

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

**A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, March 4, 2014. Chair O'Neill opened the meeting at 7:00 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  
Councilor Kenneth Blow  
Town Manager Larry Mead  
Assistant Town Manager V. Louise Reid**

**Pledge to the Flag  
Roll Call**

**ACKNOWLEDGEMENTS:**

**ASSISTANT TOWN MANAGER:** I would like to take this opportunity to thank the members of the Community Animal Watch for the enormous amount of work they have done in this community and continue to do; not only assisting animals and their owners but raising the funds to do it. The Chair, Beverly Russell, and her committee members, spend hours during the week with attention on the care and keeping of man's best friends. Just recently two young men came into my office very distraught because their cat had gotten out. They said they came to me because they heard this was the office that would find their cat. I explained that it wasn't me but that the Community Animal Watch would be able to assist in looking for their cat. I then found out that these two young men were from Milestone Foundation right here on Portland Avenue. Evidently Milestone residents have their own cherished cat. We were fortunate that their cat returned on their own but had she not – no effort would have been spared by this group to find it. Tonight the Committee and I would like to say thank you to Jacqui Deveneau who has been a member of the Community Animal Watch Committee since its formation in 2009. She has been Chair of the Committee in the past and has given many hours to its work. She is moving to Portland and will be greatly missed in this community for she has been involved in many activities of the Town; always showing positive support to the efforts involved. Jacqui – thank you and God's blessing on you as you move to your new home.

**COUNCILOR MICHAEL TOUSIGNANT:** Thanks to OOB 365 for the Winterfest program this past weekend. Although the weather did not cooperate last weekend we did have a turnout this weekend. We also extend our appreciation to the Public Works Department for all their hard work and to Chris Bosviert of SBB Excavation who supplied the bulldozer

to Public Works to shape the slide hill. A great round of appreciation to everyone who worked so hard and to all who attended.

**COUNCILOR PASTOR:** Congratulations to Detective Dave Hemingway, Sgt. Kevin Riordan and Officer Anthony Germaine for the excellent article in the Journal Tribune called "Crime Corner" when their excellent follow up helped resolve some issues relative to scams perpetrated on individuals. We are proud of our Police Department and the work they do often behind the scenes and often not acknowledged. She also mentioned that she had attended the RSU23 event at the High School and was impressed by the large attendance, the discussion and the involvement of the youth as well.

**ACCEPTANCE OF MINUTES:** Town Council Meeting Minutes of February 4, 2014; Town Council Meeting Minutes of February 18, 2014; and Special Town Council Meeting Minutes of February 19, 2014.

**CHAIR:** It should be noted that the February 18<sup>th</sup> meeting was cancelled because of the snow storm.

**MOTION:** Councilor Kelley motioned and Councilor Tousignant seconded to Accept the Minutes of February 4, 2014 and the Special Town Council Meeting Minutes of February 19, 2014.

**VOTE:** Unanimous.

**PUBLIC HEARING:** Shall We Amend the Code of Ordinances, Section 54-187, Traffic and Vehicles, Parking on East Grand Avenue and Old Orchard Street?

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

**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 need to be considered. 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. ~~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.

Discussion was important to determining how to move forward this parking issue. George Kerr, local business owner and former Councilor and State Representative talked about the beautification process for the Town of Old Orchard Beach when the present parking plans were put in place with explanations as to why that was so. He historically accounted for the addition of decorative and historic style improvements to the town; consideration of how the downtown was developed for parking issues; talk about some of the things that were not done such as cobblestone walkways. He emphasized that a pleasant community appearance adds to home values, attracts business investment and is one of the top three factors in creating community pride. He continued to define what was placed on the visual part of the community and how preference surveys were conducted and enormous participation. Included in the discussion were the types of signs and the desire to reduce visual clutter; the type of businesses we wanted to attract; how parking would most effectively allow for the most cars and the concentration of safety issues. He indicated that it appeared that this seemed to be brought up because of the need for a revenue source and he asked Chief Kelley if that was the case and the Chief acknowledged that the revenue issue was the reason for considerations being given to the parking and the installation of more parking meters. Mr. Kerr acknowledged that the raising of taxes is rarely a good idea and that he recognized that this Council did not want to do that and that is reason for looking for other revenue sources. He said it takes needed money out of the productive economy, depresses economic growth and sends citizens looking for other means to cut back affecting the economy. He offered to be part of a study of

