

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, April 21, 2015
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, April 21, 2015. Vice Chair Thornton opened the meeting at 7:01 p.m.

The following were in attendance:

Vice Chair Joseph Thornton
Councilor Jay Kelley
Councilor Michael Tousignant
Councilor Kenneth Blow
Town Manager Larry Mead
Assistant Town Manager V. Louise Reid
Elizabeth Herold – Executive Director – The Pines
Attorney Edward J. Kelleher – representing The Pines
Carl Lakari – Developer and Consultant to the Project
Finance Director Diana Asanza
Mary Costigan, Esquire – Bernstein & Shur

Absent: Chair Shawn O'Neill

Pledge to the Flag
Roll Call

ACKNOWLEDGEMENTS:

VICE CHAIR THORNTON: We welcome some new businesses to our community. We have a new business owner leasing Surf Six Restaurant and Lounge. George Kerr, still the owner, has spent forty-three years in that business. George, take time to do some things that you would like to do. We wish you some good times. We also welcome Isaac Naim dba/Blue Ocean OOB, a retail store. Also Pun Saloon LLC dba/Uptown O'Leary's Public House. To each of our new businesses, we wish you much success in the coming months.

COUNCILOR TOUSIGNANT: This coming Saturday, April 25th from 10:00 a.m. to 2:00 p.m. at the Old Orchard Beach Police Department – you will have the opportunity to participate in Drug Take Back Day. Any unused, unwanted or expired medications can be disposed of by the Police Department. This opportunity is made possible by the Maine Sheriff's Association and does not cost the taxpayers one cent. We thank the Community Watch Council for their work in providing volunteer service during this time and for all they do for our community.

VICE CHAIR THORNTON: He announced the 4th Annual Almost Home Rescue for Pups event at the Dunegrass Country Club on Saturday, April 25, 2015 from 7:00 p.m. to 11:00 p.m. with silent auctions, raffles, heads or tails bead games, cash bar, dancing and a great time for all.

ACCEPTANCE OF MINUTES: Town Council Minutes of April 7, 2015; Town Council Workshop Minutes of April 8, 2015 and Town Council Workshop of April 15, 2015.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Accept the Minutes as read.

VOTE: Unanimous.

PUBLIC HEARING: TAX INCREMENT FINANCING DISTRICT

Shall an Order be given DESIGNATING THE PINES AT OCEAN PARK AFFORDABLE HOUSING DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT AND ADOPTING THE DEVELOPMENT PROGRAM FOR SUCH DISTRICT, Town Council order 2015-1"?

BACKGROUND:

A proposal by The Pines at Ocean Park (108-1-8X), 20 Manor Street, to obtain Tax Increment Financing (TIF) in order to renovate sixty units of subsidized housing is before the Council in this Public Hearing. The Pines is a 60 unit subsidized housing complex which opened in 1972. Residents are mostly elderly. The homes are modest, 530SF. To live there residents must meet low-income eligibility. The Pines was awarded an allocation of tax credits (several million dollars) from Maine State Housing (MSHA) to completely renovate all 60 units down to the studs. The tax credits generate equity investments to private investors. For this reason in order to use the funding The Pines must convert from its current non-profit status to a for-profit entity, and it must also secure from the Town of Old Orchard Beach approval for a financing agreement that gives back to The Pines a substantial portion of the property taxes that it would now be assessed for because of its new for profit status. This arrangement is known as tax increment financing (commonly referred to as TIF). The Pines currently makes a voluntary payment to the Town of \$4,000 in lieu of taxes (the payment is referred to as a PILOT).

VICE CHAIR THORNTON: I open this Public Hearing at 7:06.

John Bird asked for information on the investors for this group and what the arrangement is for those investors. Attorney Edward J. Kelleher-representing The Pines, explained that the housing development will be owned and operated by The Pines at Ocean Park, LP, a Maine limited partnership formed by Oceanview Manor, Inc., a 501(c)(3) corporation which currently owns the development. The Partnership will complete the rehabilitation work using the sources of funding explained in the Agreement. The proposed renovations will lead to an investment of approximately \$6.25 million in the Pines. Developer has arranged for a mix of public and private sector financing sources to pay for the costs of these developments. He indicated The Northern New England Housing Investment Fund (NNEHIF) is a private, non profit corporation that promotes housing and community development by providing equity capital, technical assistance and consulting to affordable housing developers throughout Maine and New Hampshire. NNEHIF remains committed to its core business and mission, even in this economic environment.

V. Louise Reid of 19 Rockland Drive spoke about the history of The Pines at Ocean Park indicating that she personally knows many of the residents and has visited them in their homes and knows personally of the commitment by the Pines in care and attention given

to those who live in the development. She expressed her opinion that this is a great opportunity for the Pines and for the municipality.

VICE CHAIR THORNTON: I close the Public Hearing at 7:15 p.m.

PUBLIC HEARING: SPECIAL AMUSEMENT PERMIT ORDINANCE

Shall we Amend the Town of Old Orchard Beach Code of Ordinance as follows: Table of Contents – Part II, Code of Ordinances, Chapter 6 Alcoholic Beverages; Chapter 6 – Alcoholic Beverages; Chapter 6 – Alcoholic Beverages, Article II – Special Amusement, Division 1 – Generally, Section 6-26 – Definitions, Section 6-27 – Purpose, Section 6-30 – Admission Charge; Chapter 6 – Alcoholic Beverages, Article II – Special Amusement, Division 2 – Permit, Section 6-61 – Required, Section 6-67 – Term?

VICE CHAIR THORNTON: I open this Public Hearing at 7:17 p.m.

BACKGROUND:

The Planner recently presented to the Town Council the ordinance amendments associated with Special Amusement Permits. The request for Special Amusement amendments came about due to a business that served food (did not serve liquor) and provided outdoor musical entertainment.

Current ordinances require Special Amusement Permits for premises that sell liquor consumed on premises and have music, dancing or entertainment of any sort. Bars and restaurants are the most common uses required to secure Special Amusement Permits. Restaurants and other uses that serve food and do not sell liquor on premises are not required to secure a Special Amusement Permit.

In consideration of how this matter came to the Town’s attention, the Council may choose to require Special Amusement Permits for premises that serve food to be consumed on or off site and have music (except a radio), dancing or entertainment of any sort but do not sell liquor consumed on premises.

Sec. 6-61 of the Special Amusement Ordinance includes the word “liquor” and not Malt and Vinous which are written on the liquor license (in addition to liquor), those businesses who sell Malt and/or Vinous and have music, dancing and entertainment still need a Special Amusement Permit because it all ties into the liquor license. In other words, a business that holds a license under the state alcoholic beverage statutes and has music, dancing and entertainment must secure a Special Amusement Permit. Second, please carefully consider any proposed ordinance amendments as it will be important to understand how new standards may impact other businesses so we can be sure to avoid creating unintended impacts. Important excerpts from Special Amusement Ordinance (Chapter 6):

Sec. 6-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Entertainment includes any amusement, performance, exhibition, or diversion, for the patrons or customers of the licensed premises, whether provided by professional entertainers or by full-time or part-time employees of the licensee whose incidental duties include activities with an entertainment value.

State law reference— *Similar provisions, 28-A M.R.S.A. § 1054 10.*

Licensee includes the holder of a license issued under the state alcoholic beverages statutes, 28-A M.R.S.A. § 1 et seq., or any other person or any agent or employee of any such licensee.

Sec. 6-61. - Required.

No licensee for the sale of liquor to be consumed on the licensed premises shall permit, on his licensed premises, any music except a radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the town a special amusement permit signed by at least a majority of the municipal officers.

**Special Amusement Ordinance Amendments
(Draft 1 – 7 April 2015)**

Amendment to Table of Contents – Part II, Code of Ordinances, Chapter 6 Alcoholic Beverages

1. Table of Contents – Part II, Code of Ordinances, and Chapter 6 Alcoholic Beverages shall be amended by adding the underscore language as follows:

Special Amusement and Alcoholic Beverages

Amendment to Chapter 6 – Alcoholic Beverages

2. Title of Chapter 6 – Alcoholic Beverages, shall be amended by adding the underscore language as follows:

Special Amusement and Alcoholic Beverages

Amendment to Chapter 6 – Alcoholic Beverages, Article II – Special Amusement, Division 1 – Generally, Section 6-26 – Definitions

3. Section 6-26 shall be amended by adding the underscore language as follows:

Licensee includes the holder of a Business License for Victualers use or a holder of a license issued under the state alcoholic beverages statutes, 28-A M.R.S.A. § 1 et seq., or any other person or any agent or employee of any such licensee.

Victualers means a person who serves food or drink prepared for consumption by the public.

Amendment to Chapter 6 – Alcoholic Beverages, Article II – Special Amusement, Division 1 – Generally, Section 6-27 – Purpose

4. Section 6-27 shall be amended by adding the underscore language as follows:

Sec. 6-27. - Purpose.

The purpose of this article is to control the issuance of special permits for music, dancing, or entertainment in facilities licensed by the state to sell liquor as required by 28-A M.R.S.A. §1054 and facilities that hold a Business License for Victualers use issued by the town of Old Orchard Beach but do not sell liquor.

Amendment to Chapter 6 – Alcoholic Beverages, Article II – Special Amusement, Division 1 – Generally, Section 6-30 – Admission Charge

5. Section 6-30 shall be amended by adding the underscore and deleting the ~~strikethrough~~ language as follows:

Sec. 6-30. - Admission charge.

A facility that holds a Business License for Victualers use, A a licensed hotel, class A restaurant, class A tavern, or restaurant malt liquor license who has been issued a special amusement permit may charge admission in designated areas approved by the special amusement permit.

Amendment to Chapter 6 – Alcoholic Beverages, Article II – Special Amusement, Division 2 – Permit, Section 6-61 – Admission Charge

6. Section 6-61 shall be amended by adding the underscore language as follows:

Sec. 6-61. - Required.

No licensee for a Business License for Victualer use or a licensee for the sale of liquor to be consumed on the licensed premises shall permit, on his licensed premises, any music except a radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the town a special amusement permit signed by at least a majority of the municipal officers.

Amendment to Chapter 6 – Alcoholic Beverages, Article II – Special Amusement, Division 2 – Permit, Section 6-67 – Term

7. Section 6-67 shall be amended by adding the underscore language as follows:

Sec. 6-67. - Term.

A special amusement permit shall be valid only for the license year of the applicant's existing liquor license or, for a licensee that holds a Business License for Victualer use, the license years of the Business License.

John Bird expressed his opinion that he saw no need for the establishment of this Special Permit but the Town Manager explained that this will give control over loud music and other sounds that make it difficult for business to habitate together. It was explained that there were complaints last summer by several businesses in the downtown area who felt that loud music unregulated was detrimental to the operations of businesses in that area.

VICE CHAIR: I close this public hearing at 7:20 p.m.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 7:20 p.m.

Pun Saloon LLC dba/Uptown O'Leary's Public House (206-31-9), 41 Old Orchard Street, Victualers with Preparation with Beer, Wine and/or Liquor; Alexander Chou (210-2-2), 32 Smithwheel Road, one year round rental; Zettran LLC dba/Little Miss Cottages (302-6-5), 173 East Grand Avenue, Rental of Merchandise, No Outside Display Allowed, Laundromat; Surfs Up Inc. dba/Surf 6 Restaurant & Lounge (306-2-9), 2 Cortland Avenue, Victualers with Preparation and/or Liquor on premises, 2 Coin Operated Devices; 3 Vending Machines; Isaac Naim dba/Blue Ocean OOB (307-3-3), 4 West Grand Avenue, Retail, one Vending Machine; William & Julie Kelly (310-6-1-250), 39 West Grand Avenue, Unit #250, one year round rental; and Tardif Holdings Inc. (315-15-2) 126 West Grand Avenue, one seasonal rental.

