

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Thursday, January 15, 2015
TOWN HALL CHAMBERS
6:30 p.m.**

A Town Council Workshop of the Old Orchard Beach Town Council was held on Thursday, January 15, 2015. Vice Chair Thornton opened the meeting at 6:31 p.m.

The following were in attendance:

**Chair Shawn O'Neill – arrived at 6:45 p.m.
Vice Chair Joseph Thornton
Councilor Jay Kelley
Councilor Kenneth Blow
Councilor Michael Tousignant
Town Manager Larry Mead
Assistant Town Manager V. Louise Reid**

Vice Chair Thornton opened the workshop at 6:30 p.m. in the absence of the Chair, Shawn O'Neill. The purpose of the Workshop this evening was to give an opportunity for the Town Council to ask questions on unresolved issues related to the current Downtown and Beachfront Cleaning Contract between the Town of Old Orchard Beach and Extreme Clean, Inc., for the remainder of the 2014 contract and extend the Contract an additional two year period through 2015 and 2016.

There was a good attendance at the Workshop including Paula Pouravelis, George Pouravelis and Rob and Sherri Langlois, abutters; John Bird, Jerome Begart, Michael Coleman, Pat Holland, Charlene Lopresti, Andrea Berlin, and Eileen Payette. Also at the table were Liz and Tabatha Copeland representing the business – Extreme Clean.

BACKGROUND:

Below is a summary of information that has been provided to the Town Council previously and discussions that were had during Town Council meetings were this item was discussed. The Town Manager started the workshop with some of this information contained below highlighting the suggested places where consideration had been given to storing the trash before delivery to Casella Waste.

At its November 18 meeting the Town Council deferred to a future meeting consideration of the proposed extension of the contract with Extreme Clean for downtown cleaning services. The base of operations is currently located on Town property behind the West Grand Comfort Station. Access to the rear of the Comfort Station is by way of a discontinued portion of Staples Street. The Town retained an easement on this property that allows for specified municipal activities, including use by “municipal maintenance vehicles.” During the November 18th Council meeting objections to the use of the area behind the Comfort Station for Downtown maintenance services were received. Out of consideration the Council asked at that time for staff to examine alternative locations for staging of maintenance operation by Extreme Clean.

The Town Manager has met with Ms. Paula Pouravelis to discuss thoroughly the cleaning and maintenance operations, potential alternative locations to operate from, and the pros and cons of different alternatives. Also discussion was the provisions of the easement the Town has on the former Staples Street and whether the current use by the Town is permissible under the terms of the easement. Participants in the discussions included Liz Copeland, from Extreme Clean; Waster Water Superintendent, Chris White; and Public Works Director, Bill Robertson; along with the Town Manager. During the discussions the following alternative locations were discussed and examined:

- Milliken Street Parking Lot
- Staples Street Extension (next to Palace Playland)
- The end of the Square near the Pier
- Town Hall parking lot
- Memorial Park parking lot
- The middle section of Old Orchard Street past the railroad crossing
- Land adjacent to the Ballpark or near the High School.

Three of the alternatives have previously been tried for Downtown maintenance operations and found to be unsatisfactory: Milliken Street parking lot, Staple Street Extension, and the area at the end of the Square near the Pier. In addition to these three locations, maintenance operations previously have used various curbside locations in the downtown for temporary “stacking” of trash bags awaiting pick-up. For various reasons all of these options have been inefficient and have caused significant problems for visitors or businesses. The other locations considered are not acceptable either because maintenance operations would be incompatible with the existing use (Town Hall, Memorial Park, Old Orchard Street), or the distance from Downtown makes them unsuitable (Ballpark, High School area.) Liz Copeland, at the Town Manager’s request presented a Power Point Document which the Council received and provides information about the volume of trash collected and handled Downtown as well as some of the problems experienced in the past at several of the alternative locations that were considered (Milliken Street, end of the Square, and Staples Street Extension). The Council received a copy of that information.

The Town Manager reported that he had spoken to Attorney Chris Vaniotis from Bernstein Shur about the easement language. Attorney Vaniotis was the Town’s legal counsel at the time the easement was developed. He stated that in his opinion the language in the easement referencing municipal maintenance vehicles is sufficiently broad to include downtown cleaning operations. He also stated that vehicles owned and operated by Extreme Clean are considered municipal maintenance vehicles since the service is programed as a municipal service under contract to the Town.

