

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
Tuesday, December 2, 2014  
TOWN HALL CHAMBERS  
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, December 2, 2014. Chair O'Neill opened the meeting at 7:00 p.m.

The following were in attendance:

Chair Shawn O'Neill  
Vice Chair Joseph Thornton  
Councilor Kenneth Blow  
Councilor Jay Kelley – arrived at 7:15 p.m.  
Councilor Michael Tousignant  
Town Manager Larry Mead  
Assistant Town Manager V. Louise Reid  
Human Resource Director Tammy Lambert

Pledge to the Flag  
Roll Call

**ACKNOWLEDGEMENTS:**

**COUNCILOR BLOW:** Many thanks to OOB365 for the Community Dinner they sponsored at the American Legion before Thanksgiving. There was a great attendance and an opportunity for many to enjoy not only a good meal but good fellowship as well

**COUNCILOR TOUSIGNANT:** Congratulations to Fire Chief, Ricky Plummer, and his staff on their assisting at the Fire in Biddeford last week. They had 10 individuals and the Fire Chief and were still able to cover Old Orchard Beach with a full Engine Company and Rescue.

**VICE CHAIR THORNTON:** The Tree is here. Thank you to Public Works, RP Crane and MacDonald's Excavating and a special thank you to the Duquette family for their generous donation of the tree. Join the Chamber of Commerce in the Celebrate the Season by the Sea on Sunday, December 7th, 1 p.m. to 3 p.m. We would also like to thank the Public Works Department for the decorations on the outside of Town Hall.

**CHAIR O'NEILL:** It is with great sadness that we announce the passing of Retired Deputy Fire Chief, Edward Sargent who served for many years here in Old Orchard Beach. Our love and prayers go out to his wife and family.

**ACCEPTANCE OF MINUTES:** Special Town Council Meeting (Canvas) of November 17, 2014; Special Town Council Meeting (Inauguration) of November 17, 2014; and Town Council Meeting of November 18, 2014.

**MOTION:** Councilor Blow motioned and Vice Chair Thornton seconded to Accept the Minutes as read.

**VOTE:** Unanimous.

**PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:**

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

**W. Todd Bassett** (206-24-2), 12 Idlewild Avenue, one year round rental; **Kayla Gorham dba/My Hands for your Healing** (207-2-12), 155 Saco Avenue, Suite A2, Massage Establishment and Massage Therapist; and **John Wiggin** (301-7-10-6), 190 East Grand Avenue, Unit #6, one year round rental.

**CHAIR:** I close this Public Hearing at 7:08 p.m.

**MOTION:** Councilor Tousignant motioned and Councilor Blow seconded to Approve the business licenses as read.

**VOTE:** Unanimous.

**PUBLIC HEARING AMUSEMENT PERMITS:**

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

**Michael & Gregory Mezoian dba/Captain's Galley Restaurant** (208-1-6), 168 Saco Avenue, DJ inside – 11:00 a.m. – 11:30 p.m.; and **Pamela Given dba/Ocean Pizza & Pasta** (210-2-51), 2 Ocean Park Road, Musician on occasional Fridays - Inside 7:00 p.m. to 10:00 p.m.

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

**MOTION:** Vice Chair Thornton motioned and Councilor Blow seconded to approve the Amusement Permits as read.

**VOTE:** Unanimous.

**TOWN MANAGER'S REPORT:** The Town Manager reported that he had a number of discussions with business owners, staff, sponsoring agencies about addressing unsafe housing of J-1 students during the summer months. Skateboard park construction is substantially complete; however the contractor has not yet vacated the site and there is still grading and fill work to be done in the next week or two. At this point it is still a construction site and is not currently safe for public use. The park will not officially open until the Spring. Staff and the Town Manager met with representatives from Xtreme Clean to discuss operations process downtown and potential alternatives to the staging area behind the West Grand restrooms. We will be meeting again to continue the work and to draft a report to the Council. Worked on three different tax-acquired property issues: Followed up on the telephone and in writing with the former owner of 146 Portland Avenue regarding the clean-up of this property. I am awaiting his response; and worked extensively with staff on taking possession of an unsafe residential structure and on relocating to alternate housing the former occupant of that structure. I will be coming to the Council at a future meeting regarding disposition of the property. Met with Peter Pope to address two tax-acquired mobile homes that have been abandoned by the former owners. I expect to bring forward an order for disposition at the Dec 16 meeting. Held an informal meeting with a number of local business people to discuss ideas for the use of the Ballpark as a sports and entertainment venue and ways to generate revenues for its operation and maintenance. Met with Wright Pierce engineering on the specifications and bid process for the windows and siding at Town Hall. Will be bid this winter. Met with the new owners of the property at Union and Saco known as the Red Rocket. They would like to have some

