

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, February 4, 2014
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, February 4, 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 Jay Kelley
Councilor Malorie Pastor
Councilor Joseph Thornton
Councilor Michael Tousignant
Assistant Town Manager V. Louise Reid**

**Absent: Councilor Kenneth Blow
Town Manager Larry Mead**

**Pledge to the Flag
Roll Call**

CHAIR: In order for the Code Office to review the history of usage, a motion is needed to remove from the agenda without prejudice an item from the Public Hearing Business License.

MOTION: Councilor Kelley motioned to remove under Public Hearing Business License: Remove without Prejudice Atlantic Property Inc./Jeff Corbin dba/Sea Shore Guest House 310-6-4), 4 Fourth Avenue, six year round rentals. and seconded by Councilor Pastor.

VOTE: Unanimous.

ACKNOWLEDGEMENTS:

COUNCILOR KELLEY:

John and Pam Gallo and the Raging Tide Baseball are inviting you to come down to JJ's Too Restaurant in beautiful downtown Old Orchard Beach on Thursday, February 6th from 6:00 p.m. to 7:30 p.m. The Raging Tide Front Office will be there including our new General Manager, Taylor Fisher, to talk about the team and the upcoming season. They will hand out an advanced copy of our 2014 Roster. They will talk about becoming a Host Family and we will have season tickets on sale; buy one and they will throw in a stadium seat cushion. So come hang out with the Tide at JJ's Too and enjoy a couple of hours of thinking about something more important than the weather outside.

COUNCILOR PASTOR: She announced that on February 6th Yellowfin's Restaurant in Ocean Park will be offering a four course meal for \$25 and a portion of evening's meals will go to the OOB Community Food Pantry. She encouraged as many people as possible to take advantage of this opportunity for a wonderful meal and the opportunity to support the Food Pantry.

ACCEPTANCE OF MINUTES:

ACCEPTANCE OF MINUTES: Town Council Meeting Minutes of January 21, 2014; Town Council Workshop of January 21, 2014; and Town Council Workshop of January 22, 2014.

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

VOTE: Unanimous.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL

CHAIR: I open this Public Hearing at 7:06 p.m.

Richard & Mary Jo Petrone (205-7-1), 15 Francis Street, Unit 13, one year round rental.

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

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

VOTE: Unanimous.

TOWN MANAGER'S REPORT: In the absence of the Town Manager let me say that he has been very busy on a number of issues related to the administration of the Town municipality. He attended a meeting with the High School Principal, Rick DiFusco, where he sat through a discussion and presentation of the School's Culinary, Hospitality and Tourism Program. This Career Program has dual objectives of college and career preparation that supports students' positive motivations and as a side benefit address the community's workforce needs. By fostering a career theme, this program helps students to see the relationship between what they are learning in their academic subjects and the application to real world work while addressing the "Why do I have to learn this?" before it is asked. They also develop partnerships with employers, the community and the local community college. It is an excellent program well deserving of our youth. The Town Manager had negotiation sessions with Fire, Police and also Waste Water. The Town Manager also attended two meetings relative to the FEMA map issues; meetings with department heads including Recreation, Public Works, Police, Planning and Code, and Human Resources. He met on Conservation issues, Ballpark matters and other business items needing his attention.

NEW BUSINESS:

6095 Discussion with Action: Request the signature of the Chairman of the Town Council to sign the updated Zoning Map, per Section 78-457 of the Zoning Ordinance, with the following information, "On December 3, 2013, by official action of the Town Council, the following change(s) were made in the Official Zoning Map: "Expand the Campground Overlay District over a single parcel zoned R-1 located at 9-11 St. John Street, MBL 206-26-7 (Ne're Beach Campground), owned

by Pacy LLC and Expand the Campground Overlay District over a single parcel zoned GB-1 located at 17 Ocean Park Road, MBL 210-10-4 (OOB Campground) owned by RBD Inc. ” which entry shall be signed by the chairman of the town council and attested by the town clerk.

BACKGROUND: On December 3, 2013, the Council voted to approve two Zoning Map amendments. These amendments added the Campground Overlay District to two properties; one in the OOB Campground (MBL: 210-10-4); and the other in Ne're Beach Campground (MBL: 206-26-7). To formalize the amendments, the Council needs to sign the Town of Old Orchard Beach General Zoning Map.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Approve request for signatures as read.