CHAIR: I close this Public Hearing at 7:22 p.m.

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

VOTE: Unanimous.

PUBLIC HEARING SPECIAL AMUSEMENT PERMITS:

CHAIR: I open this Public Hearing at 7:24 p.m.

Strike Zone Restaurant & Pub LLC dba/Strike Zone Restaurant & Pub (205-4-1), 20 Old Orchard Street, Live Music Amplified Acoustic – Outside & Inside, 11:00 a.m. – 12:00 a.m.; Last Call Inc. dba/Last Call (206-31-19), 4 First Street, Live Bands Amplified Inside – 11:00 a.m. – 1:00 a.m.; Oceanside Investment Group dba/Myst Restaurant (306-1-2), 1 East Grand Avenue, Acoustical & Amplified Music – Inside & Outside, 12 p.m. to 1 a.m.; TPR Inc. dba/Tequila Frogs Local Cantina (306-5-3), Solo, Duets, D.J. – Inside & Outside, 12:00 p.m. – 1:00 a.m.; Patio Pub Inc. dba/Pier Patio Pub (306-6-1), 2 Old Orchard Street, Bands, Amplified, D.J. Solo, Comedy, Inside & Outside, 11:00 a.m. – 1:00 a.m.; and Patio Pub Inc. dba/Hooligan's Landing (306-6-1), 2 Old Orchard Street, Solo's, Duets, Comedy, DJ's, Inside – 11:00 a.m. – 1:00 a.m.

CHAIR: I close this Public Hearing at 7:25 p.m.

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

VOTE: Unanimous.

PUBLIC HEARING LIQUOR LICENSE: (NEW)

CHAIR: I open this Public Hearing at 7:26 p.m.

Pun Saloon LLC dba/Uptown O’Leary’s Public House (206-31-9), 41 Old Orchard Street, m-s-v in a Restaurant; and Surf’s Up Inc. dba/Surf 6 (306-2-9), 2 Cortland Street, m-s-v in a Restaurant/Lounge.

CHAIR: I close this Public Hearing at 7:27 p.m.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Approve the Liquor Licenses as read.

VOTE: Unanimous.

PUBLIC HEARING SPECIAL AMUSEMENT PERMITS: (NEW)

CHAIR: I open this Public Hearing at 7:28 p.m.

Pun Saloon LLC dba/Uptown O’Leary’s Public House (206-31-9), 41 Old Orchard Street, Acoustic Inside – 8:00 p.m. – 12:00 a.m.; and Surf’s Up Inc. dba/Surf 6 (306-2-9), 2 Cortland Street, Acoustical & Amplified Music- Outside & Inside, 11:00 a.m. – 1:00 a.m.

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

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to approve the Amusement Permits as read.

VOTE: Unanimous.

TABLED ITEM: # 6368 MEDICAL MARIJUANA ORDINANCE

Discussion with Action: Amend the Town of Old Orchard Beach Code of Ordinances as follows: Chapter 78 – ZONING, Article I – IN GENERAL, Section 78-1 – DEFINITIONS; Chapter 78 – ZONING, Article VI – DISTRICTS, Division 8 – GENERAL BUSINESS DISTRICT 1 (GB-1), Section 78-803 – CONDITIONAL USES; Chapter 78 – ZONING, Article V DISTRICTS, Division 16 – HISTORIC OVERLAY DISTRICT (HO), Section 78-1135 – PROHIBITED USES; Chapter 78 – ZONING, Article VII – CONDITIONAL USES, Division 2 – CONDITIONS, Section 78-1277 – MEDICAL MARIJUANA; Chapter 18 – BUSINESSES, Article XI – RESERVED, Sections 18-601 – 18-606 – Reserved; Appendix A – SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES – LICENSE ORDINANCE CATEGORIES.

BACKGROUND:

The Town Council had received the memo below from Jeffrey Hinderliter, the Planner. The purpose of this memo is to provide information in regards to the proposed Medical Marijuana Ordinance. This information includes: 1. Key points of Ordinance amendments as currently proposed; 2. Planning Board recommendations; 3. Key points discussed at the Council Public Hearing; 4. Adjustments to the Ordinance as currently proposed.

1. Key Points of Ordinance Amendments as Currently Proposed.

- The purpose of the proposed Ordinance amendments is to create local zoning controls to regulate Medical Marijuana as a land use, restricting where growing and processing operations are allowed, requiring a public approval process, and implementing performance standards for growing/processing operations and dispensaries. Also, the Ordinance amendments establish a business licensing requirement to monitor ongoing consistency with the Maine Medical Use of Marijuana Program.
- Chapter 78 (Zoning) amendments include:
 - A. Allowing Medical Marijuana Production Facilities and Medical Marijuana Registered Dispensaries to be established as a Conditional Use only within the General Business 1 (GB1) Zoning District.
 - B. Planning Board approval process including abutter notice, site walks and public hearings.
 - C. The applicant must secure State authorization pursuant to applicable State Statutes and Rules of the Maine Use of Medical Marijuana Program before the PB approves a proposal
 - D. Performance Standards specifically designed to regulate Medical Marijuana Uses These standards include, but are not limited to security, outside appearance, odor control, and proximity limits (by distance).
- Chapter 18 (Business Licenses) amendments include:
 - A. Staff and Council approval of a Medical Marijuana Business License before a Medical Marijuana Registered Dispensary or Medical Marijuana Production Facility can conduct business.
 - B. State authorization before issuance or renewal of a License.
 - C. Securing Planning Board approval before consideration of a License.
 - D. Old Orchard Beach Police Department, Fire Department and Code Enforcement Officer inspection of the premises at initial and subsequent licensing.
- Appendix A (License Fees) amendments include:
 - A. Establishing a License Fee for Medical Marijuana Uses.

2. Planning Board Recommendations.

- At the 11 December 2014 Planning Board meeting, the Board recommended the Council adopt the Ordinance as currently proposed and include the following changes:
 1. Allow Medical Marijuana Production Facility's to be established as a Conditional Use within the General Business 2 (GB2) and Planned Mixed Use Development (PMUD). Note- This is in addition to the GB1 District.
 2. Add Severability language to Sec. 78-1277.
 3. Ensure proposed Ordinance definitions do not conflict with the definitions in the Medical Marijuana-related State Statutes.
 4. Consider adding language to allow Research and Development as a Conditional Use.

3. Council Public Hearing (3 March 2015).

- Below are key points discussed at the 3 March Public Hearing that could result in amendments to the Ordinance as currently proposed:

- A. Increase the Proximity Limit (Sec. 78-1277 (d) (3)) and Proximity Location to other Uses (Sec. 78-1277 (d) (4)) distances to 500 feet.
- B. Create language to provide stronger regulations in regards to Security, Outside Appearance and Odors.
- C. Creation of new Performance Standards that regulate traffic, solid waste storage /disposal and water quality
- D. Whether to allow or not allow Medical Marijuana Production Facility's in the PMUD and GB2 Districts, as recommended by the PB but not within the Ordinance as currently proposed.
- E. Include Research and Development, subject to amendments to State Statutes, as an allowable use.

4. Adjustments to the Ordinance as Currently Proposed.

- If the Council chooses to amend the language in the Ordinance as it's currently proposed (as it was presented to the public at the Planning Board and Council Public Hearings), the primary standard that controls this is found within Sec. 410 (Public Hearing on Ordinances) of the Old Orchard Beach Town Charter. Sec. 410 of the Charter, in part, states:

"If an ordinance is amended so as to change substantially its meaning or effect, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedure hereinbefore required for a newly introduced ordinance. The above procedure may be waived only as provided in Section 410.1 dealing with emergency ordinances."

In my opinion, the interpretation of "change substantially its meaning or effect" is of primary importance if the Council decides to amend the Ordinance language as currently proposed. To break it down further, I believe change substantially is equally important to interpret. There is no precise definition of this subjective term, but it is generally explained as a change which is significant and has a noticeable impact on the current situation (or, for our purposes, the proposed Ordinance language as currently written). It is a change which is important in terms of degree, amount, or extent.

So, if the Council decides to include PB recommendations, adjust the language to address Public Hearing comments, etc., the Council will need to determine if these adjustments significantly change what the Ordinance, as currently proposed, will regulate. If the Council decides the adjustments substantially change the Ordinance meaning or effect, than I believe The Council must reconsider the Ordinance, including the new language, and hold another Public Hearing.

Medical Marijuana Ordinances
(Council Public Hearing – 20 January 2015)

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

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

Marijuana: As defined in State Administrative Rules (10-144 CMR Chapter 122), §1.17, "Marijuana."

Medical Marijuana: Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

Medical Marijuana Caregiver: A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of marijuana in accordance with state law. A person who is a medical marijuana caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.

Medical Marijuana Land Uses: Any of 3 types of land uses, defined below, that cover the full range of options for lawful cultivating, processing, storing and distributing medical marijuana.

Medical Marijuana Home Production (Land Use): Cultivating, processing and/or storing of medical marijuana by a qualifying patient at their own residence or a medical marijuana caregiver at their own primary year-round residence for use by a qualifying patient. This use shall be considered an accessory use.

Medical Marijuana Production Facility (Land Use): A facility used for cultivating, processing, and/or storing medical marijuana by one or more medical marijuana caregiver(s) at a location which is not the medical marijuana caregiver's primary year-round residence or their patient's primary year-round residence. This shall be considered a commercial use.

Medical Marijuana Registered Dispensary (Land Use): A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a commercial use.

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

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

- (5) Medical Marijuana Production Facility
- (6) Medical Marijuana Registered Dispensary

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

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

- (8) Medical Marijuana Production Facility
- (9) Medical Marijuana Registered Dispensary

**Amendment to Chapter 78 – ZONING, Article VII – CONDITIONAL USES,
Division 2 – CONDITIONS, Section 78-1277 – MEDICAL MARIJUANA**

Division 2, Section 78-1277 shall be amended by adding the underscore language as follows:

Sec. 78-1277 – Medical Marijuana

The purpose of this Section and related provisions of Article VII is to control the cultivation, processing, storage and distribution of medical marijuana by controlling land uses consistent with State law and in a manner that prevents unintended consequences that could adversely impact the Town and its residents.

(a) Approval Process: Any proposal to establish a new or alter an existing Medical Marijuana Registered Dispensary or Medical Marijuana Production Facility shall require approval of the Planning Board as a Conditional Use. The Planning Board and applicant shall follow the Application and Review Process (Sec. 78-1238), Standards (Sec. 78-1240), Authority (Sec. 78-1266), and this Section (Sec. 78-1277) within Article VII. Notification of site walks and public hearings shall include all property owners within 1,000 linear feet, measured in a straight line from the property boundary of the proposed Dispensary or Facility. Notification or property owners shall be mailed at least 10 days before the scheduled site walk and public hearing. Applicants shall be responsible for mailing notifications to property owners to the addresses identified on a mailing list provided by the Town. In addition to other public notification requirements, the Town shall notify the Old Orchard Beach Police Department and the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services prior to the public hearing on any application.

(b) State Authorization: Before submission of a Conditional Use Application, the applicant must demonstrate their authorization to cultivate, process and store medical marijuana pursuant to the Maine Use of Medical Marijuana Program.

(c) Exemptions: As an accessory use, Medical Marijuana Home Production shall be allowed in any qualifying patient’s residence or any medical marijuana caregiver’s primary year-round residence in every base zone and overlay zone, without any requirement for land use permitting.

(d) Performance Standards: In addition to other requirements of this Section and related provisions of Article VII and other Chapters within the Town of Old Orchard Beach Code of Ordinances, the following shall apply to any application for a new or

altered medical marijuana registered dispensary or a medical marijuana production facility:

(1) Medical Marijuana Registered Dispensary Limit. There shall be no more than one Medical Marijuana Registered Dispensary in the Town of Old Orchard Beach.

