (GB-1) and to amend Chapter 78 (Zoning), Article I (In General), Sec. 78-1 (Definitions), to add definition “Tattoo Parlor.”

VOTE: Unanimous.

6139 Discussion with Action: Approve the Liquor License Renewals for New England Restaurant Group dba/Pirate’s Patio & Galley (304-2-9), 2 Walnut Street, m-s-v in a Restaurant; Thomas H. Humphreys dba/Tom’s Restaurant (306-4-4), 15 East Grand Avenue, m-s-v- in a Restaurant; Richard Payette dba/The Landmark Restaurant (306-5-6), 28 East Grand Avenue, m-s-v in a Restaurant; New Pier Pizza Corp. dba/Pier Pizza (306-6-1), 2 Old Orchard Street, m-v in a Restaurant; Base Distributors Inc. dba/Fat Bellies Deli (307-1-5), 33 West Grand Avenue, m-v in a Restaurant; and Big Daddy’s Bar & Grill Inc. dba/Big Daddy’s Bar & Grill (307-3-4), 13 Old Orchard Street, m-s-v in a Restaurant.

MOTION: Councilor Tousignant motioned and Councilor Thornton seconded to Approve the Liquor License Renewals as read.

VOTE: Unanimous.

6140 Discussion with Action: Accept the resignation of John Bird from the Finance Committee and Appoint John Bird as a Regular Member of the Comprehensive Plan Committee, term to expire 12/31/15.

MOTION: Vice Chair Quinn motioned and Councilor Thornton seconded to Accept the resignation of John Bird from the Finance Committee and Appoint John Bird as a Regular Member of the Comprehensive Plan Committee, term to expire 12/31/15.

VOTE: Unanimous.

6141 Discussion with Action: Approve the two-year Employment Agreement between the Town of Old Orchard Beach and the Town Manager, Larry S. Mead, retroactive to March 16, 2014, at a salary of \$107,100.

MOTION: Councilor Tousignant motioned and Councilor Pastor seconded to Approve the two-year Employment Agreement between the Town of Old Orchard Beach and the Town Manager, Larry S. Mead, retroactive to March 16, 2014, at a salary of \$107,100.

VOTE: Unanimous.

6142 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold a sand sculpture contest on the beach between Randall and Ancona Avenues on Thursday, July 3, 2014, from 9 a.m. to 4 p.m.; and a request to waive the fee.

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

VOTE: Unanimous.

6143 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold an Independence Day parade on Friday, July 4, 2014 from 9:30 a.m. to 11:30 a.m. starting on Temple Avenue; and a request to waive the fee.

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

VOTE: Unanimous.

6144 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold the Ocean Park 5k Race on Friday, July 25, 2014 from 5:00 p.m. to 8:00 p.m. in Ocean Park; and a request to waive the fee.

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

VOTE: Unanimous.

6145 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold Square and Line Dances in the Ocean Park Square on Temple Avenue between West Grand Avenue and Seaside, Friday, July 4th, 2014, and Saturday, August 30, 2014, from 7:00 p.m. to 9:30 p.m.; and a request to waive the fee.

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

VOTE: Unanimous.

6146 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold Illumination Night on Saturday, August 2, 2014 from 5:00 p.m. to 10:30 p.m. in Ocean Park; and a request to waive the fee.

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

VOTE: Unanimous.

6147 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold a Christian Youth Conference Block Dance, on Temple Avenue, between West Grand Avenue and Seaside Avenue on Saturday, August 9, 2014 from 7:30 p.m. to 11:00 p.m.; and a request to waive the fee.

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

VOTE: Unanimous.

6148 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold a S'Mores & More campfire on the beach at the end of Temple Avenue on Thursday, July 3rd; Thursday, July 24th; and Thursday, August 31st, 2014 from 7:00 to 9:00 p.m. in Ocean Park; 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.

6149 Discussion with Action: Approve the Special Event Permit application for The Salvation Army to hold a Freedom 5K Run/Walk on Thursday, July 31, 2014, starting at 7:45 a.m.; and a request to waive the fee.

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

VOTE: Unanimous.

6150 Discussion with Action: Amend the Special Event Permits, approved on November 20th, 2012, for the Salvation Army to hold a parade on July 27th, 2014; and their evening programs in the Square from July 26th to August 1st, 2014, by starting set up at 4 p.m., instead of 5 p.m., and end at midnight instead of 11 p.m. each day. Close Square at noon on July 27th for a concert prior to the parade. Request to leave set-up overnight in the Square from Saturday night, July 26th through Sunday, July 27th, 2014 at midnight.

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

VOTE: Unanimous.

6151 Discussion with Action: Approve the Special Event Permit application for OOB365 to hold the “Wounded Heroes Amputee Softball Game/Event” at the Ballpark on Saturday, August 9th, 2014, to include a softball game, small music concert, lobster bake and possible beer tent. Request for a banner at the intersection of E. Emerson Cummings Blvd and Saco Avenue, as well as on Saco Avenue and Cascade Road from July 15th to August 9th, 2014; and a Request to waive the fee.

MOTION: Councilor Blow moved and Councilor Thornton seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

6152 Discussion with Action: Approve the Special Event Permit application for OOB365 to hold the “Back to the Beach” Corvette Weekend, on Saturday, June 14th, 2014, to include a parade at 2:30 p.m.

MOTION: Councilor Pastor motioned and Councilor Blow seconded to Approve the Special Event Permit application for OOB365 to hold the “Back to the Beach” Corvette Weekend, on Saturday, June 14th, 2014, to include a parade at 2:30 p.m.

VOTE: Unanimous.

GOOD AND WELFARE:

JEROME BEGART: He spoke at length on the continuing legal litigation relative to a former administrative officer of the Town of Old Orchard.

GUY LORANGER: Requested urgent consideration for the Police Department to move out of the Ballpark facility so that it can be used for ballpark equipment storage.

COUNCILOR TOUSIGNANT: Thanks to OOB 365 for paying for the slide during the recent Winter fest program in the downtown and for the excellent program that they provided to children and adults alike.

ADJOURNMENT:

MOTION: Councilor Tousignant motioned and Councilor Thornton seconded to adjourn the meeting.

VOTE: Unanimous.

Respectfully Submitted,

**V. Louise Reid
Town Council Secretary**

I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of twenty-six (26) pages is a true copy of the original Minutes of the Town Council Meeting of April 1, 2014.

V. Louise Reid