some areas to raise revenue in the Town but did not feel that this revenue saving venture was the right way to go. Paula Pouravelis, another business owner acknowledged her concerns as well but appreciated the fact that the Chief of Police indicated that the suggestion regarding Old Orchard Street could be dropped from the planned changes to the ordinance. Mr. Kerr indicated that he has been presenting to some at the State level consideration of more discussion on local option sales tax which are collected and processed at the County or municipal level where they are collected. Unlike the sales tax, local option tax may be assessed at a rate declared by local leaders, creating a slight variation in tax rates. This has not been popular at the state level. He then said that he was studying the possibility of a lodging tax which is a consumer tax on the rental of rooms to transient occupants of hotels, motels, boarding houses, campgrounds and other such facilities for a period of less than 90 days. He also suggested permit increases for businesses; special assessments; and that times have changed and one has to think out of the usual and encouraged fiscal soundness. Questions were raised about West Grand Avenue and Ocean Park having meters and why just East Grand Avenue. Councilor Tousignant indicated that he had requested before that there be consideration to parking meters on West Grand Avenue but there did not seem to be support on this from the Council. Again there is a need for further evaluation of the possibility of parking meters in other areas of the community which the Chief indicated has been proposed in the past. John Bird spoke of his disapproval of changing the parking on Old Orchard Street because of safety issues. The Police Chief has recommended that the parking spaces on Old Orchard Street remain parallel parking. To accommodate proposed changes a new kiosk pay station would have been put on Old Orchard Street but with the decision to remain at parallel parking that kiosk would be moved to East Grand Avenue. Metered parking the downtown runs from Memorial Day to Labor Day. Each meter generate approximately \$800 in revenue per season. The Chief indicated that he had been contacted by residents with safety concerns associated with the proposed diagonal parking. It was felt that people backing onto Old Orchard Street could be dangerous. It was decided that the safety issues far outweighed the additional revenue that would have been collected.

**CHAIR:** I close this Public Hearing at 7:29 p.m.

#### **PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:**

**CHAIR:** I open this Public Hearing at 7:30 p.m.

Alfred T. Simpson – Street Musician, requesting Town Council to waive renewal fee of \$200 for Street Musician License; Kenneth R. Grisley (205-19-24-8), 2 Foote Street, Unit 8, one year round rental; Old Orchard Beach Public Library (206-27-1X), 27 Staples Street, Request for parking and Town Council to waive the renewal fee of \$400 for parking lot for 10 days a year; Town of Old Orchard dba/The Ballpark (207-3-6X), 7 Ballpark Way, requesting Town Council to waive the renewal fee of \$330 for Victualers with Preparation and one Vending Machine; and Bruce Edgerly (319-4-11), 9 Dune Street, one year round rental.

**CHAIR:** I close this Public Hearing at 7:31 p.m.

**MOTION:** Vice Chair Quinn 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 7:32 p.m.

Dunegrass Golf LLC dba/Dunegrass Golf Club (105A-1-200), 65 Wild Dunes Way, live music inside and outside, 8:00 a.m. to 1:00 a.m.; Fly By Night Inc. dba/Mr. Goodbar (306-5-2), 6 East Grand Avenue, live Band/Karaoke/DJ/Comedy/Dance, inside 7:00 p.m. to 1:00 a.m.; Dimitri's Inc. dba/Jimmy the Greek's (211-9-1), 215 Saco Avenue, Bands, D.J.'s, Comedy and more (amplified), outside and inside, 12:00 p.m. to 1:00 a.m.; Surf Six Inc., dba/Surf 6 Restaurant & Lounge (306-2-9), 2 Cortland Street, Bands & DJ – outside and inside – 12:00 p.m. to 12:00 a.m.; Jeanne LaChance dba/JJ's Eatery Too (306-5-1), 12 B Old Orchard Street, Single Acoustic – inside and outside – 6:30 p.m. to 9:30 p.m. off season; and 7:00 p.m. to 10:00 p.m. summer; and Dale Tarbox dba/Sunset Bar & Grill (307-1-6), 6 Fernald Street, live music outside – 2:00 p.m. to 10:00 p.m.

**CHAIR:** I close this Public Hearing at 7:33 p.m.

**MOTION:** Councilor Tousignant motioned and Councilor Thornton seconded to Approve the Amusement Permits as read.

**VOTE:** Unanimous.

**TOWN MANAGER'S REPORT:** The Town Manager reported that he had meetings on FEMA and flood maps and continues to work with other municipalities and congressional staff. He has written letters to FEMA officials asking for an explanation of the use of differing methodologies. He is pressuring for public meetings prior to appeal period and is working with the Town's consultant. Attended a meeting of the Ballpark Commission. Worked with Commission members on developing appropriate contract language for events and rentals. There are some concert opportunities being discussed for the month of August. Negotiations with three employee contracts have been ongoing. There have been meetings with department heads on their budgets. We have been working on an RFP for the exterior of town hall, stain and improvements to the windows; and working with Wright Pierce on the issue and seeking a structural assessment of the twin towers. He has been working with the staff to submit requests for transportation improvements to PACTS for the three year budget process, including Ross Road and the Cascade Road, bus shelters, pedestrian crossing improvements, sidewalk improvements in the area of the schools at Smithwheel and bikeway enhancements. Working with legal counsel in responding to document requests related to the litigation involving a former town manager. Met with the Chamber of Commerce Board of Directors working cooperatively to promote and enhance the Town. Preparation involving both the library construction and the proposed agreement between the Town, Harmon Museum and Saco and Biddeford Savings Institution. He noted appreciation for the concern related to his mother's passing.

**# 6105 Discussion with Action:** Accept the bids from vendors to supply the Town of Old Orchard Beach with their services for the year 2014 (January through December) for the following services:

- Electrical Services
- Masonry/Brick & Concrete Services
- Paving Services
- Plumbing Services

**Tree Removal Service**  
Funds to come from various department budgeted accounts for building repairs, paving, electrical repairs and grounds maintenance.