(2) Medical Marijuana Production Facility Limit. There shall be no more than four Medical Marijuana Caregivers allowed to operate within a single Medical Marijuana Production Facility.

(3) Proximity Limit. Only one Medical Marijuana Registered Dispensary or Medical Marijuana Production Facility shall be permitted per lot. Additionally, no Medical Marijuana Production Facility shall be located on a lot that is within 250 feet of another lot on which a Medical Marijuana Production Facility or Medical Marijuana Registered Dispensary is located. This separation requirement will prevent a concentration of these facilities and helps to ensure compliance with the State prohibition against collectives.

(4) Proximity Location to other Uses. No Medical Marijuana Registered Dispensary or Medical Marijuana Production Facility shall be closer than 250 linear feet, measured in a straight line from the Dispensary or Facility building entrance, to the nearest point on the boundary of any property which is occupied by a licensed day care facility, school, Town park, Town playground or church.

(5) Security. Before granting an approval, the Planning Board shall ensure the applicant has reviewed their property and building security plans with the Old Orchard Beach Police Department and the Police Department finds the security measures are consistent with State requirements.

(6) Outside Appearance No signs containing the word “marijuana,” or a graphic/image of any portion of a marijuana plant or otherwise identifying medical marijuana shall be erected, posted or in any way displayed on the outside of a Medical Marijuana Registered Dispensary or a Medical Marijuana Production Facility. Interior advertisements, displays of merchandise or signs depicting the activities of a Medical Marijuana Registered Dispensary or a Medical Marijuana Production Facility shall be screened to prevent public viewing from outside such facility.

(7) Odors. No use shall emit offensive, harmful, or noxious odors beyond the property line.

(8) Business License. As a condition of use, the operator of a Medical Marijuana Registered Dispensary or a Medical Marijuana Production Facility shall obtain and retain all required business licenses pursuant to Chapter 18 - Businesses. The

land use approval shall be considered abandoned if no license- holder occupies the Facility for a period of 2 years of more.

**Amendment to Chapter 18 – BUSINESSES, Article XI – RESERVED,
Sections 18-601 – 18-606 – Reserved**

Article XI, Sections 18-601 - 18-606 shall be amended by deleting the ~~striketthrough~~ language as follows:

ARTICLE XI. ~~RESERVED~~

~~Secs. 18-601 – 18-606. – Reserved.~~

Article XI, Section 18-601 – 18-603 shall be amended by adding the underscore language as follows:

ARTICLE XI. – MEDICAL MARIJUANA REGISTERED DISPENSARY or MEDICAL MARIJUANA PRODUCTION FACILITY

DIVISION 1 – GENERALLY

Sec. 18-601 – Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Marijuana: As defined in State Administrative Rules (10-144 CMR Chapter 122), §1.17, “Marijuana.”

Medical Marijuana: Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the qualifying patient’s debilitating medical condition.

Medical Marijuana Caregiver: A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of marijuana in accordance with state law. A person who is a medical marijuana caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.

Medical Marijuana Land Uses: Any of 3 types of land uses, defined below, that cover the full range of options for lawful cultivating, processing, storing and distributing medical marijuana.

Medical Marijuana Home Production (Land Use): Cultivating, processing and/or storing of medical marijuana by a qualifying patient at their own residence or a medical marijuana

caregiver at their own primary year-round residence for use by a qualifying patient. This use shall be considered an accessory use.

Medical Marijuana Production Facility (Land Use): A facility used for cultivating, processing, and/or storing medical marijuana by one or more medical marijuana caregiver(s) at a location which is not the medical marijuana caregiver's primary year-round residence or their patient's primary year-round residence. This shall be considered a commercial use.

Medical Marijuana Registered Dispensary (Land Use): A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a commercial use.

Sec. 78-602 – Purpose

The purpose of this Article is to control the cultivation, processing, storage and distribution of medical marijuana by controlling land uses consistent with State law and in a manner that prevents unintended consequences that could adversely impact the Town and its residents.

Sec. 78-603 – Medical Marijuana License

This license shall be required for a Medical Marijuana Registered Dispensary or Medical Marijuana Production Facility. The following shall apply:

- (1) Town Approvals. Before issuance, renewal or amendment of a License, the applicant shall secure applicable Town of Old Orchard Beach approvals including, but not limited to, Conditional Use.
- (2) State Authorization. Before issuance, renewal or amendment of a License, the applicant must demonstrate their authorization to cultivate, process and store medical marijuana pursuant to the Maine Use of Medical Marijuana Program. Loss of such State authorization shall automatically invalidate the Town-issued License.
- (3) Inspections Required. At initial and subsequent licensing, the Old Orchard Beach Police Department, Fire Department and Code Enforcement Officer shall inspect the premises to ensure security meets State requirements and applicable Town of Old Orchard Beach licensing criteria.

Article XII, Sections 18-601 - 18-606 shall be amended by adding the underscore language as follows:

ARTICLE XII. – RESERVED

Secs. 18-604 - 18-620. - Reserved.

Amendment to Appendix A – SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES – LICENSE ORDINANCE CATEGORIES

License Ordinance Categories shall be amended by adding the underscore language as follows:

Medical Marijuana Production Facility \$ _____

Medical Marijuana Registered Dispensary \$ _____

In the discussion period John Bird asked if the ordinance that has been discussed over the past year is the same as what was approved or recommended by the Planning Board and the Town Manager said that it was.

Pierre Bouthiller, spoke again about the length of time it has taken to move this project forward and that, in his opinion, there was no need for an ordinance to establish the facility and that although patient he felt that the time frame for this to be settled had gone on too long. He discussed the value of the project and the statistical number of individuals using marijuana for medical assistance.

The Council discussed what needed to be done should they want some changes to the ordinance that has already been discussed for weeks. During a recent discussion with Council relative to concerns there were questions of setbacks as it related to licensed day care facilities, school, churches, town parks, town playgrounds, etc. and the desire to have a 500 foot set back. They also had discussed a possible conditional use in the Industrial District. Also discussed at previous meetings was the concern over odors beyond the property line.

Councilor Tousignant motioned to approve but it was necessary for the items to be read into the Minutes.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Amend the proposed ordinance by establishing the required setback from licensed day care facilities, schools, town parks, town playgrounds or churches as 500 feet.

VOTE: Unanimous.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to amend the proposed ordinance by adding medical marijuana registered dispensary and medical marijuana production facility as a conditional use in the Industrial District.

VOTE: Unanimous.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to direct staff to develop more detailed performance standards for odors beyond the property line.

VOTE: Unanimous.

Mary Costigan, Esquire – Bernstein & Shur, representing the Town of Old Orchard reminded the Council that although the required setback from licenses day care facilities, schools, town parks, town playgrounds or Churches of 500 feet is not a change in what has been proposed; nor is the direction to staff to develop more detailed performance standards for odors beyond the property line; she did indicated that it was an extensive change to amend the ordinance by adding medical marijuana production facility as a conditional use in the Industrial District and this would require a Public Hearing. At the May 5, 2015 Town Council meeting a public hearing date of May 19th will be set to have a Public Hearing on this one change to the suggested ordinance.

Pierre Bouthiller again stated that he believes he has the right to recourse on this issue and that this is another delay in putting in place an ordinance which moves forward his project.

TOWN MANAGER’S REPORT

The Town Manager reported on the Centennial Place occupancy target of Memorial Day in getting citizens back into the School Street location. He has been working with HUD and Senator King’s office to push this project along. Working with the DEP and Extreme Clean on protocols for downtown cleaning operations, including some modifications related to use of the area behind the West Grand Comfort Station. The Town Manager is continuing to work with the Code Office on the J-1 housing and there have been increased number of inspections of housing units which has been very productive. He provided good news regarding the sale of the Captain’s Galley. He met with the new owner, David Cluff aka "Duffy" – prior to him closing on the sale to discuss Old Orchard Beach and the business opportunity. Banquet Center – restaurant opening is scheduled for mid-June. He announced that the Library will be opening next Tuesday the 28th of May. It will be soft opening as there are still some things to be done and punch list items to be met. Grand opening will be announced later by the Library Board.

NEW BUSINESS:

6384 Discussion with Action: Be it Ordained by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled that Order 2015-1 , be adopted, DESIGNATING THE PINES AT OCEAN PARK AFFORDABLE HOUSING DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT AND ADOPTING THE DEVELOPMENT PROGRAM FOR SUCH DISTRICT”.

BACKGROUND:

**TOWN COUNCIL
ORDER #2015-1**

AN ORDER DESIGNATING THE PINES AT OCEAN PARK AFFORDABLE HOUSING DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT AND ADOPTING THE DEVELOPMENT PROGRAM FOR SUCH DISTRICT

WHEREAS, the Town of Old Orchard Beach (the "Town") is authorized pursuant to Chapter 206, Subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, to designate a specified area or areas within the Town as an affordable housing development district and adopt a development program for such district; and

WHEREAS, there is a need for the development of affordable, livable housing in the Town of Old Orchard, in the surrounding region, and in the State of Maine; and

WHEREAS, the designation of the District and implementation of the Development Program will help to improve and broaden the tax base in the Town of Old Orchard Beach and improve the economy of the Town and the region by attracting business development to the Town; and

WHEREAS, the Town has held a public hearing on the question of establishing the District, in accordance with the requirements of 30-A M.R.S.A. § 5250, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

WHEREAS, the Town desires to designate *The Pines at Ocean Park Affordable Housing Development and Tax Increment Financing District* (the "District") and adopt a development program for the District (the "Development Program"); and

WHEREAS, it is expected that approval will be obtained from the Maine State Housing Authority ("MaineHousing") approving the designation of the District and the adoption of the Development Program for the District;

NOW THEREFORE, BE IT ORDERED BY THE TOWN COUNCIL OF THE TOWN OF OLD ORCHARD BEACH, MAINE:

Section 1. The designation of the District and pursuit of the Development Program will contribute to the expansion of affordable housing opportunities in the Town of Old Orchard Beach and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206, Subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby designates *The Pines at Ocean Park Affordable Housing Development and Tax Increment Financing District* and hereby adopts the Development Program for the District described as more particularly set forth in the documents presented to the Town Council in conjunction with this Order.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. § 5250-A, the percentage of captured assessed value to be retained in accordance with the Development program is hereby established as set forth in the Development Program.

Section 4. The Town Manager be, and hereby is, authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to MaineHousing for review and approval pursuant to the requirements of 30-A M.R.S.A. Chapter 206, Subchapter 3; and further is authorized and directed to execute a Credit Enhancement Agreement consistent with the provisions of *The Pines at Ocean Park Affordable Housing Development and Tax Increment Financing District* Development Program as presented and approved herein and to create the accounts and take all the actions described in such agreement consistent with the Development Program.

Section 5. The Town Manager be and hereby is authorized and empowered at his direction from time to time to make such revisions to the Development Program for the District as he deems reasonably necessary or convenient in order to facilitate the process of review and approval of the District by MaineHousing, or for any other reason, so long as such provisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program. The Town Manager is also hereby authorized and directed to submit any reports to MaineHousing regarding the District and Development Program throughout the term of the District.

Section 6. The foregoing designation of the District and the adoption of the Development Program for the District shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the proposed District by MaineHousing without requirements of further action by the Town, Town Council or any other party.

Section 7. The Town hereby finds and determines that:

a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is suitable for residential use, blighted area or is in need of rehabilitation or redevelopment; and

b. The total area of the District does not exceed two percent (2%) of the total acreage of the Town, and the total area of all development districts within the Town, and the total area of all development districts within the Town does not exceed five percent (5%) of the total acreage of the Town; and

c. The original assessed value of the District plus the original assessed value of all existing affordable housing development districts within the Town does not exceed five percent (5%) of the total acreage of the Town.

d. The District and pursuit of the Development Program will contribute to the expansion of affordable housing opportunities within the municipality or to the betterment of the health, welfare or safety of the inhabitants of the Town. The Town has considered all evidence, if any, presented to it with regard to any substantial detriment to another party's existing property interests in the Town and has found and determined that such interested party's property interests in the Town are outweighed by the contribution made by the District or Development Program to the availability of affordable housing within the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town.