The Town Manager recommended to the Council the extension of the two year contract and that with respect to the location of operations that the current location, while not ideal, is preferable to the alternatives examined. Its proximity to the Downtown center allows for the use of handcarts to remove trash from barrels. This is the safest and least obtrusive method as it related to downtown visitors and patrons. Because the area behind the Comfort Station abuts the railroad tracks, there are very few businesses affected and no residences affected. He also said that moving forward staff will endeavor to minimize the aspects of the operation that are problematic to abutting property owner and will keep communications open in order to solve problems as they come up.

Also in attendance this evening was Paula Pouravelis and Robert Langlois, both abutters to this easement. Ms. Pouravelis stated that in 1993, the Town of Old Orchard Beach and the two abutters consented to a legally binding agreement which created a Public Easement on the section of Staples Street between the railroad track and West Grand Avenue. The Town discontinued this portion of Staples Street. The abutters granted a public easement within the discontinued street. This easement grants to the Town specific legal rights on this section of Staples Street for public benefit. These rights include: right to create and maintain a pedestrian way; right to allow pedestrian and non-motorized vehicular use. Municipal maintenance vehicles for the Pump Station and emergency vehicles are excluded; right to install or permit public utility facilities for the functioning of a pedestrian walkway to link Memorial Park, Amtrak Station, Chamber of Commerce, Libby Memorial Library and Saco Avenue with beach and downtown area. She states that this easement was created for specific purposes of public land uses. The agreement specifically excludes motorized vehicular use on this land with specified exceptions. The use of this portion of Staples Street by Extreme Clean to access their current operational base with their trucks and personal vehicles is contrary to the terms of this agreement. Parking Extreme Clean vehicles in this area is contrary to the posted "no parking signs." How can the Town enforce the terms of the easement and no parking if their own vendor is in violation, she asked? Another concern that she pointed out deals with obstructed access as evidenced by the photograph she gave to the Town Council. How can the Town emergency vehicles and OOB Wastewater Department vehicles possibly get any access to the rear of the Pump Station in an emergency situation? Extreme Clean trucks and their personal cars are parking on the easement itself and behind the building at 8 West Grand Avenue. She goes on to state that the discontinuance of a portion of Staples Street and the granting of the retained public easement were established and approved by a public process in compliance with State Statutes and municipal procedures. The steps in the process included: Town officials, attorney, and abutters attended meetings to discuss this section of Staples Street; All parties consented to the terms of the Discontinuance Order; Public hearings were advertised in local newspapers (January 25, 1993) and in Town Hall; a Public hearing was held during the Regular Town Council Meeting on February 2, 1993; legal documents were executed by the Attorneys and signed by Town Officials and Abutters; The Order of Discontinuance was signed by the Town Council Chair; the Order was filed with and certified by the Town Clerk; and the Order was filed and registered with the York County Registry of Deeds. Once again she is asking that the Town Council consider the relocation of Extreme Clean. At no time did she question the quality of their work but rather the location of their work. The Town and the abutters have all acted in good faith when creating the easement agreement and it is important to know and remember that the land for a public walkway is there on Staples Street Easement. The railroad fence currently obstructs access. An at grade railroad crossing could open it again. In the interim she is asking that the Town keep the area clean, safe and free from trash and vehicular traffic.

The Council expressed its intent that there would be no parking permitted within the easement area.

Discussion during this evening's workshop included explanations from the abutters of their desire to have Extreme Clean's operation moved from the back of their businesses. They again described their understanding of the easement which is different from that of the Town. Some of their discontent is because of the smell, property damage, not being able to exit side of the building, accidents that have occurred, and safety concerns.

Liz Copeland presented a description of how the waste is handled and the operation of getting from the hand carriers to the truck and then to Cassella. Council did agree that it was necessary again, which the Town Manager had already done, look at other options and was sensitive to the concerns of the abutters. During the discussion it was noted that the Department of Environment Protection had called today indicating that a complaint had come in about the operation and there was a possibility that legally it could not place there. The Town Manager had a conversation with Paula Clark of the DEP and will be meeting with her in the near future. Rob Langlois indicated that as an abutter he felt the right to ask questions of the DEP and there was not divisiveness in directing his call to them. The Council did indicate that this has placed the Town in a most difficult situation and it will be necessary to see where this leads and what requirements need to be met. The Town Manager already had spoken to the DEP about the issue as result of the phone call and it happened after 3:30 today which did not allow time to inform the Council although Council Tousignant showed displeasure that he had not been notified.