cabins on the property but he told them that it did not appear to be a suitable property for year-round cabins but that he would be supportive of some number of cabins for seasonal use so long as they met code and density requirements. Spent a lot of time preparing for and participating in contract negotiations with the Public Works AFSCME union. Will seek guidance in executive session on Dec. 16. Met with Fire Chief Rick Plummer to discuss his accomplishments in the first ten weeks as Department Head, as well as initial thoughts about next year's budget. Doing a great job.

Councilor Jay Kelley joined that meeting at 7:13 p.m.

# 6326 Discussion with Action: Amend the Town of Old Orchard Beach Code of Ordinances, Section 42-81, Posting of Signs, and Section 42-83, Hours of Use, regarding the Town of Old Orchard Beach Recreation property.

**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 November 18<sup>th</sup>, 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 42-81, Posting of Signs, and Section 42-83, Hours of Use, of the Town of Old Orchard Beach Code of Ordinances is amended by adding the underscored language:

**Sec. 42-81. Posting of signs.**

The chief of police shall post appropriate signs giving notice of the prohibitions of this article at the main entrance to Memorial Park, the Ballpark, and at such other parks or recreation property as he deems necessary to ensure compliance with this article.

**Sec. 42-82. Alcoholic beverages.**

It shall be unlawful for any person to possess or to consume any alcoholic beverage or liquor, as defined by 28-A M.R.S.A. § 2, within the boundaries of any park or recreation property owned, leased, managed or controlled by the town except as authorized by the town council pursuant to a special event permit for the ballpark as defined in chapter 2, division 8 of article IV and approved under division 5 of article IV of this chapter or a contract, lease or other agreement approved by the town council for the use of the ballpark as defined in chapter 2 division 8 of article IV.

**Sec. 42-83. Hours of use.**

Except for the purpose of ingress or egress in connection with the lawful parking or recovery of a vehicle in parking areas designated by the town, or with permission by the Town Manager or his designee, no person shall loiter or remain in or upon any outdoor park or recreation property, including the Ballpark, owned, leased, managed or controlled by the town ~~after the hour of 9:00 p.m. to 9:00 a.m.,~~ one half hour AFTER sunset until one half hour BEFORE

**sunrise** the following morning, prevailing time, with the exception of East and West Surf Streets, commonly referred to as "the beach."

**MOTION:** Councilor Tousignant motioned and Councilor Blow seconded to Amend the Town of Old Orchard Beach Code of Ordinances, Section 42-81, Posting of Signs, and Section 42-83, Hours of Use, regarding the Town of Old Orchard Beach Recreation property.

**VOTE:** Unanimous.

**# 6327** Discussion with Action: Order authorizing the Town Manager to provide notice to the owners of tax-Acquired property at 19 Fern Avenue for removal of Personal property from premises per Title 30-A, S/S 3106.

**BACKGROUND:**

The property at 19 Fern Avenue has been in tax foreclosure for a number of years. The tax liens date back to 1997 and the total amount of back taxes due, including interest is \$54,537. The home on the property has been deteriorating for some time due to inadequate maintenance and is no longer safe to occupy. The long-time resident, Charles Keene, is a co-owner of the property, along with his brother (Donald Keene) and sister (Carol Stratton), although Charles Keene has been the sole occupant for many years. Mr. Keene has now vacated the property. The Town has taken possession of the property, which is now covered under the Town's liability insurance policy.