Section 8. The Town Manager is authorized to file the yearly reports required by Title 30-A M.R.S.A. § 5250-E and otherwise to take all lawful actions required in the administration of the District and Development Program.

Dated: April 21, 2015

PRESENTED TO THE COUNCIL SEPARATELY IS THE APPLICATION – AFFORDABLE HOUSING TAX INCREMENT FINANCING AND WILL BE ON THE WEB SITE AS WELL.

There being no more input from the audience the Vice Chair called for a motion.

**MOTION: Councilor Tousignant motioned and Councilor Blow seconded -
"Be it Ordained by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that Order 2015-1 , be adopted, DESIGNATING THE PINES AT OCEAN PARK AFFORDABLE HOUSING DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT AND ADOPTING THE DEVELOPMENT PROGRAM FOR SUCH DISTRICT".**

VOTE: Unanimous.

6385 Discussion with Action: Authorization of Agreement Regarding Property Tax with The Pines at Ocean Park, LP.

BACKGROUND:

AGREEMENT REGARDING PROPERTY TAX

WHEREAS, The Pines at Ocean Park, LP, ("The Pines") has requested that the Town of Old Orchard Beach (hereinafter called the "Town") enter a Credit Enhancement Agreement with respect to certain improvements now or hereafter located in a tax increment financing district in Old Orchard Beach, Maine and the Town has requested that this Agreement with The Pines be entered prior to the execution of said Credit Enhancement Agreement.

NOW, THEREFORE, for value received, The Pines and the Town hereby agree as follows:

1. The Pines has requested that the Town enter a Credit Enhancement Agreement with it and in consideration thereof, The Pines is entering this Agreement.

2. The Pines agrees that if the Project (all as more specifically described in the Development Program and defined in the Credit Enhancement Agreement) or its owner or tenant or any subtenant, occupant or user thereof or any portion thereof hereafter becomes or is hereafter determined to be or made exempt from real and/or personal property taxes or if The Pines or any owner, tenant, subtenant, occupant or user of the Project (collectively, the "Property Owner") or any portion thereof becomes entitled for any reason whatever to pay less than 100% of the property tax rate imposed on other property owners in the Town, Property Owner shall nevertheless pay to the Town each year during the term of this Agreement, a sum at least equal to 100% of the amount of revenue listed in the "Town Tax Revenue" column of Attachment 9 of the Development Program relating to The Pines at Ocean Park Affordable Housing TIF District (see attached Schedule A). All amounts payable under this paragraph shall be in lieu of all real estate and personal property taxes and in lieu of all service charges under any law providing for the payment of service charges in lieu of property taxes with respect to the Project for each applicable year. Such payments in lieu of taxes and service charges shall be reimbursements to offset the costs of the benefits the property receives from public services and shall be due and payable in the same proportions and on the same dates and shall be subject to the same interest charges which shall be payable by the Property Owner, as established by the Town and applicable under Maine law for non-payment of real and personal property taxes. The Town shall determine the amounts due hereunder within 30 days of the date upon which property taxes are committed (or such later date as determined appropriate by the Town), and shall mail an invoice for the amounts due hereunder to the Property Owner at its last

known address. The Property Owner shall have 60 days from the date of mailing of such invoice to challenge the amount determined to be due hereunder and if the Property Owner does not challenge the amounts so determined to be due hereunder within such 60 day time period, the amount determined to be due hereunder shall be final with respect to the Property Owner.

3. When the Property Owner makes a payment required pursuant to paragraph 2 hereof, such payment shall be considered and treated as the next payment required to be made by The Pines (or any successor to The Pines) to the Town pursuant to the Credit Enhancement Agreement between The Pines and the Town.

4. In the event the Property Owner shall fail to pay such amount when due, the Town shall have all rights otherwise available to it under law including, without limitation, the right to file a civil action for collection of the same (the exclusive venue for which shall be Maine Superior Court), and the Property Owner shall be required to pay all costs of suit and collection including reasonable attorneys' fees. In the event that the Town is required by law to impose any service charge on the Project in lieu of property taxes or any property tax at less than the ordinary rate or valuation, then the amount payable hereunder shall be reduced by the amount of such taxes and service charges imposed on or with respect to the Project.

5. Notwithstanding the terms of the Credit Enhancement Agreement, the Town may withhold and suspend its payments under said Credit Enhancement Agreement during any period that The Pines, the Property Owner or a successor is in default of its obligations under this Agreement. If such default of The Pines, the Property Owner or a successor continues for a period of 30 days after written notice of default, the Town may terminate said Credit Enhancement Agreement and thereafter shall have no further obligation or liability thereunder.

6. The covenants and agreements set forth in this Agreement shall constitute covenants running with the land on which the Project is located (see attached Schedule B) and shall be for the benefit of the Town and shall bind the land on which the Project is located, The Pines and its respective heirs, successors and assigns.

7. This Agreement shall continue in full force and effect until the last to occur of either (a) June 30, 2045 or (b) all amounts due and owing hereunder by The Pines have been paid in full.

Dated this ___ day of _____, 2015.

WITNESS: The Pines at Ocean Park, LP

By:
Its:

STATE OF MAINE

York, ss. _____, 2015

Personally appeared the above-named _____,
_____ of The Pines at Ocean Park, LP, and acknowledged the foregoing to be
his free act and deed in his said capacity and the free act and deed of said company, before
me,

Notary Public / Attorney at Law
My commission expires: _____

WITNESS: Town of Old Orchard Beach, Maine

By:
Its:

STATE OF MAINE
York, ss. _____, 2015

Personally appeared the above-named _____,
_____ of the Town of Old Orchard Beach, Maine, and acknowledged the
foregoing to be his free act and deed in his said capacity and the free act and deed of said
Town of Old Orchard Beach, Maine, before me,

Notary Public / Attorney at Law
My Commission Expires _____

Schedule A
(Attachment 9 of the Development Program)

Schedule B
(Legal Description of the Property)

There being no further discussion on this item, the Vice Chair called for a motion.

**MOTION: Councilor Tousignant motioned and Councilor Blow seconded to
Authorize and direct the Town Manager to enter into an Agreement Regarding
Property Tax on behalf of the Town of Old Orchard Beach with The Pines at Ocean
Park, LP in substantially the same form as attached hereto and to execute further
instruments related thereto necessary to satisfy Maine State Housing Authority, U.S.
Department of Housing and Urban Development, Construction Lenders and investors
in the renovation project to be completed in 2015
and 2016.**

VOTE: Unanimous.

6386 Discussion with Action: Order 2015-2A, entitled “Order to Authorize issuance of \$1,200,000 in Town of Old Orchard Beach Obligation Bonds to Acquire a Heavy Duty Ladder Fire Truck” and inclusion of an attested copy of Order 2015-2A with meeting minutes.

BACKGROUND: The Town Council previously held a workshop to consider whether to purchase a new fire ladder truck to replace the current ladder truck. The current ladder truck upon inspection for required certification was found to have significant deterioration of numerous structural and other vital components. The certification inspector concluded that the current ladder truck has a very limited time of service life remaining. This finding was validated by a separate assessment. At the workshop the Council directed that a proposal to purchase a new ladder truck be presented at a subsequent regular meeting.

April 21, 2015 – **Order 2015-2A**

Motion: I move that the Order 2015-2A entitled, “Order to Authorize Issuance of \$1,200,000 in Town of Old Orchard Beach General Obligation Bonds to Acquire a Heavy Duty Ladder Fire Truck,” be approved in form presented to this meeting and that an attested copy of said Order be included with the minutes of this meeting.

ORDER TO AUTHORIZE ISSUANCE OF \$1,200,000 IN TOWN OF OLD ORCHARD BEACH GENERAL OBLIGATION BONDS TO ACQUIRE A HEAVY DUTY LADDER FIRE TRUCK

BE IT ORDERED, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled:

That under and pursuant to the Charter of the Town of Old Orchard Beach (the “Town”), including Sections 303 and 409.12 therein, and, as applicable, the laws of the State of Maine, including Section 5772 of Title 30-A of the Maine Revised Statutes, and subject to municipal election approval, the Town Council, acting by and through the Town Treasurer (“Treasurer”) and the Chairman of the Town Council (the “Chair”), be and is hereby authorized to issue general obligation bonds of the Town, and notes in anticipation thereof, in a principal amount not to exceed \$1,200,000.00 (the “Bonds”), to fund costs of the acquisition of a Heavy Duty Ladder Fire Truck (the “Equipment”);

That the proceeds of the Bonds and earnings thereon are hereby appropriated to provide for the costs of the Equipment;

That the Treasurer and the Chair be and are hereby authorized to prepare, issue, and provide for sale of the Bonds at one time or from time to time, as one or more separate issues, and to determine the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption with or without premium, form(s), and other details of said Bonds, including execution and delivery of said Bonds against payment therefor;

That the Bonds be executed and delivered by the Treasurer and countersigned by the Chair under the official seal of the Town attested by the Town Clerk (“Clerk”), and otherwise be in such form and contain such terms and provisions not inconsistent herewith, as they shall

approve, their approval to be conclusively evidenced by their execution thereof, and that any signature thereon may be by facsimile to the extent permitted by law;

That the Bonds be issued in the name of the Town and in registered form transferable only on the registration books of the Town, which registration books may be kept by the Town or its transfer agent, upon surrender thereof with a written instrument of transfer, duly executed by the registered owner or his/her attorney duly authorized in writing;

That in lieu of physical certificates of any of the Bonds, the Treasurer be authorized, as applicable, to undertake all acts necessary to provide for the issuance and transfer of such Bonds in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the preceding paragraph above regarding physical transfer, and the Treasurer be authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in the Treasurer's opinion, appropriate in order to qualify the Bonds for and participate in the Depository Trust Company Book-Entry Only System;

That the Treasurer, Chair, and Clerk from time to time be authorized to execute such Bonds as may be required to provide for exchanges or transfers of Bonds authorized hereunder;

That the Treasurer be authorized to arrange for the sale of the Bonds at public or private sale to such parties as the Treasurer determines to be in the Town's interest, to execute and deliver loan agreements and other contracts for that purpose, and to select and hire such financial advisors, underwriters, registrars, paying agents, transfer agents, and other consultants, if any, as the Treasurer deems necessary to assist with the sale of the Bonds, all on such terms not inconsistent with this Order as the Treasurer shall approve;

That the Treasurer be authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of any of the Bonds herein authorized, any such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer, with the advice of the bond counsel for the Town, and that the use and distribution of any such Preliminary Official Statement and Official Statement in the name and on behalf of the Town in connection with offering the Bonds for sale be approved;

That no part of the proceeds of the Bonds shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the Bonds to be "arbitrage bonds" or "private activity bonds" within the meaning of Sections 148 and 141 of the Internal Revenue Code of 1986, as amended (the "Code");

That in connection with the Bonds, the Treasurer be authorized to execute and deliver on behalf of the Town an Arbitrage and Use of Proceeds Certificate in form approved by the Town's bond counsel, and to covenant on behalf of the Town to file any information report and pay any rebate due to the United States in connection with the issuance of the Bonds, and to take all other lawful actions necessary to ensure that the interest on the Bonds will be excludable from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause interest on the Bonds to become includable in the gross income of the owners thereof;

That the Treasurer be authorized to designate the Bonds as qualified tax-exempt obligations for purposes of Section 265(b)(3) of said Code;

That the Treasurer be authorized to covenant and agree, on behalf of the Town, for the benefit of the holders of the Bonds, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other actions that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met;

