

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, August 19, 2014
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, August 19, 2014. Chair O'Neill opened the meeting at 7:03 p.m.

The following were in attendance:

**Vice Chair Bob Quinn
Councilor Malorie Pastor
Councilor Joseph Thornton
Councilor Jay Kelley
Councilor Michael Tousignant
Town Manager Larry Mead
Assistant Town Manager V. Louise Reid
Public Works Director Bill Robertson (in Executive Session)
Human Resource Manager Tammy Lambert (in Executive Session)**

**Absent: Chair Shawn O'Neill
Councilor Kenneth Blow**

**Pledge to the Flag
Roll Call**

ACKNOWLEDGEMENTS:

ASSISTANT TOWN MANAGER: This past week the rip tide as many know was very dangerous and our life guards on several occasions put their lives on the line. There were six rescues in one day. I had a visit in my office on Friday from Mr. and Mrs. David Walker of Winona Avenue in Ocean Park along with their grandson, Jackson Pelletier, who wrote the following note to the Lifeguard staff:

Dear Lifeguard Staff: Thank you for your efforts in saving me from the current yesterday. I appreciate it greatly. I would like to give a special thanks to C.J. and Bryce for jumping into the water and risking their lives for me. Once again thank you. Jackson Pelletier – August 15, 2014.

COUNCILOR THORNTON: For those of us able to attend the baseball game played by the Wounded Warriors, it was not only an exciting experience but an inspirational one. We thank them for their willingness to come to Old Orchard Beach and even more importantly for their gift of service to every American.

VICE CHAIR QUINN: The Town's website has a new look as of August 18th. Thanks to Fran Beaulieu and Kathy Fuente for working with our Town Clerk, Kim McLaughlin (who services the web on a daily basis), for working with Virtual Town Hall to create the new look. The website is www.oobmaine.com. It is filled with important information and about the Town.

Please visit it. You can sign up to receive agendas, job opportunities, RFP's and bids, find out what is happening in OOB with our calendar of events, road closures, transfer station information, election information, and many other important postings.

TOWN MANAGER: We are looking forward to the visit again this year of REV 3 starting on Thursday, August 21st through Sunday, August 24th. Please look on the Town's web site for a listing of the schedule and also road and street closings. They are still looking for volunteers which you can also find information on the web site:

THE TOWN WEB SITE IS: WWW.OOBMAINE.COM **THE REV 3 WEB SITE IS:**
www.Rev3tri.com <http://rev3tri.com/maine/arrival-procedure/schedule/>

ACCEPTANCE OF MINUTES: Town Council Meeting Minutes of August 5, 2014.

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

VOTE: Unanimous.

PUBLIC HEARING: Shall we Amend the Old Orchard Beach Code of Ordinances, Section 54-187, Restrictions and Prohibitions, changing the 10-minute parking on Union Avenue and West Grand Avenue to 30-minute parking.

VICE CHAIR: I open this Public Hearing at 7:08 p.m.

BACKGROUND: It should be noted that Lt. Timothy Deluca has spent time with the owner (Mr. Tardif) on the issue of requesting longer time period for parking of vehicles in front of his store located on the corner of Union and West Grand Avenue. It should also be noted that the Police Department has been sensitive to the parking issue in this location by applying discretion in enforcement understanding this is a business consideration. The Council has been requested to make this a 30 minute time slot for parking.

Current ordinance language:

Union Avenue. Parking shall be allowed on the right-hand side (side facing the ocean) of Union Avenue from Saco Avenue to First Street. No vehicle shall be parked on the left-hand side (side facing the ocean) of Union Avenue from Saco Avenue to First Street. Ten-minute parallel parking shall be allowed on both sides of Union Avenue from First Street to West Grand Avenue, and parking shall be allowed on both sides of Union Avenue from West Grand Avenue to the seawall.

West Grand Avenue. No vehicle shall be parked on either side of West Grand Avenue from Old Orchard Street to the Saco Line, except that parking shall be allowed on the ocean side of West Grand Avenue from Ocean Avenue to Pavia Avenue. Also, ten-minute parking shall be allowed for 20 feet on both sides of West Grand Avenue from Union Avenue. Loading and unloading only may be permitted within 50 feet of commercial establishments if not in conflict with other provisions of this chapter. Signs shall be erected and will define such areas at the designation of the chief of police. Parking shall be allowed on the ocean side of West Grand Avenue from Staples Street to Fourth Street commencing on September 15 and ending on May 1 of each year.

Agenda language and proposed ordinance language:

1. Section 54-187(a) *Union Avenue and West Grand Avenue* shall be amended by adding the underscore language and deleting the ~~strikethrough~~ language as follows:

Sec. 54-187. Restrictions and prohibitions.