Under Maine statute the Town must provide legal notice to the former owners of tax-acquired property. Order #6327 authorizes me as Town Manager to provide notice to the former owners, giving them 21 days to remove any personal property from the premises. Because the Town has taken possession of the property access is only allowed with the Town's permission. Town staff has already been in contact with all three former owners who are aware of the process that is available to them.

Once the time period for retrieval of personal property has expired the Town can take steps to sell the property through sealed bid as permitted under the Town Charter. The Town Council will need to address that process as an agenda item at a future meeting.

**MOTION:** Councilor Tousignant motioned and Councilor Thornton seconded to issue Order authorizing the Town Manager to provide notice to the owners of tax-Acquired property at 19 Fern Avenue for removal of Personal property from premises per Title 30-A, S/S 3106.

**VOTE:** Unanimous.

**# 6328** Discussion with Action: Approve the Agreement with Exactitude, Inc., for the purchase and installation of a security camera and upgrading to the Police Department server for the Old Orchard Beach Skateboard Park project, in the amount of \$9,492 from Account Number 30201-50311-Recreation Skateboard Expense from Fund 203 - Recreation, with a balance of \$49,753.74.

**BACKGROUND:**

The Police Department has sixteen analog cameras being recorded in a full (no additional capacity) digital recorder. A separate Sony recording solution is recording five IP cameras

located around the Town (some being non-functional.) This system is an older system as well and is not able to communicate to the newer generation of cameras. These two systems do not integrate to each other so it requires both systems to be maintained and staff to be trained on each to operate. The Recreation Department is requesting to add a new 360 degree camera to view the Skateboard Park. Currently there is no place to record this proposed camera due to the restrictions noted above. The camera will be mounted on one of the several poles at the Skateboard Park.

Exactitude will provide a server that is sized appropriately to accommodate all the cameras (Police Department/Town/Skateboard Park.) This will include the necessary components to convert the Police Department's analog cameras to an IP signal (necessary for recording in the networked server). This base version of software has a 32 camera capacity and can be upgraded to 64 cameras should the need arise. The software will allow for viewing of cameras via local networked connections, WEB browser, and via mobile devices. Having all cameras on one operating system should vastly improve productivity of the users, viewing ease, management of the system, and relieve user anxiety.

Councilor Tousignant asked if this would upgrade the entire Police system as well and Jason Webber indicated it would not but that when they do it will be an easier process to update.

**MOTION:** Councilor Tousignant motioned and Vice Chair Thornton seconded to Approve the Agreement with Exactitude, Inc., for the purchase and installation of a security camera and upgrading to the Police Department server for the Old Orchard Beach Skateboard Park project, in the amount of \$9,492 from Account Number 30201-50311-Recreation Skateboard Expense from Fund 203 - Recreation, with a balance of \$49,753.74.

**VOTE:** Unanimous.

**# 6329 Discussion with Action:** Approve the service agreement with Lessard & Sons Electric to replace ballasts and bulbs on the bank of lights on the third base side of the Ballpark playing field at a cost of \$9,143.29, from Account Number 30414-50310 – Service Contract – Fund 214 Ballpark, with a balance of \$35,202.95.

**BACKGROUND:**

The replacement of the ballasts and bulbs on the bank of lights on the third base side of the Ballpark playing field has been an ongoing need for some time. Currently there are only four of eighteen light bulbs working on this bank of lights. The proposal would replace ballasts and bulbs on all eighteen light fixtures. This bank of lights is the most problematic for night games because of the large percentage of fixtures not working (78%). This would improve the overall quality and safety of night games. Guy Fontaine of the Ballpark Commission personally contacted a total of ten electrical firms and only two proposals were received.

Campbell's Electric	\$11,368.00
Lessard & Sons	9,143.29

The Ballpark Commission has voted to support this expenditure.