That appropriate officials of the Town be authorized to execute and deliver on behalf of the Town such other documents and certificates as may be necessary or convenient to the issuance, execution, or delivery of the Bonds;

That the Treasurer, Chair, Clerk, and other proper officials of the Town be authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale, and delivery of the Bonds and the accomplishment of the Equipment herein authorized;

That if the Treasurer, Chair, or Clerk for any reason be unavailable to, as applicable, approve, execute, or attest the Bonds or any related financing documents, the person or persons then acting in any such capacity, whether as assistant, deputy, or otherwise, be authorized to act for such unavailable official with the same force and effect as if such official had himself/herself performed such act;

That if any of the officers or officials of the Town who have signed, attested, or sealed the Bonds shall cease to be such officers or officials before the Bonds so signed, attested, and sealed shall have been actually authenticated or delivered by the Town, such Bonds nevertheless may be authenticated, delivered, and issued with the same force and effect as though the person or persons who signed, attested, or sealed the Bonds had not ceased to be such officer or official; and also, any such Bonds may be signed, attested, or sealed on behalf of the Town by those persons who, at the actual date of execution of the Bonds, shall be the proper officers or officials of the Town, although at the nominal date of the Bonds any such person shall not have been such officer or official;

That the term "cost" or "costs" as used herein and applied to the Equipment, or any portion thereof, includes, without limitation, as may be applicable, (i) the purchase price or acquisition cost of all or any portion of the Equipment; (ii) the cost of construction, building, alteration, enlargement, reconstruction, renovation, improvement, and equipping of the Equipment; (iii) the cost of all labor, materials, building systems, machinery, and equipment related to the Equipment; (iv) the cost of planning, developing, preparation of specifications, surveys, engineering, feasibility studies, legal and other professional services associated with the Equipment; (v) the cost of financing charges and issuance costs, including premiums for insurance, interest for a period not to exceed three years from the issue date of the Bonds and for any additional period permitted under Section 148 of the Code, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction; and (vi) the cost of all other financing authorized hereunder, whether related or unrelated to the foregoing;

That the Treasurer in consultation with Bond Counsel is authorized to implement written procedures with respect to the Bonds for the purpose of: (i) ensuring timely "remedial action" for any portion of the Bonds that may become "non-qualified bonds," as those terms are defined in the Code and regulations thereunder; and (ii) monitoring the Town's compliance following the

issuance of the Bonds with the arbitrage, yield restriction and rebate requirements of the Code and regulations thereunder;

That the Town hereby resolves and declares its official intent pursuant to Section 1.150-2(e) of the Treasury Regulations that the Town reasonably expects to use the proceeds of the Bonds to reimburse certain original expenditures from the Town's general or other fund, paid not earlier than 60 days prior to adoption of this Resolution or to be paid, which original expenditures have been or will be incurred in connection with costs of the Equipment; that the Town reasonably expects that the amount of Bonds authorized hereby is the maximum principal amount that the Town will issue to finance the Equipment; and that an attested copy of this declaration of official intent be kept in the permanent records of the Town;

That the Clerk file an attested copy of this Order in the record of proceedings of the Town Council, which record shall be open to public inspection; and

That an attested copy of this Order be filed with the minutes of this meeting.

Dated this 21st day of April, 2015.

A majority of the Town Council of the Town of Old Orchard Beach

A true copy, attest:

Kim McLaughlin

Town Clerk

(Town Clerk to file an attested copy of this Order with the meeting minutes)

The Town Manager explained the need for this referendum item.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to move that the Order 2015-2A entitled, "Order to Authorize Issuance of \$1,200,000 in Town of Old Orchard Beach General Obligation Bonds to Acquire a Heavy Duty Ladder Fire Truck," be approved in form presented to this meeting and that an attested copy of said Order be included with the minutes of this meeting.

VOTE: Unanimous.

6387 **Discussion with Action: Order 2015-2B, entitled "Order to Submit Order 2015-2A to the Voters and to Call Public Hearing on Tuesday, May 5, 2015" and inclusion of Order 2015-2B with the minutes of this meeting.**

BACKGROUND:

April 21, 2015 – **Order 2015-2B**

Motion: I move that the Order 2015-2B entitled, "Order to Submit Order 2015-2A to the Voters and to Call Public Hearing," be approved in form presented to this meeting and that an attested copy of said Order be included with the minutes of this meeting.

ORDER TO SUBMIT ORDER 2015-2A TO THE VOTERS AND TO CALL PUBLIC HEARING

BE IT ORDERED, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled:

That under and pursuant to the Charter of the Town of Old Orchard Beach (the "Town"), including Sections 303 and 409.12 therein, and, as applicable, the laws of the State of Maine, including Sections 2528 and 5772 of Title 30-A of the Maine Revised Statutes, Order 2015-2A, authorizing the issuance of general obligation bonds in a principal amount not to exceed \$1,200,000 to fund the acquisition of a Heavy Duty Ladder Fire Truck, be submitted to the voters of the Town at a special municipal election to be held Tuesday, June 9, 2015;

That the question submitted at the election read as set forth below;

Referendum Question 1: Shall Order 2015-2A entitled, "Order to Authorize Issuance of \$1,200,000 in Town of Old Orchard Beach General Obligation Bonds to Acquire a Heavy Duty Ladder Fire Truck," be adopted?

That said question be accompanied by a signed financial statement of the Town Treasurer, as well as the recommendations of the Town Council and Finance Committee, substantially in form as set forth below;

TOWN OF OLD ORCHARD BEACH FINANCIAL STATEMENT

1. Total Town Indebtedness

Bonds outstanding and unpaid	<u>\$9,302,880.00</u>
Bonds authorized and unissued	<u>\$0.00</u>
Bonds to be issued if this Question is approved	<u>\$1,200,000.00</u>
Total:	<u>\$10,502,880.00</u>

2. Estimated Costs of Bonds

At an estimated interest rate of 3.25 percent (3.25%), for a 12-year term, the estimated costs of this bond issue will be:

Principal	\$1,200,000.00
Interest	<u>\$253,500.00</u>
Total Principal & Interest to be Paid at Maturity	<u>\$1,453,500.00</u>

3. Validity

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above Estimated Costs of Bonds. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Treasurer
Town of Old Orchard Beach

Town Council Recommends: Approval of Referendum Question #1
Finance Committee Recommends: Approval of Referendum Question #1

That a public hearing be held on the subject of said question and be conducted by the Town Council on May 5th, 2015 at 7 p.m. at the Town Hall Council Chambers, and that the Town Clerk give public notice of the hearing in the manner required by law;

That the Warrant and Notice of Election for the special municipal election and the Notice of Public Hearing be approved in form presented to this meeting; and

That an attested copy of this Order be filed with the minutes of this meeting.

A true copy, attest:

Kim McLaughlin
Town Clerk
(Town Clerk to file an attested copy of this Order with the meeting minutes)

**TOWN OF OLD ORCHARD BEACH
WARRANT AND NOTICE OF ELECTION
SPECIAL MUNICIPAL ELECTION**

York County, ss.

State of Maine

To: Kim McLaughlin, Town Clerk of the Town of Old Orchard Beach:

You are hereby required in the name of the State of Maine to notify the voters of the Town of Old Orchard Beach of the Special Municipal Election described in this Warrant and Notice of Election.

TO THE VOTERS OF THE TOWN OF OLD ORCHARD BEACH:

You are hereby notified that a Special Municipal Election in this municipality will be held at the Old Orchard Beach High School, 40 E. Emerson Cummings Blvd. in Town of Old Orchard Beach on Tuesday, June 9, 2015, for the purpose of determining the following question:

Referendum Question 1: Shall Order 2015-2A entitled, "Order to Authorize Issuance of \$1,200,000 in Town of Old Orchard Beach General Obligation Bonds to Acquire a Heavy Duty Ladder Fire Truck," be adopted?

TOWN OF OLD ORCHARD BEACH FINANCIAL STATEMENT

1. Total Town Indebtedness
Bonds outstanding and unpaid \$9,302,880.00

Bonds authorized and unissued	<u>\$0.00</u>
Bonds to be issued if this Question is approved	<u>\$1,200,000.00</u>
Total:	<u>\$10,502,880.00</u>

2. Estimated Costs of Bonds

At an estimated interest rate of 3.25 percent (3.25%), for a 12-year term, the estimated costs of this bond issue will be:

Principal	\$1,200,000.00
Interest	<u>\$253,500.00</u>
Total Principal & Interest to be Paid at Maturity	<u>\$1,453,500.00</u>

3. Validity

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above Estimated Costs of Bonds. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

	_____ Treasurer Town of Old Orchard Beach
Town Council Recommends:	<u>Approval of Referendum Question #1</u>
Finance Committee Recommends:	<u>Approval of Referendum Question #1</u>

The voting on Referendum Question 1 shall be by secret ballot referendum and the polls shall be opened at 8:00 a.m. and closed at 8:00 p.m.

The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

Absentee ballots will be processed at the polls on Election Day, June 9th, 2015, starting at 9 a.m. and every hour on the hour until all absentee ballots are processed.

Signed and dated at the Town of Old Orchard Beach, April 21, 2015.

A Majority of the Town Council of the Town of Old Orchard Beach

A true copy of the Warrant and Notice of Election, attest:

Kim McLaughlin, Town Clerk
Town of Old Orchard Beach

RETURN

York County, ss.

State of Maine

TO: The Municipal Officers of the Town of Old Orchard Beach

I certify that I have notified the voters of the Town of Old Orchard Beach of the time and place of the Special Municipal Election by posting an attested copy of the within Warrant and Notice of Election as follows:

Location of Posting	Date	Time

being conspicuous public places within the Town of Old Orchard Beach and being at least seven (7) days prior to the date of the Special Municipal Election.

Signed and dated at the Town of Old Orchard Beach this _____ day of _____, 2015.

 Kim McLaughlin, Town Clerk
 Town of Old Orchard Beach

NOTICE OF PUBLIC HEARING

TO: Kim McLaughlin, Town Clerk of the Town of Old Orchard Beach:

In the name of the State of Maine you are hereby required to notify the voters of the Town of Old Orchard Beach of the Public Hearing described in this Notice of Public Hearing.

TO: The voters of the Town of Old Orchard Beach:

Take notice that a public hearing will be held on May 5th, 2015 at 7:00 p.m., at the Town Hall Council Chambers, 1 Portland Avenue, in Town of Old Orchard Beach on the following Question, which will be the subject of a special municipal election vote on June 9, 2015.

Referendum Question 1: Shall Order 2015-2A entitled, "Order to Authorize Issuance of \$1,200,000 in Town of Old Orchard Beach General Obligation Bonds to Acquire a Heavy Duty Ladder Fire Truck," be adopted?

TOWN OF OLD ORCHARD BEACH FINANCIAL STATEMENT

1. Total Town Indebtedness

Bonds outstanding and unpaid	<u>\$9,302,880.00</u>
Bonds authorized and unissued	<u>\$0.00</u>
Bonds to be issued if this Question is approved	<u>\$1,200,000.00</u>
Total:	<u>\$10,502,880.00</u>

2. Estimated Costs of Bonds

At an estimated interest rate of 3.25 percent (3.25%), for a 12-year term, the estimated costs of this bond issue will be:

Principal	\$1,200,000.00
Interest	<u>\$253,500.00</u>
Total Principal & Interest to be Paid at Maturity	<u>\$1,453,500.00</u>

3. Validity

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above Estimated Costs of Bonds. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Treasurer
Town of Old Orchard Beach

Town Council Recommends: Approval of Referendum Question #1
Finance Committee Recommends: Approval of Referendum Question #1

Signed and dated at the Town of Old Orchard Beach, April 21, 2015.

A Majority of the Town Council of the Town of Old Orchard Beach

A true copy of the Notice, attest:

Kim McLaughlin, Town Clerk
Town of Old Orchard Beach

RETURN

York County, ss.