Union Avenue. Parking shall be allowed on the right-hand side (side facing the ocean) of Union Avenue from Saco Avenue to First Street. No vehicle shall be parked on the left-hand side (side facing the ocean) of Union Avenue from Saco Avenue to First Street. ~~Ten-minute~~ Thirty-minute parallel parking shall be allowed on both sides of Union Avenue from First Street to West Grand Avenue, and parking shall be allowed on both sides of Union Avenue from West Grand Avenue to the seawall.

West Grand Avenue. No vehicle shall be parked on either side of West Grand Avenue from Old Orchard Street to the Saco Line, except that parking shall be allowed on the ocean side of West Grand Avenue from Ocean Avenue to Pavia Avenue. Also, ~~ten-minute~~ thirty-minute parking shall be allowed for 20 feet on both sides of West Grand Avenue from Union Avenue. Loading and unloading only may be permitted within 50 feet of commercial establishments if not in conflict with other provisions of this chapter. Signs shall be erected and will define such areas at the designation of the chief of police. Parking shall be allowed on the ocean side of West Grand Avenue from Staples Street to Fourth Street commencing on September 15 and ending on May 1 of each year.

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

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on August 19th, 2014, at 7:00 p.m. to consider the following:

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that section 54-187, Restrictions and Prohibitions, of the Town of Old Orchard Beach Traffic Ordinance is amended by adding the underscored language and deleting the strikethrough language:

Union Avenue. Parking shall be allowed on the right-hand side (side facing the ocean) of Union Avenue from Saco Avenue to First Street. No vehicle shall be parked on the left-hand side (side facing the ocean) of Union Avenue from Saco Avenue to First Street. ~~Ten-minute~~ thirty-minute parallel parking shall be allowed on both sides of Union Avenue from First Street to West Grand Avenue, and parking shall be allowed on both sides of Union Avenue from West Grand Avenue to the seawall.

West Grand Avenue. No vehicle shall be parked on either side of West Grand Avenue from Old Orchard Street to the Saco Line, except that parking shall be allowed on the ocean side of West Grand Avenue from Ocean Avenue to Pavia Avenue. Also, ~~ten-minute~~ thirty-minute parking shall be allowed for 20 feet on both sides of West Grand Avenue from Union Avenue. Loading and unloading only may be permitted within 50 feet of commercial establishments if not in conflict with other provisions of this chapter. Signs shall be erected and will define such areas at the designation of the chief of police. Parking shall

be allowed on the ocean side of West Grand Avenue from Staples Street to Fourth Street commencing on September 15 and ending on May 1 of each year.

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

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

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

Gregory Lafontaine (310-6-1-230), 39 West Grand Avenue, Unit #230, one year round rental; Robert & Judith Guerette (318-8-6-34), 146 West Grand Avenue, Unit #34, one year round rental; and Judith Creteau (321-5-2), 3 Winona Avenue, one season rental.

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

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

VOTE: Unanimous.

TOWN MANAGER'S REPORT: The Town Manager reported about his vacation. He updated the Council on the good progress of the Library building and indicated that things are looking very good. It will be a very great asset to the Library in that its size will allow service to the more in the community. He mentioned the masonry work, the framing, and significant improvements being made. He indicated that the fiber optic has been laid at the Police Department in anticipation of Scarborough taking over our dispatch services. A report on the visit to Augusta for a discussion with state individuals related to the moratorium.

NEW BUSINESS:

6255 Discussion with Action: Confirm the Appointment of Ricky A. Plummer as Fire Chief and Emergency Management Director for the Town of Old Orchard Beach, effective September 8, 2014, at a salary of \$66,500.

BACKGROUND:

The Town Manager is bringing forward to the Council the appointment of Ricky A. Plummer as Fire Chief and Emergency Management Director for the Town of Old Orchard Beach, effective September 8, 2014. An experienced Fire Service Leader, he will bring for a visionary, progressive and motivated leadership to our Fire Department. His experience in Fire/EMS management, team participation, grant writing, personnel management, the ability to foster relationships, fleet management, budget development and management, the ability to develop strategic plans and manage unique/difficult situations, Chief Plummer is a seasoned negotiator with years of experience as Fire Chief/EMA Director in North Yarmouth, Maine; the City of Marlborough, MA; Town of Gray, Maine; City of Cocoa, Florida; City of Biddeford, Maine; Standish, Maine; as well as Cumberland County Weapons of Mass Destruction/Haz Mat Chairman; and Portsmouth, NH. The Council welcomes this appointment and looks forward to the working relationship that Chief Plummer will bring to our own Department and the expertise he will offer to our community. He is very familiar with the Old Orchard Beach Fire Department due to his service as Chief in Biddeford, during which time the OOB department had an active period of mutual aid protocol with the Biddeford department.