VOTE: Unanimous.

#6096 Discussion: Consideration of a request from owners Homewood Park, LLC, HP/OOB, LLC, HP Developers, LLC, Fortin Construction, Inc., and Vacation Properties, Inc., to accept Poplar Street Extension as a town way.

PLANNER JEFFREY HINDERLITER: At the 4 February Council Meeting, Poplar Street Extension is proposed for acceptance by the town as a public way. Below is a brief summary and pertinent information concerning the proposal that I hope will assist the Council with their decision.

- **Background Information**
- The Poplar Street right-of-way was originally created in a subdivision of land titled “Homewood Park” that was recorded during 1963. The total length of Poplar St. is approximately 2,000 linear feet. Approx. 1,100 feet of Poplar St., from Cascade Rd. to Homewood Blvd., was constructed sometime after 1963. 900 feet was not developed.
- Over time, the undeveloped 900 foot section of Poplar (identified as Poplar St. Extension) was brought to the Planning Board for development approval several times. During 2007, Poplar St. Extension was approved.
- With the exception of a right-of-way cut, Poplar St. Ext. remained undeveloped until 2012 when construction began.
- Poplar St. Ext. was approved by the Planning Board as a private way, to be built in conformance with the Subdivision Ordinance Street Design and Construction Standards.
- Private ways can be proposed to be accepted by the town (even if approved Planning Board related documents state it’s a private way) as long as they are constructed in conformance with the Subdivision Ordinance Street Design and Construction Standards and original approved plans and supporting documentation do not state the way shall remain private.
- There are 24 residential lots that can access Poplar St. Ext. Approximately 1/3 of these lots are developed, including two at the end of the street.

- Department Heads whose departments may be impacted with street acceptance proposals as well as the town engineer were asked to review the proposal and provide comment (comments attached). As part of the revised Street Acceptance application packet (dated 27 January 2014), the applicants agent (Stoneybrook Consultants, Inc.) provides a “Poplar Street Acceptance Construction Punch List” which responds to staff and engineer comments.
- **Further Council Consideration.** As part of Council’s decision concerning this proposal, I recommend consideration of the following:
 1. OOB Code of Ordinances, Chapter 50, Division 4 “Improvements”, Secs. 50-206 – 50-2013 (attached) includes the primary standards associated with street acceptance. The Council has discretion to accept completed streets as well as proposed streets. Sec. 50-209 provides that nothing in Division 4 affecting improvements “shall limit the authority of the town council to create a public way by any method provided by law when the cost to construct such way will not be apportioned and assessed pursuant to this division.” In other words, Council retains discretion to accept streets in cases where there are no construction costs that need to be apportioned among the benefited property owners. Accordingly, my understanding of these provisions is that the Council has discretion to accept a completed street that is already in existence notwithstanding the specific references to a “proposed street.” Any such acceptance probably would remain conditional upon satisfaction of any applicable conditions outlined in Sec. 50-211 and the acceptance must also comply with applicable statutory provisions outlined in 23 M.R.S.A §§ 3021 – 3035 (attached).
 2. Section 50-211 includes many of the requirements and several conditions governing the plans required for a “proposed street,” and also directs that the procedures governing acceptance of a proposed street are those also included in 23 M.R.S.A §§ 3021 – 3035.
 3. It is worth a remainder that acceptance of a street becomes a permanent commitment to maintain the street in good order.
 4. The town traditionally has not accepted streetlight maintenance and construction when accepting public streets. The town has accepted streetlights on Old Orchard Street, Memorial Park and Dunegrass.
 5. Within the applicant’s submissions, I have not found a deed that provides a metes and bounds description of the area that is proposed to be accepted. I believe we need the appropriate deeds so we may confirmation that the deed descriptions match those in the plan and the metes and bounds description closes and we know exactly what the town is accepting. I intend to ask the Assessing Department to examine the metes and bounds description in the deed against the plan. In addition to this, I question whether we have all deeds. Based on the submitted plans, easements are identified and if they are part of the proposed acceptance they should be included within the submission.
- **Recommendations:** I believe that before the Council decides on the acceptance of Poplar St. Extension as a public street, I believe the Council should consider the following recommendations:

1. The Council should determine what the town can accept- will it be plowing and maintenance of the pavement area? Will it include streetlights and sidewalks? If the Council feels construction and maintenance of streetlights and sidewalks should not be included with Poplar St. Ext. acceptance, these items should be specifically identified to be excluded (applying a condition to acceptance is appropriate). Are there other items that are part of the proposed acceptance the Council feels should be excluded?
 2. Authorize staff to contact the town attorney for review of the proposal which includes title research and deed review. We need to be sure that if accepted we have clear title.
 3. Ensure we have all deeds associated with the area that is proposed for acceptance. These deeds should include metes and bounds descriptions.
 4. Ensure all submitted legal documentation is updated with the correct year.
 5. There are a number of remaining improvements to be made by the applicant which, if accepted, will most likely be constructed after the Council's decision; therefore, I recommend that before a decision on acceptance that the Council allow me to review these improvements and report back.
- **Abbreviated Road Acceptance Procedure** (This a information I provide to applicants who propose town acceptance of roads As of the 4 February meeting, we are at "F"):
 - A. An applicant completes a "Road Acceptance" application and other materials (e.g., deeds, plans) and submits to the town planner.
 - B. The town planner requests the town engineer inspect the road and report their findings.
 - C. The town planner submits the Road Acceptance application to various departments such as public works, police, fire, and wastewater for their comment.
 - D. Once all comments are received, the town planner will ask the applicant to address the comments and submit additional materials if necessary.
 - E. Once the town planner receives the applicants' response, the town planner will forward all information received from the applicant, town engineer and department heads to the Council.
 - F. The road acceptance proposal will be scheduled on the Council's agenda. Their consideration will begin as a "discussion" agenda item where the proposal will be presented to the Council by the applicant and town planner. The Council may request additional information. If additional information is needed, it should be submitted to the town planner before the next step which is the "public hearing".
 - G. After "discussion", the Council will schedule and hold a "public hearing". Abutter's will be notified and the public will be allowed to comment on the proposal. The applicant or staff will be asked to address any comments from the abutters or the public.

H. After the “public hearing”, the road acceptance proposal will be scheduled for Council consideration as a “discussion with action” agenda item. The Council will typically make a ruling on the road acceptance proposal at this time.

I. If the road is accepted, the applicant will file the appropriate documents in the York County Registry of Deeds and provide copies of this filing to the town clerk.

Jeffrey Hinderliter, Planner

The Council spent a great deal of time discussing this matter. A public road or town-owned is a road that has been accepted by the Town after going through an acceptance process established by state and local ordinance statutes. The Town maintains town-owned roads. A private way is a road that has been accepted but is owned by the residents, a homeowner’s association or the original developer. Residents on a private road or the homeowner’s association are responsible for maintaining the road. The purpose of this agenda item as explained by the Planner was to talk about the process for acceptance as it involves many steps with time constraints. Also in attendance and speaking to the Council was Michael F. Gotto of Stoneybrook Consultants, Inc. He indicated that they had submitted an application for Public Acceptance of Poplar Street last September and that both the Town staff and the Town’s engineering consultants reviewed the information and made onsite inspections of those improvements. He talked about the punch list which had been provided to the Council and an estimated cost of approximately \$13,650. They also agreed to escrow 125% of the amount or \$17,062.50 and proposed to have all of the improvements completed by June 30, 2014. Any work not completed at that time could be completed by the Town using those escrow funds. Councilor Tousignant who had been on not only the Planning Board but the Town Council at the time issues regarding Poplar Street had been discussed asked a number of questions relative to his concerns. His concern related to the 900 foot section of Poplar identified as Poplar Street Extension. Concerns were raised about the number of lots still needing to be developed and the travel of heavy equipment that would only cause wear and tear to the already established road. The Planner indicated several times that he was looking for direction from the Council as to how to proceed having developed a suggested plan for how the Council might consider acceptance of a street or way. He indicated what that Road Acceptance Procedure might contain including that deeds and plans needed to be submitted to the Planner and continued review by the Town’s engineer in the inspection process. Input from Public Works and other departments are also vital to road acceptance. Councilor Tousignant again brought up drainage issues which has always been a concern as is evident in Homewood Park location. It was noted that because of winter conditions some of the work that might have been completed has been delayed. Councilor Tousignant emphasized that he felt the construction of many of the lots has added to the deficiencies on that punch list. Vice Chair Quinn indicated that he felt the punch list should be completed and all legal documents obtained and provided to the Town before this matter comes back to the Council. Determination would have to be made as to whether construction and maintenance of streetlights and sidewalks would even be considered as a condition of acceptance. The Planner asked for permission to contact the Town Attorney for review of the proposal which includes title research and deed review. The Council agreed and emphasized the need for a clear title as well. The deeds need to include metes and bound descriptions.