State of Maine

TO: The Municipal Officers of the Town of Old Orchard Beach

I have notified and warned the voters of the Town of Old Orchard Beach of the time and place of the within described public hearing by posting an attested copy of said notice as follows:

<u>Location of Posting</u>	<u>Date</u>	<u>Time</u>

being conspicuous public places within the Town of Old Orchard Beach and being at least seven (7) days prior to the date of the public hearing.

Signed and dated at the Town of Old Orchard Beach this _____ day of _____, 2015.

Kim McLaughlin, Town Clerk
Town of Old Orchard Beach

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Order 2015-2B, entitled, "Order to Submit Order 2015-2A to the Voters and to Call Public Hearing on Tuesday, May 5, 2015" and inclusion of an attested copy of Order 2015-2A with meeting minutes.

VOTE: Unanimous.

6388 Discussion with Action: Accept the proposal from Girard Plumbing and Heating in the amount of \$8,970 to install outdoor wash sink at the Waste Water Comfort Station from Account Number 20118-50350 – Contingency Expense, with a balance of \$124,400.

BACKGROUND:

The Town is working with the Maine Department of Environmental Protection to designate the area behind the W. Grand Comfort Station as a pilot solid waste activity location. This area has been used for several years as the staging area for downtown maintenance operations, including handling of bags from downtown trash barrels. In support of the DEP designation an industrial sink will be put on site for the disposal of water used to rinse the roller bins used to collect trash bags from barrels. Because of the time constraint relative to the DEP process the Council is asked to approve the use of Girard Plumbing to do the installation of the industrial sink and related work at a cost of \$ 8,970.

GIRARD PLUMBING & HEATING, INC.
4 Girard Avenue
Old Orchard Beach, ME 04064
Tel: 207-934-5838
Fax: 207-934-4529
ESTIMATE #2015-089a

April 13, 2015
Town of Old Orchard Beach
Wastewater Treatment Department
Attn: Chris White
1 Portland Ave, Old Orchard Beach, Maine 04064
Tel: 934-4611 Email: cwhite@oobmaine.com

Job: Install outdoor wash sink for cleaning crew. Include concrete slab install and open wood structure with roof
Job Location: West Grand Avenue Comfort Station

DESCRIPTION:

A. We propose to furnish/install a structure on the exterior of the West Grand Avenue Comfort Station.

B. The structure will consist of a floating concrete slab with open wood structure and roof. The structure will be used for cleaning service personnel. The roof proposed will allow for rain protection during spring, summer and fall operations. A service sink with cold water supply and drain to sewer will serve for cleaning purposes. To fully winterize, the drain will be removed to prevent ice/water flowing from sink into sewer.

C. Structure specifications:

- a. 12" thick 3/8" size crushed stone below slab. Town to remove and dig/compact 6 foot x 10 foot area for concrete pad. Reinforced 4" minimum thickness concrete slab.**
- b. 4" x 4" pressure treated posts with 2"x6" rafters.**
- c. 1/2" wood sheathing, drip edge, ice and water shield, asphalt architectural shingles to best match existing building roof.**
- d. V-groove pine ceiling painted to match existing building**

D. Plumbing specifications:

- a. Approx 54" long x 24" depth commercial stainless steel sink, pin to concrete slab with flanged legs.**
- b. Cold water only supply, foot pedal operation. Pipe water supply and waste through to interior connect to existing available plumbing along exposed men's restroom wall. No floor saw-cutting anticipated.**

Estimated cost: \$8,970.00

NOTES:

- 1. This is an ESTIMATE only. The actual job could be higher/lower depending on job conditions and time involved.**
- 2. Not included in this estimate are any unforeseen variables that can significantly affect the job cost.**
- 3. All work will be performed by licensed mechanics in a neat and workmanlike manner according to accepted engineering standards and practices.**

Schedule of payments:

- 1. 1/3 deposit (\$2,990.00) due upon acceptance of estimate. 2. Balance due upon job completion.**

Payment terms: Due upon receipt of invoice. Unpaid balances will be subject to 1 1/2% interest charge per month. Any default in payment and the customer is responsible for collection costs. This estimate is valid for 30 days.

Acceptance of Estimate: The above prices, specifications and conditions are satisfactory and are hereby accepted. Work is authorized as specified above. Payment will be made as outlined above

Date of Acceptance Signature

During the discussion period, Councilor Tousignant requested of the Town Manager that he keep the abutters in the loop and an opportunity for them to be knowledgeable about what is happening. The Town Manager explained that he had every intention to do this but was limited until the DEP provided complete information to him.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Accept the emergency proposal from Girard Plumbing and Heating in the amount of \$8,970 to install outdoor wash sink at the Waste Water Comfort Station from Account Number 20118-50350 – Contingency Expense, with a balance of \$124,400.

VOTE: Unanimous.

6389 Discussion with Action: Approve the acquisition of a new model one-ton pickup truck with plow assembly for the Fire Department either through direct purchase or through a lease/purchase utilizing the State of Maine bid process at a cost not to exceed \$37,000 not including potential financing costs, with funds from Account Number 20118-50350 - Contingency Expense, with a balance of \$124,400.

BACKGROUND:

At a recent budget workshop it was noted that both the Fire Department truck and Chief's vehicle both are in need of replacement. The Department truck particularly is vital to the daily operations of the Fire Department and the Council requested the Town Manager to put the agenda item on this evening's agenda so proper transportation will be available for the operation of the Fire Department. The funding will come from the Contingency Account with a balance of \$124,400.

The Town Manager explained in detail the need for this truck and the urgency in the transaction. He also presented to the Council a suggested Municipal Lease Purchase Agreement from Gorham Leasing Group indicating the cost of the Equipment is \$37,000; a three year lease term; at a 2.38% fixed annual interest rate; with annual payments. The payment schedule would be \$12,649.23 (amortization schedule); and would commence on or about June 15, 2015. The first payment of principal and interest should be due July 15, 2015 and the purchase option at the end of the term would be \$1; no prepayment penalties and no documentation fees; prior to delivery of the leased assets, Lessee at its sole cost and expense, will provide all-inclusive physical damage and liability insurance in the joint names of the Lessor and Lessee, in amounts satisfactory to the Lessor. This lease shall be considered a Municipal Lease/Purchase by all parties.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Approve the acquisition of a new model one-ton pickup truck with plow assembly for the Fire Department either through a lease/purchase utilizing the State of Maine bid process at a cost not to exceed \$37,000 not including potential financing costs, with funds from Account Number 20118-50350 - Contingency Expense, with a balance of \$124,400.

VOTE: Unanimous.

6390 **Discussion with Action: Set the public hearing date of May 5th, 2015, to Amend Chapter 54, Traffic and Vehicles, Sections 54-1 (Definitions), Section 54-37 (Penalty), Section 54-142 (Parking at expired meters and overtime parking), Section 54-154 (All-Night Parking), Section 54-114 (Milliken Street parking lot), and Section 54-115 (Memorial Park parking lot), of the Town of Old Orchard Beach Traffic Ordinance.**

BACKGROUND:

The Town of Old Orchard Beach is considering allowing motorcycles to park in standard car spaces year-round. On-street parking downtown is metered from Memorial Day weekend through Labor Day weekend. There are 205 parking spaces of which are smaller spaces designated for motorcycles, according to Police Chief Dana Kelley. Currently Town Ordinances require motorcycles to park in the designated motorcycle-only spaces from May 15th to October 15th. The proposed ordinance would allow motorcycles to park in metered car spots in the summer and the plan would be to keep the designated motorcycle spaces, as they are too small to accommodate cars. Many individuals have contacted the administration and expressed the desire for the option of parking their motorcycles in the car spaces. Also included in the amendment would be the adding of the definition and use of “pay stations”. Currently, the Ordinance regular “coin-fed” meters, and the Town now uses both “coin-fed” meters and “pay stations”.

ORDINANCE

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 May 5, 2015, 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 54-1 (Definitions), Section 54-37 (Penalty), Section 54-142 (Parking at expired meters and overtime parking), Section 54-154 (All-Night Parking), Section 54-114 (Milliken Street parking lot), and Section 54-115 (Memorial Park parking lot), of the Town of Old Orchard Beach Traffic Ordinance is amended by adding the underscored language, and deleting the strikethrough language :

Sec. 54-1. - Definitions.

Parking meter means a device which shall indicate thereon the length of time during which a vehicle may be parked in a particular place, having as a part thereof a receptacle or chamber for receiving and storing coins of the United States money, a slot or place in which such coins may be deposited; a timing mechanism to indicate the passage of the interval of time during which parking is permissible with an appropriate signal to indicate when the interval of time shall have elapsed, and brief instructions as to its operation. Parking meter as used herein shall also include a multi-space parking meter which may accept coins and other forms of payment such as debit and credit cards, and provide a timed receipt permitting parking in any multi-space or single space parking during such time.

Parking space means any space adjacent to a parking meter and which is duly designated for the parking of a single vehicle by painted lines or other durable markings. Parking space shall also include a space controlled by a multi-space meter.

Prolonged parking shall mean parking, without moving the vehicle out of the space and making the space available for use by another person, at a meter or a designated parking space in excess of the maximum limit of parking designated for such space.

Receipt shall mean the paper receipt dispensed from a multispace meter showing the date purchased with the time during which it permits parking in a multi or single meter parking space.

Sec. 54-37. - Penalty.

(14) Parking at expired meter- Expired Meter or receipt/no receipt/receipt face down... 25.00

(26) Prolonged Parking—Feeding Meters... 25.00

(27) No parking That Takes More Than One Metered Space... 25.00

Sec. 54-142. - Parking at expired meters and overtime parking.

(a) Parking of vehicles in parking spaces; (a) Single space meter. Except as provided herein, where a parking meter has been installed, every person shall park a vehicle, or motorcycle, adjacent to the curb and either immediately in front of or behind a single space meter and shall deposit the required amount of United States money in the meter or obtain and properly display a receipt issued by a multi-space meter. (b) Multi-space meter. Except as provided herein, where a multi-space meter has been installed, every person shall park a vehicle adjacent to the curb and in a space controlled by a multispace meter or in a space controlled by a single meter and shall deposit the required amount of payment for the time the person intends to park, up to the maximum time limit available. The foregoing shall apply from 10:00 a.m. to 11:00 p.m. from the Friday before Memorial Day to Labor Day of each year.

Between the hours of 10:00 a.m. and 11:00 p.m., no person shall park a vehicle in a metered parking space without first depositing a coin into the adjacent parking meter in the amount indicated on the parking meter for the appropriate time. No person shall allow a vehicle to remain in a metered parking space when the time signal on the adjacent parking meter indicates that the time for parking has expired (parking at expired meter). No person shall allow a vehicle to remain in a parking space for a period of time longer than the maximum time limit for that parking space posted on a sign or indicated on a parking meter (parked overtime). Parking shall be allowed in metered spots without first depositing a coin into the adjacent parking meter in the amount indicated on the parking meter between the hours of 11:00 p.m. and 10:00 a.m.