Rick's experience as Chief in both professional and call-force fire departments will be beneficial for OOB. He has most recently been successful in reinvigorating the call force department in North Yarmouth. Under his leadership and personal management that department has grown in two years from 6 interior qualified FF to 26, from a department that routinely could not respond with adequate personnel to one that now responds with more people than are needed, for both fire and rescue calls. Rick has been successful in securing grant funding for both apparatus and personnel support. He is very experienced in managing both operating and capital budgets and in developing strategic plans to guide future needs. Rick and his wife own a home in Biddeford. They intend to move to Old Orchard Beach within the next year. His start date will be September 8, 2014.

The Council welcomed the new Fire Chief after an introduction by the Town Manager and Chief Plummer made comments in return.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Confirm the Appointment of Ricky A. Plummer as Fire Chief and Emergency Management Director for the Town of Old Orchard Beach, effective September 8, 2014, at a salary of \$66,500.

VOTE: Unanimous.

6256 Discussion with Action: Approve the Purchase from Jordan Equipment Company for a Demo E35T4 ZTS Mini Excavator in the amount of \$51,103.67 from Account Number 50002-50551 – Public Works Equipment, with a balance of \$105,000.

BACKGROUND:

¹The Public Works Director has mentioned to the Council before that we have spent over \$30,000 over the past three years to rent an Excavator. He has the opportunity to purchase the Demo Model at a cost of \$51,103.67 from the account in which the balance currently is \$105,000. He recommends the Council approve this purchase as an economical savings commitment for equipment that is vitally needed by the department.

QUOTES

YEAR	EQUIPMENT MAKE & MODEL	Jordan Equip of Maine	Bobcat of New Hampshire	Bobcat of Boston
NEW	E35T4 ZTS Mini Excavator	\$60,556.84	\$64,303.00	\$69,048.00
DEMO	E35T4 ZTS Mini Excavator	\$51,103.67	\$55,878.67	\$56,303.67
				\$41,500.00
				-
	S650 Bobcat Skid-Steer Loader with Trade-In of 2005	\$36,000.00	\$39,800.00	\$10,000.00
		-\$12,000.00 (Trade)	-\$10,500.00 (Trade)	(Trade)
DEMO	S220 Bobcat Skid-Steer	= \$24,000.00	= \$29,300.00	=
				\$31,500.00

MOTION: Councilor Tousignant motioned and Councilor Thornton seconded to Approve the Purchase from Jordan Equipment Company for a Demo E35T4 ZTS Mini Excavator in the amount of \$51,103.67 from Account Number 50002-50551 – Public Works Equipment, with a balance of \$105,000.

VOTE: Unanimous.

6257 Discussion with Action: Approve the Purchase from Jordan Equipment Company for a Demo S650 Bobcat Skid-Steer Loader in the amount of \$36,000 from Account Number 50002-50551 – Public Works Equipment, with a balance of \$105,000; with a trade-in of Public Works 2005 Bobcat S220 Skid-Steer, with a trade-in value of \$12,000; for a revised total of \$24,000 from Account Number 50002-50551 with a balance of \$105,000.

BACKGROUND:

The Public Works Director has indicated that the Public Works Current Skid-Steer Loader is a 2005 and is much rusted. All of the front end needs to be replaced so he wants to trade it in. New Bobcat would fit all of the current attachments and is a size larger. With the trade in of the Public Works 2005 Bobcat S220 Skid-Steer, with a trade-in value of \$12,000; for a revised total of \$24,000 with the balance of \$105,000.

MOTION: Councilor Kelley motioned and Councilor Pastor seconded to Approve the Purchase from Jordan Equipment Company for a Demo S650 Bobcat Skid-Steer Loader in the amount of \$36,000 from Account Number 50002-50551 – Public Works Equipment, with a balance of \$105,000; with a trade-in of Public Works 2005 Bobcat S220 Skid-Steer, with a trade-in value of \$12,000; for a revised total of \$24,000 from Account Number 50002-50551 with a balance of \$105,000.

VOTE: Unanimous.

6258 Discussion with Action: Approve the Purchase from Permaline Corp. for a Titan Powerliner 6950 Line Striper in the amount of \$6,195, including a Lazy Liner Elite Accessory in the amount of \$5,395; for a total amount of \$11,590 from Account Number 50002-50551 – Public Works Equipment, with a balance of \$105,000.

BACKGROUND:

After the purchase of the Mini Excavator and Loader there would be approximately \$10,000 left over and with that the Public Works Director would like to purchase the Line Striper. Striping was extremely slow this year and if they had the line striper the Public Works Department would be able to get the Town's striping done a lot quicker and save the Town approximately \$16,000 a year doing it themselves. The Public Works Department would paint in May and June and then again before the start of the school year.