6097 Discussion with Action: Approve the Agreement with Nationwide Payment Solutions Municipay for accepting Credit Cards for counter payments and online bill pay and to pass on the convenience fee Town Manager to the customer.

BACKGROUND: The use of credit card for counter payments and online bill pay has been discussion among several Councils but the Town Finance Director has brought forth this agreement which was discussed during a recent workshop. Municipalities began accepting credit cards and assessing surcharges in 1980. Then in 1993 Visa and MasterCard enforced rules prohibiting surcharges. In 1994 the GFOA and Municipalities introduced H.R. 1842, the Credit & Charge Card Disclosure and Interest Rate Amendments Act of 1993; and H.R. 2175, the Credit Card Reform Act of 1993. In 1996 Visa, MasterCard, Discover and Amex allowed convenience fee Internet/IVR. In 2007 MasterCard, Discover and Amex expanded the Convenience Fee Programs to include over-the-counter transactions; and in 2008 Visa expanded convenience program to include over-the-counter tax payments. The convenience fee is a fee that government entities are allowed to assess for credit card transactions verses other forms of payment (such as cash or check.) This fee is intended to cover costs associated with credit card acceptance. A convenience fee is paid directly by the individual consumer who chooses to pay via their credit card. It was noted that Cardholders must be notified of the convenience fee prior to payment and given the opportunity to opt out and choose another payment option. Best practice by MC is that the sale amount and convenience fee are processed as separate transactions. This reduces inquiries from cardholders due to amounts being listed as separate line items. Any municipal office, government agencies, schools, local state and federal courts, state and town utilities, and colleges and universities, etc. are eligible to sue this program. It was pointed out that the options to credit cards are not to accept them; absorb the costs associated with card acceptance; or utilize a convenience fee program. Utilizing a convenience fee program such as this via a third party provider equals no processing fees. Maximizing the benefits to this program is done by offering as many options as possible including over-the-counter, by mail, and e-Commerce and assessing which departments should implement convenience programs. In a study by the University of Kentucky it was noted that citizens will take advantage of the electronic payment options if state government agencies accept electronic payment and establish policies and procedures which encourage and facilitate such payments. Benefits to using this program include increased cash flow; maximized revenues as well as a reduction in delinquent payments; a reduction in processing costs associated with checks and cash payments; and efficient staffing efficiencies. According to most surveys customers are happier with the ability to have this service. It is obvious that the next generation will be totally electronic based. The age of pure checks and cash for most government services is in the decline. Card acceptance for utility payments has nearly doubled over the last seven years from 41% to 81%. The Service/Convenience Fee is allowed by the Credit Card Association which permits municipalities to assess this fee on transactions paid via credit card. This fee must be processed as a separate transaction so the fee amount is clearly identified to the Cardholder. The fee amount must also be disclosed to the Cardholder prior to the completion of the transaction and the option to decline the fee and use an alternate form of payments (cash or check) must be given to the citizen. There are no processing fees to the municipality but rather all Service/Convenience Fees are paid by the individual consumer who chooses to use their credit card for payment. There are no set-up fees, monthly fees, or processing fees assessed to the municipality when a Service/Convenience Fee Program is utilized. NPS is a certified Level 1 PCI-DSS Service Provider and meets all the Payment Card Industry-Data Security Standards) guidelines and requirements. The program eliminates any exposure to the municipality from the storage and/or transmission of cardholder data. Local, state and federal courts of law that administer and process court fees, alimony and child support payments; Government entities that administer and process local, state and federal fines; local, state and federal entities that engage in financial administration and taxation; local government services such as Auto (DMV), Property Taxes, Utilities, Parks & Recreation, Fish & Game, Court & Bond Fees, and more; State elementary and secondary schools for tuition, related fees and school-maintained room and board; and State colleges and universities, professional schools, junior colleges for tuition, related fees and school-maintained room and board; are all eligible to