**BACKGROUND:**

**Request for Proposals**

The Town went out again for Request for Proposals and bids for vendors to supply their services to the Town for 2014. Each vendor chosen was the lowest in their respective categories:

**THE TOWN OF OLD ORCHARD BEACH  
IS SEEKING SEALED BIDS FOR OUR MUNICIPAL FACILITIES**

All bids are due on January 30, 2014 at the following times:

Electrical Services at 9:00 a.m.  
Plumbing Services at 9:30 a.m.  
Tree Removal Services at 10:00 a.m.  
Paving Services at 10:30 a.m.  
Masonry/Brick & Concrete Sidewalk  
Constructions/Reconstruction Services at 11:00 a.m.

Bid Specs can be obtained in the following ways:

On- Line: [www.oobmaine.com](http://www.oobmaine.com),  
Via email: [vhersman@oobmaine.com](mailto:vhersman@oobmaine.com)  
Call: 207-934-2250.

Bids shall be addressed to:  
Town of Old Orchard Beach  
Larry Mead, Town Manager  
1 Portland Avenue  
Old Orchard Beach, Maine 04064

**Electrical:** Bids were received from:

Lessard & Son's  
SMR Electric  
Kevin's Electric

SMR Electric was the lowest bidder

**Plumbing Services:** Bids were received from:

Garrett Pillbury Plumbing and Heating  
Girard Plumbing and Heating

Girard Plumbing and Heating was the lowest bidder.

**Masonry/Brick & Concrete Sidewalks**

**Constructions/Reconstruction Services:** Bids were received  
from:

**LaBrecque Construction, Inc.  
LaBrecque Construction was the owner bidder.**

**Paving Services: Bids were received from:**

**Thying Paving  
Trottier Paving and Maintenance  
Thying Paving was the lowest bidder.**

**Tree Removal Services: Bids were received from:**

**Lucas Tree Experts  
Tamarack Tree & Landscape Co.  
Davey Tree Experts  
RP Crane & Tree Service**

**RP Crane & Tree Services was the lowest bidder.**

**There was discussion on the idea of why we were going out to bid in this fashion with several different expressions of opinion by members of Council. Some favored using various vendors for better service and others felt that the selection of a vendor for cost and service was a better approach. The desire in both cases is to get the lowest base price but assured quality in performance and ability to do what is required. Perhaps going out and using several different contractors provides service by a diversified group; but the selection of one (perhaps the lowest bidder) perhaps will save the town money. The question was asked if consideration should be given to a local contract whether it is electrical, plumbing, tree cutting, sidewalk installation, or whatever. The bottom line appeared, however, to be good service and a reputable price. Using one contractor makes it easier to keep track of work that is being done and hopefully all departments will have access to the same contractor thus providing immediate attention from the contractor. There was discussion of the value of providing the same plans and specs and ask them to bid out the project. Selection of the low bidder is not always the best. You might choose one of the middle bids if you believe you will get better quality; a better schedule; better completion date; or perhaps you have better overall experience with one contract than another. Sometimes saving at the outset by going with the low bidder can sometimes be false economy. The money is important but the Council pointed out that it might not be the best criteria. It was pointed out that at least one well-established company with multiple employees and a lot of similar projects under its belt, is better than a small firm with no employees, but might be more expensive. Smaller companies often have less overhead and therefore the cost is less. It was agreed that it is in everyone's interest to get apples-to-apple bids so there are no misunderstandings and disputes down the line about what was or was not included in the bid. It's critical to start out with an organized method to keep track of bids. Some considerations they discussed that need to be part of a bid process would be the scope of the work, the administration requirements, the selection criteria, and specifications well defined. The decision to remove it without prejudice rather than to table was discussed and the Council agreed to Remove it Without Prejudice until such time as there could be more discussion on the issue. Comments regarding Charter requirements were made by Jerome Begert and Guy Fontaine indicated he felt it would be a good idea of developing a list of a variety of contractors.**

**MOTION:** Councilor Tousignant motioned and Councilor Blow seconded to Remove without Prejudice the bids from vendors to supply the Town of Old Orchard Beach with their services for the year 2014 (January through December) for the following services:

Electrical Services  
Masonry/Brick & Concrete Services  
Paving Services  
Plumbing Services  
Tree Removal Service.

**VOTE:** Yea: Councilors Blow, Kelley, Pastor, Tousignant, Chair O'Neill  
Nea: Vice Chair Quinn and Councilor Thornton

**# 6106 Discussion with Action:** Consider placing on the Ballot for the regular Town election to be held on June 10, 2014 authorization for the granting of a permanent easement over the parcel identified on the Town Tax Maps as MBLU 205-1-22X, located at 4 Portland Avenue, Old Orchard Beach, Maine, to the Saco & Biddeford Savings Institution ("SBSI"), to allow SBSI, at its sole expense, to develop, maintain and use a parking lot on the Town of Old Orchard Beach/Historical parcel, the easement access and perpetual use of the parking lot to be constructed and maintained by SBSI, the granting and conveyance of an easement from SBSI to the Town for the Town's perpetual right of access over the SBSI lands located on the Town Tax Map as MBLU 205-1-21, located at 2 Portland Avenue, the construction of a paved walkway around the Historical Society building and an access ramp for the Historical Society building to be constructed by SBSI, and for such purposes and such other terms as agreed to by SBSI, the Town and Historical Society (the "Agreement"), the terms and conditions of the easement and Agreement subject to review and approval by the Town Council; to further set a Public Hearing on this matter for May 20, 2014; and to further direct the Town Clerk to place such referendum on the June 10, 2014 ballot.