The following quotes were received:

Permaline Corp:	\$ 6,195.00	Titan Power Liner 6950
	<u>5,395.00</u>	Lazy Liner Elite
	\$11,590.00	

Sherwin Williams	\$ 6,195.00	Titan Power Liner 6950
	5,395.00	Lazy Liner Elite
	<u>175.00</u>	Hitch
	\$ 12,225.00	
Southern Tool	\$ 6,833.00	Titan Power Liner 6950
	<u>5,583.00</u>	Lazy Liner Elite
	\$12,416.00	
New Stripe	\$ 6,833.00	Titan Power Liner 6950
	<u>5,469.00</u>	Lazy Liner Elite
	\$ 12,302.00	

MOTION: Councilor Kelley motioned and Councilor Thornton seconded to Approve the Purchase from Permaline Corp. for a Titan Powerliner 6950 Line Striper in the amount of \$6,195, including a Lazy Liner Elite Accessory in the amount of \$5,395; for a total amount of \$11,590 from Account Number 50002-50551 – Public Works Equipment, with a balance of \$105,000.

VOTE: Unanimous.

6259 Discussion with Action: Consider the purchase of seven tax foreclosed condo properties owned by Smithwheel Road LLC (00210-00001-07-(32) (33) (34) (35) (36) (37) (39), 11 Smithwheel Road, with full payment of back taxes and interest; with no further development to be initiated on the undeveloped parcels until all of the infrastructure work required by the Planning Board is fully completed.

BACKGROUND:

King Weinstein spoke with the Town Manager regarding a proposal to acquire seven (7) condo properties that are in tax foreclosure to the Town, properties located at 11 Smithwheel Road. The delinquent owner is Smithwheel Road LLC. Mr. Weinstein is working with Smithwheel LLC to pay the back taxes through the LLC and then turn around and purchase the property from LLC. The Town is the owner of record of these properties because of the tax lien foreclosure (2011, 2012, and 2013 liens). By Charter the Town Council may (not must) sell tax acquired Property to the former owner for the taxes, interest and other costs due. The Charter specifies that the sale of property to anyone other than the former owner must be done through sealed, competitive bid. Mr. Weinstein's proposal technically complies with the Charter in that the sale by the Town would be to the former owner, Smithwheel LLC. The total amount due on all seven properties, including the 2014 taxes, is \$57,185. That amount will change depending on the date of any sale since interest accrues daily. Mr. Weinstein has requested that the Council consider this transaction. The Council also has the option of pursuing sale through competitive bidding. The Charter requires a 30-day notice of invitation to bid prior to opening bid. The Town does not have to accept any bid if they are not of interest.

The Town Manager explained that there were twenty-one (21) units not completed that were not included in the agenda item and he asked that the Town Council consider removing without prejudice until these items can also be addressed.

MOTION: Councilor Thornton motioned and Councilor Tousignant seconded to Remove Without Prejudice the purchase of seven tax foreclosed condo properties owned by Smithwheel Road LLC (00210-00001-07-(32) (33) (34) (35) (36) (37) (39), 11 Smithwheel Road, with full payment of back taxes and interest; with no further development to be initiated on the undeveloped parcels until all of the infrastructure work required by the Planning Board is fully completed.

VOTE: Unanimous.

6260 Discussion with Action: Vote to create a non-lapsing Special Revenue Fund to be called the Veterans Memorial Park Monument Fund and to approve the acceptance of donations and contributions to this fund to be used for bringing the monument area at Veterans Memorial Park into ADA compliance, to erect additional monuments to recognize the veterans and the wars that are not currently represented in the park, and for future maintenance and upkeep of the monuments.

BACKGROUND:

This agenda item is coming before you to establish a Special Revenue Fund specifically for the Veterans Memorial Park Monument project. This fund will create a non-lapsing account to ensure that donations received for the monument project will continue to grow year-after-year. In addition this fund will ensure that donations received will not be spent on annual park maintenance which is currently part of the General Fund budget. As a long-standing member of the Veterans Memorial Park Committee I was under the impression, until recently, that we had already established this account about 2006. At that time we began to actively fund raise to bring the monument area into ADA compliance and to recognize the veterans and the wars not represented in the park. Recently I became aware that such an account doesn't exist. Once this is completed (phase I) the remaining funds and any future donations will be used for the upkeep and maintenance of the monuments. For years we have been hosting events like "The Moving Wall", the "Armed Service Show" and "Illumination Night" to spark interest in our monument fundraising project. We have had a table at most elections asking for donations and sharing our vision with the community. We have also been raising funds at some of the "OOB 365" events and hosting plant sales. With subsequent wars, federal grants that may have helped fund our monument project were being used for veteran support services and our applications were denied. The committee decided to wait a few years before reapplying hoping for an end to all wars, in the meantime we continued fundraising. Increasing the money we had would certainly help with future grants or gifts showing invested community interest in this project. I realize the money isn't gone; most of it is in the general fund. Unfortunately there isn't accurate accounting of this money. The committee never got receipts when turning in donations. We thought it was going into an established account. Moving forward we need to establish this account.

