

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, February 2, 2016
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, February 2, 2016. Chair O'Neill opened the meeting at 7:02 p.m.

The following were in attendance:

**Chair Shawn O'Neill
Vice Chair Joseph Thornton
Councilor Kenneth Blow
Councilor Michael Tousignant
Town Manager Larry Mead
Assistant Town Manager V. Louise Reid**

ABSENT: Councilor Jay Kelley

**Pledge to the Flag
Roll Call**

EMERGENCY ITEM:

CHAIR: May I have a motion to add an Emergency Item to the Agenda this evening, per Section 404.1 of the Town Charter:

MOTION: Councilor Tousignant motioned and Vice Chair Thornton seconded to add Agenda Item 6610 to tonight's agenda following Agenda 6608.

Discussion with Action: Approve Order #2016-1, entitled "Order to Authorize Lease Purchase of a 2016 International 7400 Truck in the Principal Amount of \$166,724," and that an attested copy of this Order be filed with the Minutes of this meeting.

VOTE: Unanimous.

ACKNOWLEDGEMENTS:

COUNCILOR TOUSIGNANT: A check for \$100 was received from the City of Biddeford towards the purchase of a second beach wheel chair. We learned last evening that the donation actually was given by the Shuttlebus Board and we would like to express our appreciation to the shuttlebus board for their generous donation. The Director of Shuttlebus indicated there have been many good comments about the use of the beach wheelchair at the beach.

COUNCILOR BLOW: Thanks to OOB 365 for sponsoring again the Community Dinner at the American Legion. This is always a great event where friends meet and enjoy the fellowship and a good meal.

ASSISTANT TOWN MANAGER: We would like to express our appreciation to the guys from Milestone Foundation who have been doing work at the Fire Department and at Town Hall. We are very appreciative of their efforts on our behalf.

ACCEPTANCE OF MINUTES: Town Council Workshop Minutes of January 19, 2016; and Town Council Meeting Minutes of January 19, 2016.

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

VOTE: Yea: Councilors Blow and Tousignant and Vice Chair Thornton.
Abstain: Chair O'Neill who was absent from the meeting.

PUBLIC HEARING: BUSINESS LICENSES AND APPROVAL

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

Brandon & Merideth Albert (206-27-7), 4 Sunset Drive, one year round rental; and Christopher Bell dba/Jack Prescott Properties (311-5-3), 70 Washington Avenue, two year round rentals.

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

MOTION: Councilor Tousignant motioned and Vice Chair Thornton seconded to Approve the Business Licenses as read.

VOTE: Unanimous.

TOWN MANAGER'S REPORT:

The Town Manager reported that the Design Review Committee (DRC) approved the design of the proposed trash handling building at Milliken Street. Next step is for the Planning Board to certify the decision of the DRC at the February business meeting. His intention is to put the building out to bid after the Planning Board action and to bring a contract for construction to Council at the March 15th meeting. Wright Pierce engineering recommended that the width of the building be increased by 10 feet. When the bids come in we will assess the cost against the functionality issues before bringing a recommendation to the Council. Planning Board conducted a workshop last week focusing on the Duncan Donut's traffic management proposal. The Town Manager reviewed the traffic plan with staff and submitted comments to the Board. Staff is of the opinion that there should be a traffic signal required as part of the project. However, MDOT has sole authority over traffic signs and MDOT does not support placing a signal at this intersection and the traffic engineers reviewing the project, including the traffic engineer hired by the Town to review the application, have signed off on the updated plan. The Planning Board will consider the proposal at a Workshop this Thursday night and again at the business meeting of February 11th. The Finance Committee has met and conducted its organizational meeting last week and will begin reviewing the proposed FY17 capital budget on Thursday evening of this week. The Finance Director and the Town Manager met with a third party vendor to discuss alternatives to employee health insurance providers

and to ask for quotes from multiple providers. Staff also met last week with our GIS consultant to review potential options for hosting the Town's on-line GIS mapping. This is a tool on the Town's website that is available to anyone. It provides the opportunity for residents to access information about all of the properties in Town as well as information about the Town's sewer and drainage infrastructure, flood plan information, snow plow routes, and hydrant locations. Our existing GIS host changed its platform earlier this year and it is not as user-friendly as the prior versions. Finally, the Town Manager met with the School Superintendent to discuss the fY17 budget. The School Board Committee would like to meet with the Town Council in a Workshop setting to discuss the school budget and also to discuss the future facility needs at all three schools: Jameson, Loranger and the High School.