Also discussion continued on whether this should be a one year contract or a two year contract which is being suggested. Some felt the contract was not documented with all the details. The Town Manager also explained that the contract has always left open the opportunity for both sides of the question to end the contract. A long discussion took place on moving the operation to the Milliken Street Parking Lot and suggestions where in the lot that could be placed. Unfortunately in the past when this was used there were complaints from the condo owners and the motel across the street. The statement was made that where it is located now there are abutters but no residences which would be impacted. Again, Mr. George Pouravalis asked – “Why should we as business owners attempting to run a good business in the town be subject any more than anyone else? by the cleaning process affecting our operations?” Councilor Tousignant repeated several times that he had wanted this workshop and had to request it several times and that we can’t solve this issue this evening. The Town Manager and the Chair recommended that, with the assurance of the Town Council, this issue will be addressed early fall and some study will be done at the present time to move this item to a better solution. Councilors Kelley and Blow, Vice Chair Thornton, and Chair O’Neil, along with the abutters, agreed that this was acceptable but Councilor Tousignant pressed for a decision tonight.

Also during the discussion Andrea Berlin and Eileen Payette brought up concerns they have with the cleaning procedure in Memorial Park. The Town Manager indicated that he had taken the time to meet with Andrea Berlin and Tina Kelley and had gotten to them assuring them that the issues they brought up would be address. Andrea Berlin pressed the issue that times and other procedures were not addressed in the contract. One of their major concerns were the hours of operation of the bathrooms in the Memorial Park area asking that it be from 8:00 am. to 8:00 p.m. and 8:00 a.m. to 11:00 on Thursday, Friday and Saturday nights particularly. Again, the Town Manager said these issues were being discussed as he had promised.

Several indicated that they had only praise for Extreme Clean but that the way the garbage is picked up and delivered to Casella is the issue. Extreme Clean owner explained again the process of picking up trash and that it is a 24 hour operation throughout the summer months. Discussion also included other modes of possible transportation of the trash to the trucks. Jerome Begart raised the issue that the tourist industry and businesses are responsible for the trash in the downtown and that the expense should not be put on the citizens and tax payers.

At one point there was consensus with the majority of the Council and with the abutters that with the promise and commitment of the Council to review the issue of location in late summer or early fall and to move forward with the contract was the only way to go considering the Town needs to assure they have the ability to have trash disposed of consideration the summer will be upon us before we know it.

Councilor Tousignant argued this wasn't the answer but again there appeared to be an understand that at this point the commitment to meet and solve this issue but move forward with the contract at this time was the way to go. The Town Manager thanked the abutters for the graciousness which has been shown throughout the discussions and the abutters also complimented staff on their ability to provide assistance in any way possible.

The discussion of this item concluded at 8:25 p.m. with the Chair expressing again the Council's sincere appreciation for the input provided by the abutters and those in attendance.

At 8:30 p.m. the second item on the workshop agenda was brought forward. Fire Chief Ricky Plummer made the following presentation:

Town of Old Orchard Beach, Maine
Fire Department
FIRE/RESCUE/LIFEGUARDS

MEMO

To : Larry Mead, Town Manager
From: Chief Plummer
Subj : Ladder Truck
Date: January 14, 2015

As you are aware the Ladder Truck, Truck 1, is currently out of service as far as the bucket /aerial goes. My self and our part-time mechanic Nick Hutchins inspected it recently. Both Nick and I have been trained in as Emergency Vehicle Technicians (EVT) in Aerial Ladders. With that said, we did a front to back inspection. After our inspection we had the truck looked at by a repair facility in Auburn. After consultation with that company and our Officers I decided that there were enough things wrong with the aerial that I questioned the safety of putting firefighters in the bucket raised up 95 feet. In consultation with the Town Manager I took the Aerial portion of the truck out of service until we could have it tested and inspected by a third party inspection company to verify our findings. The following is a list of things that are wrong with the truck. Some items need immediate repair and other items should be repaired or make sense to repair while the truck is being fixed and the aerial ladder taken apart. After having the Aerial tested today by a testing company we decided it was safe to put the truck back in service and look at scheduling repairs. Below is a list of

repairs with the bold items requiring repairs soon. Other items listed would to repair the truck fully:

Truck Chassis Issues

- **Frame Rails Rusted and Separating? Ok for now**
- **Replace rusted hydraulic lines under chassis**
- **Repair/replace hydraulic line holders on outriggers (4)**
- **Sandblast and paint pump housing and weld cracks. Fix water leaks**
- **Replace both 6 inch intake valves (leaking)**