Respectfully,

**Andrea Berlin
Chair Veterans Memorial Park**

Vice Chair Quinn did ask if there was any documentation of the amount of money that was given and is it accountable in our records. The Town Manager explained that this was being looked into and that he was sure there was a road map indicating donations that

were given over the years. Councilor Tousignant also asked the Public Works Director to look into some missing plaques in Memorial Park. The Public Works Director indicated that he would.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Create a non-lapsing Special Revenue Fund to be called the Veterans Memorial Park Monument Fund and to approve the acceptance of donations and contributions to this fund to be used for bringing the monument area at Veterans Memorial Park into ADA compliance, to erect additional monuments to recognize the veterans and the wars that are not currently represented in the park, and for future maintenance and upkeep of the monuments.

VOTE: Unanimous.

6261 Discussion with Action: Amend the General Assistance Ordinance, Section 6.8, Basic Necessities; Overall Maximum Levels of Assistance.

BACKGROUND:

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

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on August 5th, 2014 at 7:00 p.m. to consider the following:

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

Amend Section 6.8 Basic necessities; Overall maximum levels of assistance

No. in Household	CURRENT MONTHLY	<u>PROPOSED</u> <u>MONTHLY</u>
1	\$750.00	<u>\$ 762.00</u>
2	\$888.00	<u>\$ 901.00</u>
3	\$1,148.00	<u>\$1,163.00</u>
4	\$1,444.00	<u>\$1,463.00</u>
5	\$1,546.00	<u>\$1,565.00</u>
6	\$1,653.00	<u>\$1,640.00</u>

Per Order of the Municipal Officers this 15th day of July, 2014.

A True Copy

Attest:

Kim M. McLaughlin, Town Clerk

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

VOTE: Unanimous.

6262 Discussion with Action: Consider donation of \$8,000 from the Friends of the Libby Library (FOLL) towards the cost of a new book shed as part of the current Library expansion supported by bond funds; with stipulation that construction will include insulation, plasterboard wall, lighting, and shelving.

BACKGROUND:

A letter dated August 4, 2014 from the Chairperson Doris Harris of the Friends of the Libby Library indicates that the Friends of Libby Library voted the following at their regular meeting held on Monday, August 4, 2014 at 10:00 a.m. in the Cider Hill Club House: It was noted that the Friends of the Library Library are still waiting for the plans and cost estimates to be completed and presented.

Recognizing that the plans had not been presented at this time nor the amount of the cost of the project, the Council was only being asked to accept the donation from the friends of Libby Library and that once the plans and costs have been determined, this item will come back to the Council for approval of those two issues. It was also asked where the money would come from and it was noted that it was part of the bond project.

MOTION: Councilor Tousignant motioned and Councilor Thornton seconded that the Friends of Libby Library (FOLL) commit \$8,000 (eight thousand dollars) toward the cost of a new book shed as part of the current Library expansion with the stipulation that the FOLL receive confirmation, in writing, from the Old Orchard Beach Town Council that construction of a new book shed will include insulation, plasterboard wall, lighting and shelving; pending submission of the plans and cost factors being presented and approved by the Town Council.

VOTE: Unanimous.

6263 Discussion with Action: Move Dr. Reza Namin from Alternate to a Regular Member of the Finance Committee, term to expire 12/31/14.

MOTION: Councilor Tousignant motioned and Councilor Pastor seconded to Move Dr. Reza Namin from Alternate to a Regular Member of the Finance Committee, term to expire 12/31/14.

VOTE: Unanimous.

6264 Discussion with Action: Accept the bid from Design Dwelling Inc. ("DDI") in the amount of \$125,426 for the Furnishing and Installation of a Pre-Fabricated Storage Building at the Police Department from Account Number 31143-50891 – New Police Station Bond Account, with a balance of \$196,170.72.

BACKGROUND:

The Police Department went out to bid for a second time for the Pre-Fabricated Storage Building.