(b) ~~No person shall park or stand any vehicle having fewer than four wheels at or in a metered parking space which is designated by a sign or by notice posted on or near the parking meter as restricted to parking of automobiles only. No person shall park or stand any vehicle other than a motorcycle at or in a metered parking space which is designated by a sign or by notice posted on or near the parking meter as restricted to parking of motorcycles only.~~

(c) It shall be unlawful for any person to cause, allow or permit any vehicle registered in the name of or operated by such person to:

(1) be parked in any parking space where a single space parking meter is installed unless a deposit of the coin or coins indicated by the single space meter is made as herein provided, except that, in the event a single space parking meter indicates that unused time has been left in the meter by a previous occupant of the parking space, any such person shall not be required to deposit any such coin or coins so long as his or her occupancy of the space does not exceed the indicated unused parking time; or

(2) remain in a parking space controlled by a multi-space parking meter or single space meter without displaying a valid receipt while so parked, or without displaying the receipt on the dashboard in such a manner as to be clearly visible and face up, showing the date and time available to park on the receipt;

(3) remain in a parking space beyond the period of legal parking time established for such parking space as provided in the traffic ordinance, or to deposit in the adjacent single-space parking meter or a multi-space meter any payment for the purpose of parking beyond the maximum legal parking time designated by the parking meter or multi-space meter ("prolonged parking" or "feeding the meter");

(4) remain in any parking space adjacent to any single-space parking meter while the meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the maximum legal parking time designated for such parking space or the receipt has expired;

(5) remain or be placed in any parking space controlled by a multi-space meter while failing to display a valid multi-space meter timed receipt for such parking, or displaying a receipt indicating that the vehicle occupying such parking space has already been parked beyond the maximum legal parking time designated for such parking space;

(6) be parked across any line or marking of a parking space or in such position that the vehicle shall not be entirely within the limits of the parking space or such that the parked vehicle otherwise impedes or obstructs the flow of traffic; the minimum fine for a violation of this section shall be fifty dollars (\$50);

(7) Deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions herein; to deposit or cause to be deposited in any parking meter any slug, device, metallic substance or any other substitute for a coin of the United States.

In the event of a violation of the provisions of subsections (c) (1-7) above, the fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered, and the fact that a vehicle is in a metered parking space when the time signal on the parking meter for such space indicates no parking permitted without the deposit of a coin or coins, or when the receipt from a multi-space meter has expired or no receipt is properly displayed, shall also be prima facie evidence that the vehicle has been parked in the parking space longer than the lawfully permitted period.

Sec. 54-154 – All-Night parking.

Overnight parking shall be allowed on streets where on-street parking is allowed by the provisions of this Chapter except as follows:

From April 1st to September 15th, to allow for street sweeping activities overnight parking, between the hours of 2 a.m. and 6 a.m., shall not be allowed in the following locations:

- Old Orchard Street

- The Square
- First Street from Old Orchard Street to Heath Street
- Heath Street
- Milliken Street to Imperial Street
- West Grand from the Square to Union Ave
- East Grand from the Square to Walnut Street
- Seavey Street
- Veteran's Square at Town Hall
- Staples Street
- Imperial Street
- Saco Ave, Rite-Aid to Old Orchard Street

Sec. 54-114. - Milliken Street parking lot

- (a) No vehicle shall park in the Milliken Street parking lot without first obtaining a valid parking slip from a pay station or by obtaining a resident parking permit from the town clerk. The parking slip shall be displayed on the dashboard of the vehicle for the allotted time that was paid for, and the valid parking slip obtained at the pay station in the Milliken Street parking lot shall be valid only for the Milliken Street parking lot. This section will be enforced between the Friday before Memorial Day and Labor Day.

Sec. 54-115. - Memorial Park parking lot.

- (a) No vehicle shall park in the Memorial Park parking lot without first obtaining a valid parking slip from a pay station or by obtaining a resident or nonresident parking permit from the town clerk. The parking slip shall be displayed on the dashboard of the vehicle for the allotted time that was paid for, and the valid parking slip obtained at the pay station in the Memorial Park parking lot shall be valid only for the Memorial Park parking lot. This ordinance will be enforced between the Friday before Memorial Day and Labor Day.

Per Order of the Municipal Officers this _____ day of _____, 2015.

A True Copy

Attest:

Kim M. McLaughlin, Town Clerk

Chief Kelley gave an update and answered questions on parking issues for the Council. Councilor Tousignant explained that he was not at the workshop when this was discussed. The Council raised some issues about how to determine when a motorcycle parked and the Chief explained the process. John Bird made the notation that three of the four Councilors this evening ride motorcycles. There was a sense of jovialness in the meeting.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Set the public hearing date of May 5th, 2015, to amend Chapter 54, Traffic and Vehicles, Sections 54-1 (Definitions), Section 54-37 (Penalty), Section 54-142 (Parking at expired meters and overtime parking), Section 54-154 (All-Night Parking), Section 54-114 (Milliken Street parking lot), and Section 54-115 (Memorial Park parking lot), of the Town of Old Orchard Beach Traffic Ordinance.

VOTE: Unanimous.

6391 **Discussion with Action:** Authorize the Registrar's Office to be open during the office hours of the Town Clerk only for the five business days prior to the June 9th, 2015 election.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Authorize the Registrar's Office to be open during the office hours of the Town Clerk only for the five business days prior to the June 9th, 2015 election.

VOTE: Unanimous.

6392 **Discussion with Action:** Amend the Special Event Permits for the Salvation Army Pier Ministry Events and parade during the summer 2015 and 2016 seasons, that were approved October 1st, 2013, as follows: Change time of parade from 3:50 p.m. to 3 p.m., and for the concert that follows to be 90 minutes instead of 60 minutes; add Friday, July 25th, 2015 and Friday July 29th, 2016 to their ministries permit to allow for an additional day of setting up the stage, starting at 8 a.m. Friday; instead of setting up at 5 p.m. on Saturdays and Sundays, they request to start set-up at 11 a.m. each day; Thursday will be the same set-up time, but load-out by 11:30 p.m. instead of 11 p.m. Friday, load-out by 1 a.m. instead of 11 p.m.; for all days, there will be a stage and video set-up at the end of the Square; Saturday, July 25th of 2015, they request permission for a performing artist, Phil Keaggy, to sell DC's in front of the stage after the show

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Amend the Special Event Permits for The Salvation Army as read.

VOTE: Unanimous.

6393 **Discussion with Action:** Approve the Special Event Permit application for the Mainiac Volleyball Club to hold their Volleyball Tournament on the beach, at the courts in front of Palace Playland, on Saturday, May 30th, Saturday, August 1st, and Saturday, August 29th, 2015, from 9 a.m. to 9 p.m.

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

VOTE: Unanimous.

6394 Discussion with Action: Approve the Special Event Permit application for The Salvation Army to hold their 2nd annual Freedom 5K Run/Walk on Monday, July 27, 2015, starting at 7:30 a.m.; and a request to waive the fee.

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

VOTE: Unanimous.

6395 Discussion with Action: Approve the Special Event Permit application for Mainly Dogs Rescue to hold an adoption meet/greet in the Square on Saturday, June 13th, 2015; set up starts at 8 a.m., event occurs from noon to 4 p.m.; immediate take-down, rain date Sunday, June 14th, 2015, includes a stage, outdoor games, raffles, live entertainment, vendors. Insurance, listing the Town of Old Orchard Beach as additionally insured, must be submitted to the Town Clerk's Office at least one month prior to the event. Request to waive the fee.

There was discussion between the Council about closing the street and the square but it was also mentioned that this happens all the time for many groups.

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

VOTE: Yea: Councilors Kelley, Blow and Vice Chair Thornton
Nea: Councilor Tousignant

6396 Discussion with Action: Approve the Special Event Permit application for the Veteran's Memorial Park Flag Raising Committee to hold their annual "Veterans Flag Raising" at 6:00 p.m., nightly, seven days a week, from May 25 to September 7, 2015; and at 6:00 p.m. on September 11, 2015; 11:00 a.m. on November 11, 2015; and 7:50 a.m. on December 7, 2015; and a request to waive the fee.

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

VOTE: Unanimous.

6397 Discussion with Action: Approve the Special Event Permit application for OOB365 to hold their 5th annual "Smokin' at the Ballpark BBQ Fest", including smokers and grills, on Saturday and Sunday, June 20th and 21st, 2015, from 8 a.m. to 8 p.m., to include alcohol service by Jimmy the Greek. Request for a banner at the intersection of Saco Avenue/E. Emerson Cummings Boulevard from June 16th-22nd, 2015; and a request to waive the fee. Insurance, listing the Town of Old Orchard Beach as additionally insured, shall be submitted to the Town Clerk's Office at least one month prior to the event.

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

VOTE: Unanimous.

6398 Discussion with Action: Approve the Liquor License Renewals for Strike Zone Restaurant & Pub LLC dba/Strike Zone Restaurant & Pub (205-4-1), 20 Old Orchard Street, m-s-v in a Restaurant/Lounge; Last Call Inc. dba/Last Call (206-31-19), 4 First Street, m-s-v in a Class A Lounge; Oceanside Investment Group dba/Myst Restaurant (306-1-2), 1 East Grand Avenue, m-s-v in a Restaurant/Lounge; TPR Inc. dba/Tequila Frogs Local Cantina (306-5-3), 8 East Grand Avenue, m-s-v in a Restaurant/Lounge; Patio Pub Inc., dba/Pier Patio Pub (306-6-1), 2 Old Orchard Street, m-s-v in a Restaurant/Lounge; Patio Pub Inc. dba/Hooligan's Landing (306-6-1), 2 Old Orchard Street, m-s-v in a Restaurant; and Base Distributors Inc. dba/Fat Bellies Deli (307-1-5), 33 West Grand Avenue, m-v in a Restaurant.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Approve the Liquor Licenses as read.

VOTE: Unanimous.

6399 Discussion with Action: Set Public Hearing date of May 5th, 2015 to amend the Special Event Permit Ordinance, Sections 42-256 (Required), Section 42- 258 (Fee), Section 42-259 (Conditions).

BACKGROUND:

The Town Clerk worked diligently on this Ordinance and there have been many discussions with the Department Heads over the past few months. Highlights include a completed application being received at least 30 calendar days prior to the event, with a \$10 per day surcharge for each day late, and the possibility of the application not being approved due to lack of time; the ability to apply three years out, but meet with department heads at least 60 days before the event each year; \$10 to amend a permit; bonfires, small gatherings, will require administrative approval only; Events at the Ballpark require a contract/agreement, with administrative approval for events of less than 1,000 people (Town Council reserves the right to place on an agenda); ability of the administration to change the date of the event because of snow, piping plovers, rain, or other conflicts; \$50 fee per day for all applicants except RSU #23 and Town Sponsored/co-sponsored events; services will be invoiced (25% deposit due 14 days prior to event), however, any non-profit organization that has not been assessed those charges within the past five years (2010-2015), will continue to not be charged unless alcohol service is involved; although insurance has been required, the amount will not be listed in the ordinance.

ORDINANCE:

- Subdivision II. - Permit
- Sec. 42-256. - Required.

No person may conduct a special event on public property without a special events permit issued by the town council pursuant to this subdivision. The completed application must be received at

least 30 calendar days prior to the event. For each day late, there will be a \$10 surcharge fee for all applicants, and the possibility the event may be denied due to lack of time to approve.

Applications may be approved for up to three-years prior to the event; however, the applicant must meet with the department heads at least 60 days prior to the event for that year. At the sole discretion of the Town of Old Orchard Beach, you may be authorized to submit written amendments to your initial permit application due to unique or changing circumstances related to the event. Amendments to the permit application must be received at least 30 calendar days prior to the event, and will be assessed a \$10.00 fee each time an amendment is requested, due prior to the amendment being approved for consideration.

Bonfires, small gatherings, including weddings (less than 25 people), will require administrative approval only.

Events at the Ballpark will require an approved contract or agreement with the Ballpark Commission, and final administrative approval only, for events of less than 1000 people; however, the Town Council reserves the right to place the application on the Town Council agenda before a contract is signed.

A change in date may be granted administratively due to a cancellation because of rain, snow, piping plovers, conflict with another event, or other needs that may arise.

(Ord. of 5-17-1988, § V; Ord. of 4-2-2002, § V)

- **Sec. 42-257. - Criteria for issuance.**

In considering whether to issue a special events permit pursuant to this subdivision, the town council shall consider whether the proposed special event:

(1)

Is consistent with the goal of promoting use of public property for recreational, entertainment or charitable events.