Ladder Issues

- **Break 4 sections of aerial ladder down for work to be done**
- **Sand Blast and paint aerial, check for cracks**
- **Replace pulleys (8)**
- **Replace Pins and Bushings (8)**
- **Replace aerial cables (6)**
- **Replace Aerial Swivel**
- **Rebuild outriggers (4)**
- **Rebuild Hydraulic Pump to pass NFPA test**

Other Issues

- **Rebuild emergency hydraulic pump**
- **Replace Bucket leveling cylinders**
- **Sandblast and paint bottom of turntable**
- **Replace chafing hydraulic lines at turntable**
- **Repair cable anchor brackets**
- **Body work and paint truck**
- **Electrical issues due to rust and corrosion**
- **Replace or rebuild ladder pipe nozzle**
- **Replace Generator – Inoperative now**
- **Aerial Ladder Pipe extensions leaking at 100 PSI need rebuild**

My recommendation is that we fix the needed items now so that we have it back in service before summer. Other items can wait until fall. It is clear that the truck should be replaced within the next year or two at best. This gives us time to plan the replacement and spec the truck we need without a rush. It also gives us some time to decide on financing it and what our truck may be worth as a trade or sale.

I have attached a list of estimated repairs costs for your review.

OBFD Truck 1 Repairs

Truck chassis Issues	Cost	Items to repair Now
Repair Frame Rail Separation	\$ 20,000.00	
Sandblast and Paint Frame	\$ 10,000.00	
Replace Rusted and leaking Hydraulic lines	\$ 22,000.00	\$ 22,000.00
Repair/replace hydraulic line holder, Left Rear Outrigger	\$ 900.00	\$ 900.00
Sandblast and Paint Pump Housing , reweld several spots and repair water leaks	\$ 15,000.00	\$ 2,000.00
Replace 6 In in take Valves	\$ 3,600.00	\$ 3,600.00
Note this does not include unknown issues	\$ 71,500.00	\$ 28,500.00
Ladder Issues		
Break Ladder Down, all Sections for work to be done	\$ 28,000.00	
Sand Blast and Paint Aerial	\$ 70,000.00	
Replace Pulleys 8 @ 400.00	\$ 3,200.00	\$ 3,200.00
Repalce Pins and Bushings 8@ 215.00	\$ 1,720.00	\$ 1,720.00
Repalce Cables 6@ 800.00	\$ 4,800.00	
NFPA Labels	\$ 200.00	\$ 200.00
Replace Aerial Swivel	\$ 15,200.00	
Rebuild outrigger Plates 4 @ 100	\$ 400.00	
Rebuild leaking cylinders for outriggers 4 @ 500.00	\$ 2,000.00	\$ 2,000.00
Rebuild Hydraulic Pump to pass NFPA test for certification	\$ 3,600.00	\$ 3,600.00
	\$ 129,120.00	\$ 10,720.00
Other Issues		
Rebuild Emergency Power pump	\$ 1,500.00	\$ 1,500.00
replace Lift Cylinders on Bucket (leveling device)	\$ 1,000.00	\$ 1,000.00
Bottom of Turntable- Sandblast and paint	\$ 2,000.00	
Repalce chafing Hydraulic Lines at	\$ 2,000.00	\$ 2,000.00

Turnatable		
Repair Cable Anchor Brackets	\$ 1,500.00	
Repair or Replace Generator	\$ 3,600.00	\$ 3,600.00
Repair or replace Ladder Pipe Nozzle	\$ 4,600.00	\$ 4,600.00
Body work and paint truck	\$ 25,000.00	
	\$ 41,200.00	\$ 12,700.00
Total	\$ 241,820.00	\$ 51,920.00

The Town Council was impressed with the Chief’s presentation but also concerned that there had been a lack of maintenance upkeep in the past. Chief Plummer indicated that he has always been one to follow on with a maintenance schedule recognizing the safety issue entailed here. Chief Plummer explained that his philosophy is prevention rather than reaction to issues.

The Council discussed the option presented by the Chief which was to fix the needed items quickly the fire truck can be back in service for the summer. The Council considered the possibility of going out to referendum for the purchase of a new ladder truck which would require a vote by the taxpayers. The cost of a new ladder truck is approximately \$1.2 million. The next date for such a referendum would be June and the Council and the Fire Chief would be giving consideration to this in the next couple of weeks. The immediate changes suggested the Council felt should be done so that this ladder truck will be able to last through the year. John Bird reminded the Council that this needed to go to the Finance Committee but the Town Manager reminded him that this was already a scheduled matter in discussion of the CIP Budget.

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 eight (8) pages is a copy of the original Minutes of the Town Council Workshop of January 15, 2015.

V. Louise Reid