participate in this program. The following cards can be used to receive funds including Visa, MasterCard, American Express, and Discover all allow a Service/Convenience fee for government and educational entities. Funds will be deposited into the municipality's account(s) within two (2) business days and can be automated to include multiple depository accounts for various departments. MuniPAY offers real-time, detailed reporting. Municipalities are able to view reports separated by user, departments, payment items, and daily settlement reconciliation. It can also handle cash and check reporting options, and can be integrated with the municipality's current software. There are several advantages to using MuniPAY including the municipality is completely insulated from Service/Convenience Fee collection; NPS handles the collection of the Service/Convenience Fee and automates the payments of municipality transactions; Multiple payment item/Deposit Account Capabilities; Increased expedited cash flow because funds are deposited directly to municipality's account(s) on the second business day after the transaction date; detailed transaction reporting; and the municipality is able to offer more payment options to the citizens of the community. Depending on the individual needs of our municipality will determine the length of time to implement the MuniPAY program. Some of the considerations include the number of depository accounts and the complexity of the inventory list and/or fee schedule. NPS is committed to completing implementation as quickly as possible and the typical implementation program usually takes one to two weeks.

The Chair updated the viewers on the workshop that was held on this issue before it was brought in an agenda item this evening. The Finance Director gave an update and discussion included the fact that debit cards would be treated as credit cards but individuals could also pay by check for a cost of \$1.50 as compared to the \$3 charge for using the credit card. The Chair explained that the cost of doing business in this regard with the Town assuming the cost of use of the credit card has become a burden financially and that as other municipalities have found this means of payment has been accepted by citizens and appreciated for the ability to conduct business in this way.

MOTION: Councilor Tousignant motioned and Councilor Thornton seconded to Approve the Agreement with Nationwide Payment Solutions MuniPAY for accepting Credit Cards for counter payments and online bill pay and to pass on the convenience fee Town Manager to the customer.

VOTE: Unanimous.

6098 Discussion with Action: Accept the bid from Access A/V dated 12/20/2013 to install four cameras, a switcher, camera controller, and miscellaneous supplies in the amount of \$17,980.00; install the Leightronix UltraNexus for the Town's local access Channel 3 in the amount of \$13,937.00; for a total of \$31,917.00; and purchase a computer for approximately \$900, from Account Number 20118-50350 – Contingency, with a balance of \$247,383.09.

TOWN CLERK: Over the past several months several pieces of equipment used for the transmission of Channel 3 has become inoperable and the Town Manager requested that the Town Clerk, who administers the operation of Channel Three, bring together some information relative to the cost of upgrading the system. Some of the equipment cannot be repaired and would need to be replaced by new equipment. At a recent Council Workshop the Town Clerk explained in detail what needs to be considered to bring the system to complete operational efficiency. The Clerk presented two suggested costs from Access AV and Headlight Audio Visual Video and indicating the response from Access AV has been quick and super customer-

friendly and she is recommending that their bid be considered and presented to the Council at the February meeting. She reported that Access A/V is the only vendor in New England that offers a loaner program for their installs and free 24/7 technical support. Access has over \$250,000 worth of demo equipment and use that pool to loan customer's equipment if they have a piece that fails. At the Council Workshop the consensus appeared to be to move forward with both and take the funds necessary out of the Contingency account unless funding could be found elsewhere.

In discussion period Vice Chair Quinn asked about the \$900 for the computer which had not been mentioned at the workshop and the Town Clerk explained that she thought this amount was already in the IT budget but that was not the case and the computer is necessary for the system to work.