#### **BACKGROUND:**

Discussion relative to this agenda item was held with a previous Council on September 3<sup>rd</sup> and 17<sup>th</sup> of 2013 and was removed without prejudice to obtain more documentation relative to issues being raised. The Town owns land where the Harmon Museum is located. The Harmon Museum has no parking and is not ADA compliant. Saco and Biddeford Savings Institution, who owns the property adjacent to the Museum is proposing to build and maintain a parking lot behind the Museum and ADA compliant access to the Museum's entrance; basically financing and constructing the entire project. In order to access the proposed parking lot, vehicles will need to travel through SBSI parking lot. In exchange for SBSI financing and building the parking lot, they are requesting an easement to allow bank employees to access and use the parking lot and an easement for the Town to cross SBSI property to access the parking lot. To allow this exchange, it needs to go to referendum in June. This is a request for a possible referendum agenda item to be placed on a Council agenda asking for the authorization of a permanent easement related to terms, conditions and the scope and conveyance of cross easements over the parcels identified on the Town Tax Maps as MBLU 205-1-21 and 205-1-22, located at 2 and 4 Portland Avenue, Old Orchard



Beach, between the Town of Old Orchard Beach, the Old Orchard Beach Historical Society and Saco & Biddeford Savings Institution (“SBSI”) for the following purposes:

1. Authorizing SBSI, at its sole expense, to develop and maintain a parking lot on the Historical Society parcel;
2. For securing the Town’s right of perpetual access and perpetual use of the parking lot to be constructed and maintained by SBSI;
3. For securing SBSI’s perpetual right of access over the lands of the Town; and
4. For such purposes and such other terms as agreed to be SBSI, the Town and Historical Society and to further direct the Town Clerk to place such a referendum on the November 5, 2013 ballot.

#### Overview of Proposed Parking Lot Arrangement and Easement

Saco & Biddeford Savings does not have sufficient parking for its employees and customers at its Old Orchard Beach branch. As a result, over the last two years SBSI has been searching for additional offsite parking for its employees. The Old Orchard Beach Historic Society has neither a driveway into the property on which its building is located nor parking facilities on that property. Over the years the Bank has allowed Officers and visitors of the Historic Society to park in the Bank’s customer parking lot. Additionally, the Historic Society building is not accessible to individuals with disabilities. The Bank and Trustees of the Historic Society have held multiple meetings and have come to terms on a mutually beneficial arrangement that will create a shared parking lot with a total of thirteen parking spaces. Two regular spaces and one handicapped space will be reserved for the Historical Society and ten spaces will be reserved for Bank employees during bank hours. The entire lot would otherwise be available for use by the Historic Society. The basic premise of the agreement is that the two parties will exchange permanent easements providing the Town and the Historic Society with the right to cross the Bank property to access the new parking lot while allowing the Bank to use a portion of the lot for employee parking. The Bank has agreed to pay all costs associated with the construction of the parking lot and associated lighting and signage, a paved walkway to the front of the Historic Society building and an ADA compliant ramp at the front entrance of Historical Society. All work will be compliant with the Town Old Orchard Beach Building Code and zoning requirements. The Bank has also agreed to provide all maintenance of the parking lot (snow removal, sanding, salting, seal coating etc.)

During the day a couple of changes were made on the Agreement and presented to the Council this evening. OOB and the Historical Society shall be named as additional insured’s with SBSI on any such policies that cover the OOB/Historical Society property including during the term of construction. In the area of Indemnification it was indicated that to the fullest extent permitted by law, SBSI shall indemnify, defend and hold harmless the Town and their respective officers, agents and employees, against and from all costs, expenses, liabilities, losses, damages, inspections, suits, actions, fines, penalties, claims and demands of every kind and nature (collectively “Claim), including reasonable counsel fees, asserted by or on behalf of any person, utility or governmental authority whatsoever arising out of (a) any failure by SBSI to perform any of the conditions of this Agreement on SBSI’s part to be performed, or (b) the use of the OOB/Historical Society property by SBSI or its employees, agents, Guests, invitees, customers, contractors, or officers, however occurring and any matter or thing growing out of the occupation, maintenance, alteration, construction, repair, use of operation of the OOB/Historical Society property, appurtenances thereto or any part by SBSI or its employees, agents, guests, invitees, customers, contractors, or officers during the term of this Agreement, but excluding any claims to the extent caused by the negligence, acts or omissions of OOB or the Old Orchard Beach Historical Society, their agents, contractors or employees.

There was positive discussion on the acceptance of this project. Vice Chair Quinn asked some relevant questions related to the amortization process which had previously been discussed but was removed because of the complication of the calculations relative to the issues involved. It came down to simplification of the process. A request from Jerome Begert that the agreement be put on the web site and be in the Town Clerk's office was acknowledged. Bill Kaney, Vice President of Saco Biddeford Savings Institution was present and spoke on the agreement and the ability for the Museum, the Town and the Bank to work together on the project. There were attendees from both the Museum and the Bank at the evening meeting. Vice Chair Quinn also asked whether the easement agreement could be broken and it was indicated that if both parties agreed. Sometime properties have easements that were instituted many years in the past and an action can be initiated to quiet the title and remove some easements. In this case both parties would have to agree. He also asked about the impervious surfaces which have environment concerns and it was noted that this item was going back to the Planning Board for resolution. The Chair indicated that residents will vote on June 10<sup>th</sup> whether to approve a permanent easement between the Harmon Museum and the Saco and Biddeford Savings Institution allowing access to a parking lot the bank has proposed to build behind the Museum. Under the agreement the Bank would build a walkway leading to the front of the building and a handicapped-accessible ramp.