**REQUEST FOR BID PROPOSALS
FURNISH AND INSTALL PRE-FABRICATED STORAGE BUILDING FOR THE
TOWN OF OLD ORCHARD BEACH, MAINE**

The Town of Old Orchard Beach, Maine is requesting proposals from qualified contractors for the purchase and installation of pre-engineered, pre-fabricated storage building. Proposals must be received by the Town of Old Orchard Beach Police Department no later than 1:00 p.m. on Wednesday, August 13, 2014. Proposals shall plainly marked "RFP - Old Orchard Beach Police Station Storage Building." Proposals may be mailed or hand-delivered to:

Chief Dana Kelley
Town of Old Orchard Beach Police Department
16 E Emerson Cummings Blvd
Old Orchard Beach, ME 04064

Hand Deliver to: Town of Old Orchard Police Department at 16 E. Emerson Cumming Blvd, Old Orchard Beach, ME 04064.
Attn: Chief Dana Kelley,

Questions regarding this Request for Bid Proposals should be addressed to Chief Dana Kelley, at (207) 937-5801 or via email dkelley@oobmaine.com. Questions must be received by 4:00 PM local time on August 6, 2014 in order to assure that any responses or clarifications can be addressed by August 11, 2014 at 1:00 PM. Addenda to this proposal, if any, including written clarifications to this RFP will be posted on the Town of Old Orchard website under the project heading. Proposals shall be submitted containing the following information:

1. Signed Bid Proposal
2. Company experience with similar projects and a minimum of three references from projects completed in the last 5 years.
3. Availability and ability to meet schedule
4. List of Subcontractors to be used in project construction

Proposals shall meet the requirements set forth in the attached request for proposal packet. Quoted prices shall remain firm and subject to acceptance for a minimum of 90 days of the proposal date, and shall include all costs associated with materials, equipment and labor for a complete and operational installation. Firms submitting proposals should be aware that coordination with the Town of Old Orchard Beach will be required as an integral component of the work. At the time of the opening of proposals, each Bidder will be presumed to have inspected the site and to have read and be thoroughly familiar with the Request for Bid Proposals, including any and all Addenda. The failure or omission of any Bidder to receive or examine any form, instrument, or document shall in no way relieve any Bidder from any obligation in respect to his Proposal. Bid proposals should include copies of proposed payment schedule and proposed form of construction contract. The Town of Old Orchard Beach reserves the right to reject any and all proposals, to waive any technical or legal deficiencies, and to negotiate with any party submitting a proposal for the

work. An advertisement was taken out in the Journal Tribune; placed on our Town's web site; and sent to the following:

P&G Building Systems
Post Office Box 622
38 Golden Oaks Drive
Salem, NH 03079

Fortin Construction, Inc.
35 Markarlynn Street
Auburn, Maine 04210

Dirigo Architectural
128 Hammond Street
Suite 1
Bangor, Maine 04401

Great Falls Construction
20 Mechanic Street
Gorham, Maine 04038

Glaude's Construction
705 Portland Road
Saco, Maine 04072

Patco Construction Company
1293 Main Street
Sanford, Maine 04073

Benchmark
34 Thomas Drive
Westbrook, Maine 04092

P.M. Construction Co.
19 Industrial Park Road
Saco, Maine 04072

Snow Construction, Inc.
75 Bishop Street
Post Office Box 1795
Portland, Maine 04104

Creative Concept Building LLC
1250 Forest Avenue
Portland, Maine 04103

Bids were received from the following:

	Furnish/Install	Foundation
Gordon Contracting Inc.	\$ 154,316	\$ 40,316
Design Dwellings Inc.	105,362	20,064
PM Construction Co. Inc.	134,000	36,000
DiMateo Construction Mgmt.	203,000	28,700

The Police Chief is recommending that acceptance of the bid from Design Dwellings Inc. in the amount of \$125,426.

There was discussion between the Council and also comments from resident, John Bird, about the bond funds; were they sufficient to cover this upgrade; and Vice Chair Quinn again indicated that he could not vote in approval of this as he felt there were other areas and avenues for storage including the Public Safety building; Councilor Tousignant said the item of the use of the Public Safety building is still open even if this agenda item is approved. The Police Chief indicated that there was a dire need for storage and that this was always part of the original project; the question was whether there was enough funding to cover it. The question was also asked by John Bird if all the environment issues had been dealt with to which the Police Chief gave an affirmative answer. Councilor Tousignant asked the size of the building and was told that it is 48 by 48. It was noted that one of the cost factors that has not been given would be the electrical upgrades.

MOTION: Councilor Tousignant motioned and Councilor Thornton seconded Accept the bid from Design Dwelling Inc. ("DDI") in the amount of \$125,426 for the Furnishing and

Installation of a Pre-Fabricated Storage Building at the Police Department from Account Number 31143-50891 – New Police Station Bond Account, with a balance of \$196,170.72.

**VOTE: Yea: Councilors Kelley, Pastor, Thornton, Tousignant
Nea: Vice Chair Quinn.**

6265 Discussion with Action: Approve the Special Event Permit Application request for Nancy Forgione & Lisa McLellan to hold a family gathering on the beach at the end of Pavia Avenue, to include a campfire, on Saturday, August 23rd, 2014, from 4 p.m. to 9 p.m. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk's Office at least one week prior to the event.