MOTION: Councilor Kelley motioned and Vice Chair Quinn seconded to Accept the bid from Access A/V dated 12/20/2013 to install four cameras, a switcher, camera controller, and miscellaneous supplies in the amount of \$17,980.00; install the Leightronix UltraNexus for the Town's local access Channel 3 in the amount of \$13,937.00; for a total of \$31,917.00; and purchase a computer for approximately \$900, from Account Number 20118-50350 – Contingency, with a balance of \$247,383.09.

VOTE: Unanimous.

6099 Discussion with Action: Set a Public Hearing date of February 18, 2014 to Amend the Code of Ordinances, Section 54-187, Traffic and Vehicles, Parking on East Grand Avenue and Old Orchard Street.

BACKGROUND: Over the past few years there has been a request from the Police Chief, Dana Kelley, and his staff, to look at more opportunities for funding by the assessment of possible locations in Old Orchard Beach where paid parking by meter might be a possibility. In order to address parking concerns and allow for parking meter installation, changes to the present ordinance needed to be considered which is the reason for setting the public hearing date for February 18, 2014. Some of the considerations were diagonal parking on one side of Old Orchard Street. If the Council decides to move forward with any of these proposals, some ordinance changes would be necessary and in order to get the changes made in time for the upcoming season, decisions would need to be reached soon. It was noted that with the changes that would be made there would be a need for signage and the cost would be in the area of \$2,000 to \$3,500 dollars. In discussing the purchase of new parking machines, the cost to the modem fee would be approximately \$55 per month for monitoring. It was noted that the use of Credit Cards would be readily accepted by tourists particularly since many people do not carry coins in their pocket and the business owners in the downtown have never been happy to have to make change for tourists in the midst of a busy season. It was noted that the average of 60% of users prefer credit card rather than using cash. The addition of \$2,000 for additional parking machines was also noted and this item will move forward to the next Council.

**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 February 18, 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 Chapter 54, Traffic and Vehicles, Sections 54-187, of the Town of Old Orchard Beach Code of Ordinances is hereby amended by adding the underscored language and deleting the strikethrough language:

East Grand Avenue. No parking will be permitted on either side of East Grand Avenue from Old Orchard Street to the Scarborough line.,~~e~~Except that parking shall be allowed on the ocean side of East Grand Avenue from Boisvert Street Kinney Avenue to Cleaves Walnut Street. Loading and unloading only will be permitted at the locations defined by the chief of police and designated by proper signages ~~placed on the avenue in front of appropriate business establishments. Parking shall be allowed on the ocean side of East Grand Avenue from Kinney Avenue to Walnut Street commencing on the first Tuesday after Labor Day and ending on the Friday before Memorial Day of each year. Three 15-minute parking spaces will be permitted on the west side (non-ocean side) of East Grand Avenue from 25 feet northerly of Walnut Street to 85 feet northerly along~~ from the intersection of Walnut Street in a southerly direction for 85 feet.

Old Orchard Street. Two-hour parking only shall be allowed on both sides of Old Orchard Street. Diagonal parking only shall be allowed on the left hand side of Old Orchard Street facing the ocean and parallel parking only shall be allowed on the right hand side of Old Orchard Street facing the ocean from Portland Avenue to First Street/Milliken Street. From Milliken/First Street to East Grand Avenue, parallel loading/unloading and bus stop parking as designated by the Town Council. See also section 54-113 and Town hall in this section.

Per Order of the Municipal Officers this ____ day of _____, 2014.

A True Copy
Attest:

Kim M. McLaughlin, Town Clerk

Councilor Tousignant had requested during the workshop that West Grand Avenue be included in this ordinance change. In order for that to happen this item would have had to be removed and another agenda item come back at the next meeting setting the public hearing. Councilor Tousignant agreed to move forward to this but requested that consideration be given in the future to West Grand Avenue.

MOTION: Councilor Thornton motioned and Councilor Pastor seconded to Set a Public Hearing date of February 18, 2014 to Amend the Code of Ordinances, Section 54-187, Traffic and Vehicles, Parking on East Grand Avenue and Old Orchard Street.

VOTE: Unanimous.

#6100 Approve the purchase of four Cale Parking Meters at a cost of \$37,200 from Account Number 52002-50884 – CIP Parking Control Machine Expense, with a balance of \$35,442.; and \$5,000 to cover the remaining balance of parking machines and signage; from Account Number 20118-50350 – Contingency, with a balance of \$247,383.09.