#6603 Discussion with Action: Accept the bid of \$11,700 from Portsmouth Blind & Shade Company to remove and install double cell shades/ cordless in the Town Hall from Account Number 51002-50901 – Town Hall Building Reserve Account, with a balance of \$26,643.32.

BACKGROUND:

The Town went out to bid for blinds for the Town Hall windows and the RFP was listed on the Town's website, MMA website, and advertised in the paper as well. Individual letters were sent to:

**ALL SEASONS WINDOW FASHIONS
ACCENT ON WINDOWS
WINDOW SHADE COMPANY**

The only response that was received was a bid from Portsmouth Blind & Shade Company, of Portsmouth, New Hampshire, who saw it on the web site. Their bid was \$11,700. The Administration is asking for approval of the bid from Portsmouth Blind & Shade Company.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Accept the bid of \$11,700 from Portsmouth Blind & Shade Company to remove and install double cell shades/cordless in the Town Hall from Account Number 51002-50901 – Town Hall Building Reserve Account, with a balance of \$26,643.32.

VOTE: Unanimous.

MONDAY, DECEMBER 14, 2015

PUBLIC NOTICES

between the selected respondent and the Town of Old Orchard Beach or obligate the Town of Old Orchard Beach to follow a set selection process. Any binding agreement between the Town of Old Orchard Beach and the successful respondent will be through a formal written agreement (contract) after the Town of Old Orchard Beach Town Council has made its selection.

The RFP for Window Treatments can be found on the Town's website:

www.oobmaine.com

Three (3) complete copies of each firm's response shall be submitted in a sealed container plainly marked: "Town Hall Window Treatment - RFP" and will be received at the Town Manager's Office, Old Orchard Beach Town Hall, 1 Portland Avenue, Old Orchard Beach, Maine 04064 until Wednesday, January 6, 2016. Submissions will

be accepted by mail, e-mail or hand-delivered. If sent by e-mail, please request acknowledgement of receipt of e-mail, and have the original signed form to our office by the deadline sent to: V. Louise Reid, Assistant Town Manager

PUBLIC NOTICES

lreid@oobmaine.com
Additional information or clarification can be secured by contacting: Diana H. Asanza, Treasurer-Finance Director, 207-937-5622
dasanza@oobmaine.com
The Town of Old Orchard Beach, Maine reserves the right to accept or reject any or all bids
(12/14/15)

Town of Old Orchard Beach, Maine
**NOTICE OF REQUEST FOR PROPOSALS
WINDOW TREATMENTS
OLD ORCHARD BEACH
TOWN HALL BUILDING**

The Town of Old Orchard Beach is soliciting proposals from qualified proposers to supply and install window treatments at the Old Orchard Beach Town Hall, 1 Portland Avenue, Old Orchard Beach, Maine 04064. This Request for Proposal document does not define any contractual relationship

Portsmouth Blind & Shade Co.

One New Hampshire Avenue, Suite 125

Portsmouth, NH 03801

P: 603.433.4610

F: 603.431.4034

<p style="font-size: 1.2em;">Town of Old Orchard Beach Re Window Treatments</p> <p style="font-size: 0.8em; margin-top: 10px;">HERE IS OUR QUOTATION ON GOODS NAMED SUBJECT TO CONDITIONS NOTED. (SUBJECT TO CHANGE IF NOT ACCEPTED WITHIN 90 DAYS)</p>	DATE <i>1/6/16</i>	SALESTAX ___% <input type="checkbox"/> INCLUDED <input type="checkbox"/> TO BE ADDED <input type="checkbox"/> EXEMPT
	YOUR INQUIRY DATED <i>1/5/16</i>	
	PROPOSED SHIPPING DATE <i>3 weeks</i>	
	TERMS <i>Net 10</i> F.O.B. <i>Jobsite</i>	
	SALESMAN <i>Dan Carroll</i>	
TO BE SHIPPED VIA <i>Truck</i> P.P.D. OR COLL <i>Prepaid</i>		
PRODUCT <i>SWF Contract</i>		