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

VOTE: Unanimous.

6266 Discussion with Action: Accept, with regret the retirement of Beth Gilman as Registrar of Voters, effective September 12, 2014; and Appoint Kim McLaughlin, Town Clerk, as Registrar of Voters for the remainder of the term (12/31/14).

MOTION: Councilor Pastor motioned and Councilor Thornton seconded to Accept, with regret the retirement of Beth Gilman as Registrar of Voters, effective September 12, 2014; and Appoint Kim McLaughlin, Town Clerk, as Registrar of Voters for the remainder of the term (12/31/14).

VOTE: Unanimous.

6267 Discussion with Action: Approve the Special Event Permit Application for Ralph Quaglietta and OOB365 to hold "Back to the Beach" Corvette Weekend, Saturday, June 13, 2015, to include a Parade at 11:00 a.m.; insurance listing the Town of Old Orchard Beach as additionally insured to be provided to the Town Clerk's Office one week before event.

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

VOTE: Unanimous.

6268 Discussion with Action: Approve monies collected in the water fountain at the Square during the summer of 2014 and 2015 to be designated towards the Community Animal Watch in their work with residents and their animals.

BACKGROUND:

In Fiscal Year 2009 and 2010 the Town Council directed that money raised in the Square fountain be designated to General Assistance for the two year period. In the Fiscal Year 2011 and 2012 budget, the Town Council directed that the money raised in the fountain at the Square be designated to the Skateboard Park. In Fiscal Year 2013 and 2014 the monies was asked to be designated to the Community Animal Watch. That occurred in Agenda

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Item 5732 on September 4, 2012. The agenda item failed with a two to two vote and could not go back on the agenda for another year. The Assistant Town Manager is asking that the money collected in 2014 and 2015 be designated to the Community Animal Watch since the original motion did not occur. Sheila Flathers asked how it is decided who gets the money and the Assistant Town Manager explained the history of two year time frame.

MOTION: Councilor Kelley motioned and Councilor Thornton seconded to Approve monies collected in the water fountain at the Square during the summer of 2014 and 2015 to be designated towards the Community Animal Watch in their work with residents and their animals.

VOTE: Unanimous.

6269 Discussion with Action: To consider and set the date for a Public Hearing of September 16, 2014 to consider a proposed amendment to Section 412, "Conflicts of Interest", of the Old Orchard Beach Charter.

BACKGROUND:

Governing law regarding Charter Amendments

30-A MRSA, Section 2104, Charter Amendments, at Subsection (5)(A) sets out the process for charter amendments initiated by the municipal officers. The subsection requires:

1. The Council to order public hearing on proposed amendment for date certain.
2. The notice of hearing to be published in the paper at least 7 days in advance of public hearing.
3. The notice must include the text of the proposed amendment and a brief explanation of the reason for the change and substance of the amendment.

Kim advises that the scheduling options available are to place on Agenda for Council meeting August 19th or September 2nd. Kim prefers to not rush things, allowing the Council time to digest the information, and have time to table it if they need more time so is urging the scheduling of the amendment to the 19th meeting.

A Proposed Agenda Item for August 19th or September 2nd:

Discussion with Action: To consider and set the date for a public hearing of September 19th to consider a proposed amendment to Section 412, "Conflicts of Interest", of the Old Orchard Beach Charter.

A proposed September 19th Agenda Item for the public hearing and for the Notice required for the public hearing:

To consider the following proposed amendment to Section 412 "Conflicts of Interest", of the Old Orchard Beach Charter by adding the underscored text as shown below:

Sec. 412. Conflicts of Interest.

No relative of a Town Councilor or the Town Manager shall be appointed to any compensated Town office or any position appointed by the Town Council or shall be hired for a position in any Town department under the direct control of the Town Council so long as that Councilor continues to serve on the Town Council. If the relative was serving in any such position at the time of that Councilor's election, the relative shall not receive any increase in salary or compensation which is approved

during that Councilor's term of office except for salary or compensation increases which are commensurate and proportional to salary or compensation increases received by non-union Town employees or Town employees covered under a collective bargaining agreement. A Councilor with a relative serving in a compensated Town office or position shall recuse him or herself from consideration or acting on matters directly related to the compensation or salary of their relative.

No Town Councilor may vote on any contract while employed by the contractor or subcontractor or in which the member or a relative has a financial interest. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting on that issue must be decided by a majority vote of those members present and voting, excluding the member being challenged.

As used in this section, the term "relative" means related by blood, marriage, or law, including spouses, children, grandchildren, great-grandchildren, parents, brothers, sisters, nephews, nieces, grandparents, uncles, aunts, first cousins or domestic partner relation.