**MOTION:** Councilor Tousignant motioned and Councilor Thornton seconded to Consider placing on the Ballot for the regular Town election to be held on June 10, 2014 authorization for the granting of a permanent easement over the parcel identified on the Town Tax Maps as MBLU 205-1-22X, located at 4 Portland Avenue, Old Orchard Beach, Maine, to the Saco & Biddeford Savings Institution ("SBSI"), to allow SBSI, at its sole expense, to develop, maintain and use a parking lot on the Town of Old Orchard Beach/Historical parcel, the easement access and perpetual use of the parking lot to be constructed and maintained by SBSI, the granting and conveyance of an easement from SBSI to the Town for the Town's perpetual right of access over the SBSI lands located on the Town Tax Map as MBLU 205-1-21, located at 2 Portland Avenue, the construction of a paved walkway around the Historical Society building and an access ramp for the Historical Society building to be constructed by SBSI, and for such purposes and such other terms as agreed to by SBSI, the Town and Historical Society (the "Agreement"), the terms and conditions of the easement and Agreement subject to review and approval by the Town Council; to further set a Public Hearing on this matter for May 20, 2014; and to further direct the Town Clerk to place such referendum on the June 10, 2014 ballot.

**VOTE:** Unanimous

**# 6107 Discussion with Action: Approve and Accept the Owner/Architect Agreement for T. Scott Teas of Scatter Good Design for the Library construction.**

**BACKGROUND:** Scattergood Design, P.A. is located at 80 Middle Street in Portland, Maine and the Town wishes to retain them as Architect to assist in the design and renovations to the Edith Belle Memorial Library. Over the past few months there has been discussion with them on the scope of the project and the professional services which will be required by them to perform. The Town provided initial information to the Architect for the project indicating that the project is to include, but is not limited to, a new entry, circulation counter,

new children's and young adult spaces, reading areas and gathering spaces, ADA bathroom and necessary mechanical, electrical and plumbing systems as allowed for an estimated construction budget of \$1,935,052. Based on the initial information the work should begin around April of 2014 and it is contemplated that it will be finished in approximately eight months. The Town shall compensate the Architect for services in the amount of \$173,800 to be paid according to each phase of services. Indemnification includes coverage of the Architect and also naming and indemnifying and holding the Town, its officers, officials, employees and agendas in their public and individual capacities, harmless from and against any liability, including costs and attorney's fees, for violation by the Architect, its sub-contractors, officers, agents and employees.

It was noted that there has been a very excellent working relationship between the Library, the Town and Scatter Good Design over this whole process. It was noted that in the agreement it was indicated that this was executed in Cumberland County and that needed to be corrected to York County. The Town Manager outlined the costs factors explaining every segment of the payment process.

**MOTION:** Councilor Tousignant motioned and Vice Chair Quinn seconded to Approve and Accept the Owner/Architect Agreement for T. Scott Teas of Scatter Good Design for the Library construction.

**VOTE:** Unanimous.

# 6108 Discussion with Action: Award the bid for the Libby Library Building Project to Benchmark Construction - Account Number 31144-50396 – Library Expansion Bond, with a balance of (\$1,879.96.)

**BACKGROUND:**

There have been ongoing discussions with firms (eleven firms) who were pre-qualified to respond to the Request for Proposal submitted by the Town/Edith Belle Memorial Library. The final three chosen for discussions and interviews were Benchmark, A. C. Dudley and TPD Construction. The final contract price will include the base bid of \$1,500,000 plus alternates as decided upon within the specified timeframe outlined in the contract documents and any amendments as agreed upon prior to formal execution of the contract. It was also noted that the designated team that was part of an interview process on February 12, 2014 shall be used on the project for its duration. The required bonds and certificates of insurance must be provided to the Town of Old Orchard Beach within fifteen days of receipt of the construction contract for review but no later than the day of the signing of the contract. A construction schedule for completion will also be provided to the Town within fifteen days from the date of February 18, 2014 but no later than the day of the signing of the contract. Attendance will also be required at a pre-construction conference where the contract and all other contract documents will be signed. It was also noted in discussions with the Council that Benchmark did a very good job in the building of the Police Department three years ago.

The Town Manager gave funding information and explained that many of the bids came in in the relative area of cost and this only assured that the plans were on target for the project itself. Jerome Begert reminded the Council to assure that the warrants on the building are for six years, not two. The Town Manager indicated that there would likely be other expenses including furniture, shelving and the book shed as well as relocation expenses.

**MOTION:** Councilor Kelley motioned and Councilor Tousignant seconded to Award the bid for the Libby Library Building Project to Benchmark Construction - Account Number 31144-50396 – Library Expansion Bond, with a balance of (\$1,879.96;) and Authorize the Town Manager to Approve payment requisitions to Benchmark up to the contract award price of \$1,503,907, plus a Project Contingency amount of no more than 15% of the contract price.

**VOTE:** Unanimous.

**# 6109 Discussion with Action:** Acceptance of the 2013 Planning and Education Grant of \$7,954 under the Project Canopy Assistance Program.