(2)

Can be conducted in the location proposed without endangering the public safety or disturbing the peace and order of the public property.

(Ord. of 5-17-1988, § VI; Ord. of 4-2- 2002, § VI)

- **Sec. 42-258. - Fee.**

Before Upon issuance of the special events permit by the town council pursuant to this subdivision and prior to the conduct of the special event, the permit holder shall pay to the town clerk a permit fee in the amount as specified in the schedule of license, permit and application fees in appendix A of this Code per day or portion thereof the special event will occur, including set-up and take-down dates. The Town Council may waive at will or reduce the permit fees for nonprofit charitable RSU #23 or Town sponsored or co-sponsored special events or for special events which are sponsored or cosponsored by the town.

Non-profit events that have received approved Special Event Permits for five consecutive years between the years of 2010-2015, shall be exempt from staff related service fees not assessed in the past, unless alcohol is being served, or able to be purchased. The application fee is not waived. For all other events, additional fees may be applicable for cost recovery or other permits depending on the event. Applicant is solely responsible for costs incurred for Town services

rendered for the event, i.e. police, licenses, sanitation, fire, etc. A cost analysis and invoice will be provided at least 21 days prior to the event, and a 25% deposit will be due for those services at least 14 days prior to the event. The remainder will be due in full within 60 days of the conclusion of the event.

In the event is cancelled, the applicant must notify the Town Clerk's Office in writing no less than 48 hours in advance of the set-up time for the event. Should personnel or other resources be dispatched to support the proposed event and the event has been cancelled, the applicant will be assessed the cost of the services provided.

(Ord. of 5-17-1988, § VIII; Ord. of 4-1-2003, § 2)

- **Sec. 42-259. - Conditions.**

Each special events permit issued pursuant to this subdivision shall, at a minimum, specify the permit holder's obligations as to the following:

(1)

Dates and times.

(2)

Designated areas of public property to be affected.

(3)

An insurance policy, for property damage or bodily injury in the amount not less than Four Hundred Thousand Dollars (\$400,000) or such other amount as is established by the Maine Tort Claims Act (14 M.R.S.A. §8101 et seq., as amended from time to time, listing the Town of Old Orchard Beach as additionally insured. If alcohol is being served, liquor liability insurance is required, with a minimum amount of \$2,000,000, listing the Town as additionally insured, and evidence of financial capacity, including insurance.

(4)

Crowd control.

(5)

Parking.

(6)

Cleanup.

(7)

Any other conditions which the Town Council deems necessary to protect the public safety and maintain order on the public property.

(Ord. of 5-17-1988, § VII; Ord. of 4-2-2002, § VII(2), (f))

- **Sec. 42-260. - Liability.**

The holder of a special events permit issued pursuant to this subdivision shall be solely responsible for conducting the special event in compliance with the conditions of the permit and for maintaining public safety and order during the special event. The town assumes no liability or responsibility by issuing the permit.

(Ord. of 5-17-1988, § XI(2))

For many months the Council has discussed this permit and whether some pay for police and other services; and others do not. The Town Clerk and the department heads have spent a great deal of time preparing this document under the direction of the Town Council and now is the opportunity for them to discuss and vote on what is required for this permit and any exceptions to them.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Set Public Hearing date of May 5th, 2015 to amend the Special Event Permit Ordinance, Sections 42-256 (Required), Section 42-258 (Fee), Section 42-259 (Conditions).

VOTE: Unanimous.

6400 Discussion with Action: Amend the Special Event Permit of OOB365/Ralph Quaglietta, approved on August 19th, 2014, for a parade on June 13th, 2015, to include closing Old Orchard Street from 11 a.m. to 1 p.m. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk's Office at least one month prior to the event.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Amend the Special Event Permit of OOB365 as read and with no additional costs for services of \$156.

VOTE: Yea: Councilors Kelley and Blow and Vice Chair Thornton.
Abstain: Councilor Tousignant

6401 Discussion with Action: Designation of the Old Orchard Beach Public Safety Building as the Old Orchard Beach Fire Department Building.

BACKGROUND:

The Municipal building at 136 Saco Avenue until April of 2010 was used as a headquarters of both the Police Department and the Fire Department. With the occupancy of the building at 16 E. Emerson Cummins Blvd. by the Police Department the Public Safety Building is now used exclusively by the Fire Department, however, to date, the Town Council has not formally designated the use of the entire building for the Fire Department. The purpose of this agenda item is for the Town Council to consider a motion so designating the use of the building in its entirety by the Fire Department.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Designate the Old Orchard Beach Public Safety Building as the Old Orchard Beach Fire Department Building.

VOTE: Unanimous.

6402 Discussion with Action: Approve the Special Event Permit application for the Veterans Memorial Park Sub-Committee to hold "Illumination Night" in Memorial Park on Sunday, May 24, 2015, from 5 p.m. to 9 p.m., rain date, Monday, May 25, 2015; and a request to waive the fee.

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

VOTE: Unanimous.

6403 Discussion with Action: Approve the Special Event Permit application from Hyde Park Elementary School to hold a bonfire on the beach in front of the Normandie Inn on Friday, June 5th, 2015 from 6 p.m. to 11 p.m.

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

VOTE: Unanimous.

GOOD AND WELFARE:

PIERRE BOUTHILLER: He again stated there was no need for an ordinance on the marijuana issue and that state wide it is already being done with very few safety concerns or detrimental issues to the neighborhoods. He obviously was disappointed in the need for another Public Hearing and another delay in the process which they have been seeking for over a year. He told the Council it was time to move forward. He spoke about recourse and the need for good will.

ADJOURNMENT:

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Adjourn the Town Council Meeting at 9:05 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 forty-four (44) pages is a copy of the original Minutes of the Town Council Meeting of April 21, 2015.

**TOWN OF OLD ORCHARD BEACH
WARRANT AND NOTICE OF ELECTION
SPECIAL MUNICIPAL ELECTION**

York County, ss.

State of Maine

To: Kim McLaughlin, Town Clerk of the Town of Old Orchard Beach:

You are hereby required in the name of the State of Maine to notify the voters of the Town of Old Orchard Beach of the Special Municipal Election described in this Warrant and Notice of Election.

TO THE VOTERS OF THE TOWN OF OLD ORCHARD BEACH:

You are hereby notified that a Special Municipal Election in this municipality will be held at the Old Orchard Beach High School, 40 E. Emerson Cummings Blvd. in Town of Old Orchard Beach on Tuesday, June 9, 2015, for the purpose of determining the following question:

Referendum Question 1: Shall Order 2015-2A entitled, "Order to Authorize Issuance of \$1,200,000 in Town of Old Orchard Beach General Obligation Bonds to Acquire a Heavy Duty Ladder Fire Truck," be adopted?

TOWN OF OLD ORCHARD BEACH FINANCIAL STATEMENT

1. Total Town Indebtedness

Bonds outstanding and unpaid	<u>\$9,302,880.00</u>
Bonds authorized and unissued	<u>\$0.00</u>
Bonds to be issued if this Question is approved	<u>\$1,200,000.00</u>
Total:	<u>\$10,502,880.00</u>

2. Estimated Costs of Bonds

At an estimated interest rate of 3.25 percent (3.25%), for a 12-year term, the estimated costs of this bond issue will be:

Principal	\$1,200,000.00
Interest	<u>\$253,500.00</u>
Total Principal & Interest to be Paid at Maturity	<u>\$1,453,500.00</u>

3. Validity

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above Estimated Costs of Bonds. If the actual amount of the total debt service for the bond issue varies from the estimate,

the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Treasurer
Town of Old Orchard Beach

Town Council Recommends: Approval of Referendum Question #1
Finance Committee Recommends: Approval of Referendum Question #1

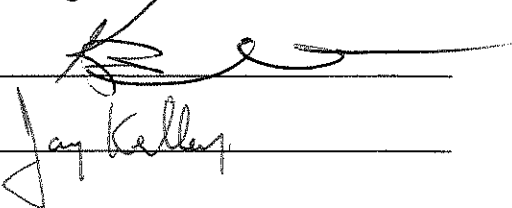
The voting on Referendum Question 1 shall be by secret ballot referendum and the polls shall be opened at 8:00 a.m. and closed at 8:00 p.m.

The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote and to accept new enrollments.

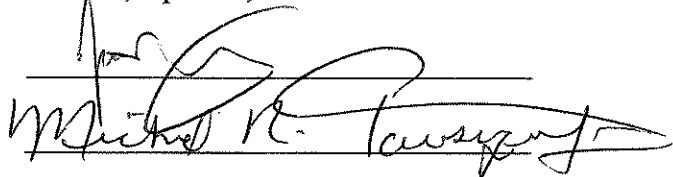
A person who is not registered as a voter may not vote in any election.

Absentee ballots will be processed at the polls on Election Day, June 9th, 2015, starting at 9 a.m. and every hour on the hour until all absentee ballots are processed.

Signed and dated at the Town of Old Orchard Beach, April 21, 2015.



Jay Kelley



Michael R. Tauszy

A Majority of the Town Council of the Town of Old Orchard Beach

A true copy of the Warrant and Notice of Election, attest:

Kim McLaughlin, Town Clerk
Town of Old Orchard Beach

NOTICE OF PUBLIC HEARING

TO: Kim McLaughlin, Town Clerk of the Town of Old Orchard Beach:

In the name of the State of Maine you are hereby required to notify the voters of the Town of Old Orchard Beach of the Public Hearing described in this Notice of Public Hearing.

TO: The voters of the Town of Old Orchard Beach:

Take notice that a public hearing will be held on May 5th, 2015 at 7:00 p.m., at the Town Hall Council Chambers, 1 Portland Avenue, in Town of Old Orchard Beach on the following Question, which will be the subject of a special municipal election vote on June 9, 2015.

Referendum Question 1: Shall Order 2015-2A entitled, "Order to Authorize Issuance of \$1,200,000 in Town of Old Orchard Beach General Obligation Bonds to Acquire a Heavy Duty Ladder Fire Truck," be adopted?

TOWN OF OLD ORCHARD BEACH FINANCIAL STATEMENT

1. Total Town Indebtedness

Bonds outstanding and unpaid	<u>\$9,302,880.00</u>
Bonds authorized and unissued	<u>\$0.00</u>
Bonds to be issued if this Question is approved	<u>\$1,200,000.00</u>
Total:	<u>\$10,502,880.00</u>

2. Estimated Costs of Bonds

At an estimated interest rate of 3.25 percent (3.25%), for a 12-year term, the estimated costs of this bond issue will be:

Principal	\$1,200,000.00
Interest	<u>\$253,500.00</u>
Total Principal & Interest to be Paid at Maturity	<u>\$1,453,500.00</u>

3. Validity

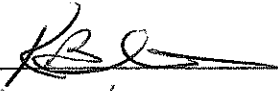
The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above Estimated Costs of Bonds. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Treasurer


Town of Old Orchard Beach

Town Council Recommends: Approval of Referendum Question #1
Finance Committee Recommends: Approval of Referendum Question #1

Signed and dated at the Town of Old Orchard Beach, April 21, 2015.



Jay Kelley



Michael W. Pausyne

A Majority of the Town Council of the Town of Old Orchard Beach

A true copy of the Notice, attest:

Kim McLaughlin, Town Clerk
Town of Old Orchard Beach

RETURN

York County, ss.

State of Maine

TO: The Municipal Officers of the Town of Old Orchard Beach

I have notified and warned the voters of the Town of Old Orchard Beach of the time and place of the within described public hearing by posting an attested copy of said notice as follows:

<u>Location of Posting</u>	<u>Date</u>	<u>Time</u>

being conspicuous public places within the Town of Old Orchard Beach and being at least seven (7) days prior to the date of the public hearing.

Signed and dated at the Town of Old Orchard Beach this _____ day of _____, 2015.

Kim McLaughlin, Town Clerk
Town of Old Orchard Beach