Explanation: The Town Council recognizes the importance of avoiding conflicts of interest in circumstances involving family or related parties who provide services to the Town. However, the Town Council finds that the current Conflict of Interest provisions in Section 412 of the Charter are creating an unintended consequence that unfairly treats Town officials and employees simply because they have a relative who has been elected to the Town Council. The proposed amendment allows employees with a relative serving as a Town Councilor the opportunity to receive compensation or salary increases commensurate and proportional to such increases received by other compensated Town officials and employees. As a further safeguard to ensure there is no undue influence or conflict of interest in Council decisions directly affecting the compensation or salary of employees with a relative serving on the Town Council, the amendments require a Councilor with a relative serving as Town official or Town employee to recuse him or herself from consideration or action on such compensation or salary matters.

A Proposed Ballot question would be as follows:

Shall the municipality approve an amendment of Section 412, "Conflicts of Interest", of the Old Orchard Beach Charter by adding the underscored text as shown below?

Sec. 412. Conflicts of Interest.

No relative of a Town Councilor or the Town Manager shall be appointed to any compensated Town office or any position appointed by the Town Council or shall be hired for a position in any Town department under the direct control of the Town Council so long as that Councilor continues to serve on the Town Council. If the relative was serving in any such position at the time of that Councilor's election, the relative shall not receive any increase in salary or compensation which is approved during that Councilor's term of office except for salary or compensation increases which are commensurate and proportional to salary or compensation increases received by non-union Town employees or Town employees covered under a collective bargaining agreement. A Councilor with a relative serving in a compensated Town office or position shall recuse him or herself from consideration or acting on matters directly related to the compensation or salary of their relative.

No Town Councilor may vote on any contract while employed by the contractor or subcontractor or in which the member or a relative has a financial interest. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting on that issue must be decided by a majority vote of those members present and voting, excluding the member being challenged.

As used in this section, the term "relative" means related by blood, marriage, or law, including spouses, children, grandchildren, great-grandchildren, parents, brothers, sisters, nephews, nieces, grandparents, uncles, aunts, first cousins or domestic partner relation.

There was a good period of discussion relative to this item. Councilor Tousignant gave history of issues in the past relative to pay raises to staff members whose family member served on the Council. Charter Commission Chair John Bird and Deputy Chair Jerome Begart gave a lengthy reply as to why the Charter Commission moved forward on this issue; that it had been discussed at length during the Charter Commission meetings; that it had been accepted and approved by the voters and that it should not be changed by an incoming Council. The Town Manager explained the reasoning, indicated above, as to why this was being moved forward. The Town Manager suggested that perhaps the agenda item be tabled or removed without prejudice until the full Council was in attendance since a majority of the attending Council would be needed to move this forward.

MOTION: Councilor Tousignant motioned and Councilor Pastor seconded to Table Agenda Item 6269 to the September 2, 2014 meeting.

VOTE: Yea: Councilors Pastor, Vice Chair Quinn and Councilor Tousignant
Nea: Councilor Thornton
Abstain: Councilor Kelley

The motion failed.

MOTION: Councilor Pastor motioned and Councilor Thornton seconded to Set the date for a Public Hearing of September 16, 2014 to consider a proposed amendment to Section 412, "Conflicts of Interest", of the Old Orchard Beach Charter.

VOTE: Yea: Councilors Pastor, Thornton, Tousignant, Vice Chair Quinn
Abstain: Councilor Kelley

GOOD AND WELFARE:

JEROME BEGART: He again expressed his concerns about Agenda Item 6269 relative to the Charter change raising questions and concerns as to why this would be done when the Charter Commission did its job and the people voted on the Charter and approved it. He detailed legal jargon supporting his remarks and encouraged the Council to rethink their position on this; again questioning the reasoning on the issue.

#6270 Executive Session: AFSCME Council 93 Local 481-06, Old Orchard Beach Public Works Department Union Contract, pursuant to 1 M.R.S.A., Section 405C(d). (Note: This item discusses labor negotiations, and the Council anticipates that the discussion portion will occur in Executive Session.)

MOTION: Councilor Tousignant motioned and Councilor Thornton seconded to Enter Into Executive Session: AFSCME Council 93 Local 481-06, Old Orchard Beach Public Works Department Union Contract, pursuant to 1 M.R.S.A., Section 405C(d). (Note: This item discusses labor negotiations, and the Council anticipates that the discussion portion will occur in Executive Session.)

VOTE: Unanimous.

MOTION: Councilor Kelley motioned and Councilor Thornton seconded to Exit the Executive Session at 9:40 p.m.

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Councilor Thornton motioned and Councilor Tousignant seconded to Adjourn the Town Council Meeting at 9:41 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 seventeen (17) pages is a copy of the original Minutes of the Town Council Meeting of August 19, 2104.

V. Louise Reid