**BACKGROUND:**

The State of Maine Department of Agriculture, Conservation and Forestry has announced that Old Orchard Beach has been approved for a 2013 Planning and Education Grant of \$7,945 under the Project Canopy grants made available through the U.S.D.A. Forest Service Urban and Community Forestry Program (CFDA 10:675.) The grant award is contingent on the Town of Old Orchard Beach's ability to meet the following conditions:

- . Ensure that Project Canopy, the USFS, and community forestry are promoted through signage, literature, and the local media; and
- . Forest Management plans must meet Maine Forest Service wise woods standards.

The goal is to develop Milliken Mill Woods as a multi-use forestry space over the next few years that will inform both residents and visitors about the importance of stewardship of woodlands. This grant will help the Town develop and begin to implement a forestry management plan. Preliminary discussions have included public access trails with information signage. Management will include active forestry with an emphasis on long term stewardship, wildlife habitat, invasive species control and protection of water quality. Janice Milliken Andrews donated 51 acres to the Town more than 14 years ago. The other 17 acres, across the street, are town-owned. What makes both pieces of land ideal for the development of various walking and hiking trails are their proximity to the Eastern Trail. A forester will need to be hired who will assist in the development of the forestry plan for the two properties. It is hoped this will be a showcase and an example to other local landowners considering donating their land to the Town for conversation. The two properties included in the Milliken Mill Woods project have some unique natural areas of interest including a few hills, a stream, a Hemlock grove and a rare American chestnut. The success of the endeavor will depend on local support and the help of volunteers.

Questions were asked about the match and the hiring of a forester. The Town Manager and John Bird addressed these financial issues to the satisfaction of the Council. The need for a forester was explained and the fact that forestry has become technologically advanced. Some of the responsibilities will include mapping, geographic information systems, harvest planning, growth and yield modeling. The role of the forester is filled largely by forest technicians. A forester is a biologist who is specially trained to manage the natural resources and has a wide range of job responsibilities.

**MOTION:** Councilor Pastor motioned and Councilor Tousignant seconded to Accept the 2013 Planning and Education Grant of \$7,954 under the Project Canopy Assistance Program.

**VOTE:** Unanimous.

# 6110 Discussion with Action: Accept the bid in the amount of \$1,233.55 from Xpress Copy for the printing of the 2012-2013 Annual report from Account Number 20101-50502–Printing & Copying, with a balance of \$37.49; and the balance of \$1,196.06 from Account Number 20118-50350 – Contingency, with a balance of \$209,566.09.

**BACKGROUND:**

The following RFP shown below was provided to several printers, also listed below. The following bids were received:

Select Printer Solutions	\$1,185 for 400 booklets but an additional \$1.52 per book for color photos
Creative Companies (CPSNE)	\$1,574 – 96 pages \$1,610 – 100 pages Perfect Bound
Creative Imaging	\$3.95 per book = \$1,580 Perfect Bound
Xpress	\$1,233.55 – Perfect Bound
Cybercopy	\$2,771 – Tape \$1,996 – Saddle-Stitch
Minuteman Press	\$6,998 – Perfect Bound \$6,850 – Saddle Stitched
Waterfront Graphics	\$2,350 Perfect Bound \$2,595 – Saddle Stitched

These are two year bids maintaining the same price if the number of pages remain the same. For the past three years Xpress has been the lowest bidder; has again been the lowest bidder; and I am recommending that the Council accept the bid from Xpress Printing.

The Council should note that the request of funding from Contingency for an expense that is normally budgeted each year is due to the Annual Report for last year being invoiced in July 2013 and expenses in FY 14. The reason for receiving the invoice this late in FY 14 was because of the delay in completing the FY12 audit which resulted in a delay to complete the Annual Report. Since funds were not encumbered from FY13 the invoice was expensed from the FY14 budget. You also need to be aware that at the end of FY13 the balance in this account was the same as what was appropriated which means no expenses against the FY13 budget for the Annual Report.

January 28, 2014

**REBID FOR RFP TO THOSE WHO SUBMITTED BIDS**

Dear Sir or Madam:

Re: **Annual Report Bid**

I sincerely apologize that I must ask you to resubmit your bid. Due to economic budgetary issues the Administration has decided to decrease the number of Annual Reports requested from 800 to 400.

The Town of Old Orchard Beach is now accepting bids for the printing of the Town's 2012/2013 Annual Report which may range from 96-100 pages, but not to exceed 100 pages. It will be double-sided throughout EXCEPT for the cover which will be single-sided color (4/0). Please provide pricing for both a TAPE BOUND finished piece as well as a SADDLE STITCHED piece, trimmed to 8 ½ by 11 size). There will be no bleed on any page. Please price with a minimum of a 100# white cover or comparable and a minimum of 60# offset text for inside pages. Approximately 12-15 pages of the inside pages will contain color images/logos. **A total of 400 Annual Reports is required.** All pages will be camera ready with the exception of the cover (in a four color process) and the color images/logos. The report is in both Word and PDF format.