CHIEF KELLEY: In connection with the ordinance changes regarding parking meters, the following purchase of those meters is being requested by the Town Council. The Council has been provided by paperwork regarding the cost of the meters.

Guy Fontaine asked if more revenue would be coming in by the addition of these meters and expressed his concern that funding was coming out of the Contingency Account. Councilor Tousignant indicated that this amount had been funded by the previous Council and that it was only the \$5,000 that was coming out of Contingency. It was also noted that credit cards are used by 60% of individuals using meters and this upgrade would be a revenue enhancement.

MOTION: Councilor Kelley motioned and Councilor Pastor seconded to Approve the purchase of four Cale Parking Meters at a cost of \$37,200 from Account Number 52002-50884 – CIP Parking Control Machine Expense, with a balance of \$35,442.; and \$5,000 to cover the remaining balance of parking machines and signage; from Account Number 20118-50350 – Contingency, with a balance of \$247,383.09.

VOTE: Unanimous.

#6101 Discussion with Action: Accept, with regret, the resignation of Paul Niemczyk from the Community Animal Watch; Accept with Regret the resignation of Robin Dube from the Ballpark Commission; Appoint Rodney Choroszy as a Regular Member of the Ballpark Commission, term to expire 12/31/14; and Move Karen Brozek from an Alternate Member to a Regular Member of the Community Animal Watch Committee, term to expire 12/31/15.

MOTION: Vice Chair Quinn motioned and Councilor Pastor seconded to Accept, with regret, the resignation of Paul Niemczyk from the Community Animal Watch; Accept with Regret the resignation of Robin Dube from the Ballpark Commission; Appoint Rodney Choroszy as a Regular Member of the Ballpark Commission, term to expire 12/31/14; and Move Karen Brozek from an Alternate Member to a Regular Member of the Community Animal Watch Committee, term to expire 12/31/15.

VOTE: Unanimous.

6102 Discussion with Action: Approve the Special Event Permit application for the POW/MIA Recognition/OOB365 to hold the POW-MIA Recognition Weekend on Friday, September 19th through Sunday, September 21st, 2014 at the Ballpark from 8 a.m. to 8 p.m.; to include ceremonies, BBQ grills; the landing of a Huey 68-16563, and other military equipment. A request to place a banner on the posts at the intersection of E. Emerson Cummings Boulevard and Saco Avenue two weeks prior to the event; and a request to waive the fee.

Mr. Greenlee indicated that this event is already being planned and support has been encouraging. The Chair indicated there was complete support of the Council and looking forward to this important event.

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

VOTE: Unanimous.

6103 Discussion with Action: Approve the Special Event Permit application for Kaitlyn Voccola to hold a wedding on the beach at the end of Temple Avenue on Saturday, June 14th, 2014. Set-up to take down is 4 p.m. to 6:30 p.m.

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

VOTE: Unanimous.

6104 Discuss Labor Contracts: (Note: This item discusses labor contract issues related to AFSCME Council 93, Local 481-06, Old Orchard Beach Waste Water Employee Association Union Contract; Old Orchard Beach Local 2247 International Association of Firefighters AFL-CIO-CLO Union Contract; and Old Orchard Beach Patrolmen's Association – Maine Association of Police Union Contract; as defined under Title 1 M.R.S.A., Section 405 (6) (D); and the Council anticipates that the discussion portion will be held in Executive Session.)

MOTION: Councilor Thornton motioned and Councilor Tousignant seconded to Remove without Prejudice the Executive Sessions scheduled for this evening to Discuss Labor Contracts.

The Chair indicated that the Council would be having an Executive Session next Wednesday evening, February 12th to address these issues.

VOTE: Unanimous.

GOOD AND WELFARE: There being none, the Chair called for a motion to adjourn.

ADJOURNMENT:

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Adjourn the Meeting at 8:25 p.m.

VOTE: Unanimous.

Respectfully Submitted,

**V. Louise Reid
Town Council Secretary**

I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of thirteen (13) pages is a copy of the original Minutes of the Town Council Meeting of February 4, 2014.

V. Louise Reid