**MOTION:** Councilor Tousignant motioned and Councilor Kelley seconded to Approve the service agreement with Lessard & Sons Electric to replace ballasts and bulbs on the bank of lights on the third base side of the Ballpark playing field at a cost of

**\$9,143.29, from Account Number 30414-50310 – Service Contract – Fund 214 Ballpark, with a balance of \$35,202.95.**

**VOTE: Unanimous.**

**# 6330 Discussion with Action: Approve the Liquor License Renewals for Michael & Gregory Mezoian dba/Captain's Galley Restaurant (208-1-6), m-s-v in a Restaurant; and Pamela Given dba/Ocean Pizza & Pasta (210-2-51), m-s-v in a Restaurant.**

**MOTION: Councilor Kelley motioned and Vice Chair Thornton seconded to Approve the Liquor License Renewals as read.**

**VOTE: Unanimous.**

**# 6331 Discussion with Action: Approve the Special Event Permit application for OOB365 to hold Last Blast on Wednesday, December 31<sup>st</sup>, 2014 from 4:00 p.m. to 8 p.m. in the Square and on the beach, including vendors, a DJ, a bonfire and fireworks on the beach. Request for a banner at the intersection of Saco/E. Emerson Cummings Blvd. Pyrotechnics Company to provide proof of licensure from the State Fire Marshall's Office to the Town Clerk's Office at least one week prior to the event; and a request to waive the fee.**

**JOHN BIRD: He asked who this activity would benefit and Councilor Blow indicated that it was specifically for the citizens and residents of the community.**

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

**VOTE: Unanimous.**

**# 6332 Discussion with Action: Approve the Special Event Permit for OOB365 to hold Winter Carnival 2015, to include a snow hill, firepits, horse-drawn Carriage rides, and music, on Friday, February 20<sup>th</sup>, and Saturday, February 21<sup>st</sup>, 2015; OOB365 members working with Public Works to build the snow hill. Old Orchard Street closed Friday and Saturday, from 11 a.m. to 11 p.m.; a request for a banner at the Intersection of Saco/E. Emerson Cummings Blvd from January 15<sup>th</sup>- February 22<sup>nd</sup>; and a request to waive the fee.**

**JOHN BIRD: He asked who this activity would benefit and Councilor Blow again indicated that it was specifically for the citizens and residents of the community.**

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

**VOTE: Unanimous.**

**# 6333 Discussion with Action: Approve the Special Event Permit for the New England Parkinson's Ride on Saturday, September 12<sup>th</sup>, 2015 from 6 a.m. to 6 p.m., beginning and ending at the Ballpark; alcohol service by Jimmy the Greek's. Insurance listing the Town of Old Orchard Beach as additionally insured to be given to the Town Clerk's Office at least one month prior to the event; and a request to waive the fee.**

**JOHN BIRD:** He asked who this activity would benefit and Guy Fontaine of the Ballpark Commission gave a short summary of the excellent activity last summer totally in support of the cause for research.

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

**VOTE:** Unanimous.

**# 6334 Discussion with Action:** Authorize the Town Manager to close Town Hall on Friday, December 26, 2014.

**MOTION:** Councilor Tousignant motioned and Vice Chair Thornton seconded to Authorize the Town Manager to close Town Hall on Friday, December 26, 2014.

**VOTE:** Unanimous.

**GOOD AND WELFARE:**

**CHAIR O'NEILL:** He again reminded and invited the citizens and residents to Celebration by the Sea sponsored by the Town and the Chamber of Commerce, this Sunday at 1:00 to 3:00.

**GUY FONTAINE:** He further gave a report on the Parkinson's Ride indicating that it was an outstanding event and that the Ballpark Commission is thrilled to have them back again in 2015.

**COUNCILOR KELLEY:** He asked Mr. Fontaine if there were openings on the Ballpark Commission and it was noted that there were openings for a regular and an alternate member and Councilor Kelley encouraged people to apply.

**ADJOURNMENT:**

**MOTION:** Councilor Tousignant motioned and Vice Chair Thornton seconded to Adjourn the Town Council Meeting at 7:30 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 seven (7) pages is a copy of the original Minutes of the Town Council Meeting of December 2, 2014.

V. Louise Reid