Questions or review of the Annual Report may be addressed to or reviewed at:

V. Louise Reid, Assistant Town Manager  
Town of Old Orchard Beach,  
1 Portland Avenue  
Old Orchard Beach, ME 04064  
207-934-5714, extension 226 – [lreid@oobmaine.com](mailto:lreid@oobmaine.com)

We are asking the Printer to bid on a **two year contract** for the Annual Report (2012-2013); and the Annual Report (2013-2014). Bids must be received by **MONDAY, FEBRUARY 10, 2014 at 12:00 noon** and reports available for public distribution thirty days after delivering to chosen printer. Acceptance of the RFP bid by selected printer will be made by the Town Council at their February 18, 2014 meeting. References are requested.

The Town reserves the right to accept or reject any and all bids. The bids must be delivered either by U.S. Mail, Express Mail, or by **e-mail and the bid must include the cost of delivery of the annual reports to the Town of Old Orchard Beach, 1 Portland Avenue, Old Orchard Beach, ME 04064. If submitted by e-mail, confirmation of receipt of the e-mail will be sent; it being the responsibility of the bidder that the bid has been received.**

Sincerely yours,

V. Louise Reid  
Assistant Town Manager

**ANNUAL REPORT PRINTERS**

**PARK STREET PRESS**

**8 High Street  
South Paris, ME 04281**

<b>MINUTEMAN PRESS</b>	<b>109 Gosling Road Newington, NH 03801</b>
<b>XPRESS COPY</b>	<b>100 Fore Street Post Office Box 7524 Portland, ME 04112</b>
<b>WATERFRONT GRAPHICS &amp; PRINTING</b>	<b>114 Ocean Street South Portland, Maine 04106</b>
<b>LINCOLN PRESS CORP.</b>	<b>3 Maine Avenue Sanford, ME 04073</b>
<b>BANGOR LETTER SHOP</b>	<b>Penobscot Plaza 99 Washington Avenue Bangor, ME 04001-6518</b>
<b>LAURA MARR PRINTING</b>	<b>155 Warren Avenue Westbrook, ME 04092</b>
<b>RON MILLER</b>	<b>395 Sanford Road #5 Alfred, ME 04002</b>
<b>ATLANTIC COASTAL PRINTING:</b>	<b>321 Elm Street Biddeford, ME 04005</b>
<b>DIGITAL IMAGES</b>	<b>75 Shadagee Road Saco, Maine 04072</b>
<b>SELECT PRINT SOLUTIONS</b>	<b>P.O. Box 188 North Brookfield, MA 01535</b>
<b>CREATIVE IMAGING GROUP</b>	<b>68 Mussey Road Scarborough, ME 04074</b>
<b>THE CREATIVE COMPANIES:</b>	<b>71 Pleasant Hill Road Scarborough, ME 04074</b>
<b>TIME4PRINTING</b>	<b>588 Roosevelt Trail Windham, Maine 04062</b>
<b>VELOCITY PRINT SOLUTIONS</b>	<b>67 Western Avenue Kennebunk, Maine 04043</b>
<b>SELECT PRINT SOLUTIONS</b>	<b>P.O. Box 188 North Brookfield, MA 01535</b>
<b>EAST COAST MARKETING GROUP, INC.</b>	<b>20 Thomas Drive Westbrook, Maine 04092</b>
<b>PCCI – PORTLAND COMPUTER COPY + CYBER COPY</b>	<b>1006 Forest Avenue Portland, Maine 04103</b>
<b>FULL COURT PRESS</b>	<b>855 Main Street Westbrook, Maine 04092</b>
<b>MINUTEMAN PRESS</b>	<b>Kim Regoulinsky 875 Broadway Portland, Maine 04106</b>

**MOTION:** Councilor Blow motioned and Councilor Tousignant seconded to Accept the bid in the amount of \$1,233.55 from Xpress Copy for the printing of the 2012-2013 Annual report from Account Number – Printing & Copying, with a balance of \$37.49; and the balance of \$1,196.06 from Account Number 20118-50350 – Contingency, with a balance of \$209,566.09.

**VOTE:** Unanimous.

# 6111 Discussion with Action: Grant the authority to the Finance Director/Treasurer to disburse payroll checks with only one Town Councilor's signature in accordance with M.R.S.A., Title 30A, Section 5603(2)(A)(1).

Vice Chair Quinn spoke about the need for this document to be signed before the release of payroll services and that with the scheduling of Council meetings this was not always possible.

**BACKGROUND:**



**TOWN OF OLD ORCHARD BEACH**

**POLICY ON TREASURER'S DISBURSEMENT WARRANTS FOR EMPLOYEE WAGES AND BENEFITS**

**Purpose.** This policy allows designated municipal officers (selectmen or councilors), acting on behalf of the full board of municipal officers, to review, approve, and sign municipal treasurer's disbursement warrants, for wages and benefits only.

Policy is additional to, not in lieu of, majority power. Nothing in this policy is intended to replace the authority of the full board of municipal officers, acting by majority vote, to act on any treasurer's warrant, including warrants for wages and benefits.

**Delegation of authority.** Pursuant to 30-A, M.R.S.A., Section 5603(2)(A)(1), the following authority is granted with respect to treasurer's disbursement warrants for municipal employee wages and benefits only:

Current municipal officers. The municipal officers in office at the time of execution of this policy are: Chair Shawn O'Neill, Vice-Chair Robert Quinn, Councilor Kenneth Blow, Councilor Jay Kelley, Councilor Malorie Pastor, Councilor Joseph Thornton, and Councilor Michael Tousignant.

Any one of the municipal officers named above, acting alone, may review, approve, and sign such warrants.

**Effective date.** This policy becomes effective on the date indicated below.



**Copies.** The Chair of the municipal officers will furnish copies of this policy to the municipal clerk and to the municipal treasurer. If the clerk and the treasurer are the same person, a copy shall nonetheless be provided to that person in each capacity.

**Lapse.** This policy lapses one year after its effective date, if not sooner amended or canceled.

**Renewal.** This policy may be renewed at any time before its lapse. Thereafter, it may be readopted at any time. Any renewal is valid for one year from its effective date, unless a sooner date of expiration is specified.

**Reminder.** If the municipal treasurer is an appointed official, the treasurer shall remind the municipal officers to consider renewing this policy annually before it lapses. If the municipal treasurer is an elected official, the treasurer is requested to provide such an annual reminder.

**Original.** The Chair of the municipal officers will maintain the original of this policy on file unless the municipal clerk is an appointed official, in which case the clerk shall maintain it on file, if requested to do so by the Chair.

**MOTION:** Councilor Tousignant motioned and Councilor Pastor seconded to Grant the authority to the Finance Director/Treasurer to disburse payroll checks with only one Town Councilor's signature in accordance with M.R.S.A., Title 30A, Section 5603(2)(A)(1).

**VOTE:** Unanimous.

**# 6112 Discussion with Action:** Approve a Blanket Letter of Approval for Games of Chance for OOB365 through December 31, 2015.

**BACKGROUND:**

The organization, OOB365, is requesting the approval of a Blanket Letter of Approval for Games of Chance through December 31, 2015 at member's places of business. This will include various games of chance and raffle for car.

**MOTION:** Vice Chair Quinn motioned and Councilor Kelley seconded to approve a Blanket Letter of Approval for Games of Chance for OOB365 through December 31, 2015.

**VOTE:** Unanimous.

**# 6113 Discussion with Action:** Approve the Liquor License Renewals for Dunegrass Golf LLC dba/Dunegrass Golf Club (105A-1-200), 65 Wild Dunes Way, m-s-v in a Golf Club; Fly By Night Inc. dba/Mr. Goodbar (306-5-2), 6 East Grand Avenue, m-s-v in a Class A Lounge; Dimitri's Inc. dba/Jimmy the Greek's (211-9-1), 215 Saco Avenue, m-s-v in a Restaurant/Lounge; Surf Six Inc. dba/Surf 6 Restaurant & Lounge (306-2-9) 2 Cortland Street, m-s-v in a Restaurant; Jeanne LaChance dba/JJ's Eatery Too (306-5-1), m-s-v in a Restaurant/Lounge; and Sunset Bar & Grill (307-1-6), 6 Fernald Street, m-s-v in a Restaurant.

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

**VOTE: Unanimous.**

**# 6114 Discussion with Action: Appoint Denise Zahares as an Alternate to the Community Animal Watch Committee, term to expire 12/31/2014; and Appoint Eileen Payette as an Alternate Member of the Conservation Commission, term to expire 12/31/16.**

**MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to approve the appointments as read.**

**VOTE: Unanimous.**

**# 6115 Discussion with Action: Approve the Special Event Permit Application for Thornton Academy to hold a Beach Picnic, to include a Campfire, for their off-Campus Life Programs, on the beach at the end of Randall Avenue on Thursday, May 15<sup>th</sup>, 2014, with a rain date of Friday, May 16<sup>th</sup>, 2014, from 5:00 p.m. to 8:00 p.m.; and a request to waive the fee.**

**MOTION: Vice Chair Quinn motioned and Councilor Pastor seconded to Approve the Special Event Application as read.**

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

**# 6116 Discussion with Action: Approve the Pole Permit from Northern New England Telephone Operations LLC and Central Maine Power Company to install one Pole on Ocean Park Road, approximately 1,050 feet Southwesterly of Saco Avenue. Condition to contact Dig Safe prior to installation.**

**MOTION: Vice Chair Quinn motioned and Councilor Thornton seconded to Approve the Pole Permit from Northern New England Telephone Operations LLC and Central Maine Power Company to install one Pole on Ocean Park Road, approximately 1,050 feet Southwesterly of Saco Avenue. Condition to contact Dig Safe prior to installation.**

**VOTE: Unanimous.**

#### **GOOD AND WELFARE:**

**There was discussion about the Winterfest Event by Sheila Flathers and how wonderful the event was to see so many families participating in it. Praise to the event and also to the Public Works Department as well. There had been questions raised by some to Council members about the cost of the Public Work's involvement and Ms. Flathers felt this was unacceptable. Councilor Pastor and Thornton both indicated that naturally during events there will be comments of support and questions raised on other issues. Councilor Thornton indicated that it is expected and should not be felt inappropriate for opinions on**

both side of an issue. The Town Manager reminded the Council that the Public Works employees were not on overtime and this was a community event. Guy Fontaine said it was a wonderful event and he could not wait till next year. He wished his grandchildren could have attended. Jerome Begert indicated that other communities copied Old Orchard Beach.

**ADJOURNMENT:**

**MOTION:** Councilor Blow motioned and Councilor Kelley seconded to adjourn the meeting at 9:15 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 nineteen (19) pages is a copy of the original Minutes of the Town Council Meeting of March 4, 2014.

V. Louise Reid