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	<p style="font-size: 1.1em;">We propose to remove existing window treatments. Furnish and install Double Cell shades cordless*. Price includes off hours after 4:00 PM. Completion no later than 4/1/2016 for the total lump sum price of</p> <p style="text-align: right; font-size: 1.2em;"><i>\$11,700⁰⁰</i></p> <p style="text-align: center; font-size: 1.1em;"><i>Daniel H Carroll Jr</i> <i>Daniel H Carroll Jr</i></p>		
	<p style="font-size: 1.1em;">* Shades over 84" high not available cordless</p>		
	ACCEPTED FOR	FIRM NAME	TOTAL

sales@blindandshade.com

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Accept the bid of \$11,700 from Portsmouth Blind & Shade Company to remove and install double cell shades/ cordless in the Town Hall from Account Number 51002-50901 – Town Hall Building Reserve Account, with a balance of \$26,643.32.

VOTE: Unanimous.

6604 Discussion with Action: Accept the bid of \$10,496.54 from Interstate Arms Corporation for the purchase of forty (40) rifles and guns as described in bid to be used by the Old Orchard Beach Police Department from Account Number 20131-50501 – Operational Supplies/Equipment, with a balance of \$12,655.93.

BACKGROUND:

Chief Kelley is requesting Council approval for the purchase of 40 rifles and guns as described in the invoices presented below. Interstate Arms Corporation is a 37 year old wholesale distributor supplying licenses firearms nationwide. They are the leading law enforcement distributor in the country. Their prices are competitive and the company has been used by the Old Orchard Beach Police Department in the past.

CHAIR: We note a correction to the Agenda item noting this agenda item is for the purchase of 16 rifles and guns as described in the bid.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Accept the bid of \$10,496.54 from Interstate Arms Corporation for the purchase of 40 rifles and guns as described in the invoice to be used by the Old Orchard Beach Police Department from Account Number 20131-50501 – Operational Supplies/ Equipment, with a balance of \$12,655.93.

VOTE: Unanimous.

20131-50501



6 Dunham Road • Billerica, MA 01821
 TEL: (978) 667-7060 ~ (800) 243-3006
 FAX: (978) 671-0023 [COMMERCIAL SALES]
 FAX: (978)-667-1350 [LE SALES]
 www.interstatearms.com

Bill To: 83216
 TOWN OF OLD ORCHARD BEACH
 POLICE DEPT.
 1 PORTLAND AVE
 OLD ORCHARD BEACH, ME 04064

Ship To
 TOWN OF OLD ORCHARD BEACH
 DEPT OF PUBLIC SAFETY
 16 E EMERSON CUMMINGS
 OLD ORCHARD BEACH, ME 04064

QUOTE

Order #	536150-02
Page #	1
UPC Vndr	000000
Ship Point	INTERSTATE ARMS CORP-WHSE 1
Via	BEST WAY
Terms	PD NET 15
Entered	02/16/15
P/O	
Picked	
Shipped	
Printed	01/12/16 15:49

Taken By	jo	Sales in	PD	Sales out	PD	Placed by	JO	Customer P/O	Agency Price Quote
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Instructions

Ln#	Product And Description	UPC Item#	Quantity Ordered	Quantity B.O.	Quantity Shipped	Qty. UM	Unit Price	Price UM	Discount Multiplier	Amount (Net)	
	Agency contact: Joshua Robbins jrobbins@oobmaine.com 207-318-3214 ~ Quote is valid for 30 days. Pricing is for FET exempt agency purchase only. Shipping is estimated. Actual shipping will be charged at time of invoicing. ~ Quote prepared by Rich Nutile rich@interstatearms.com ***Trade Proposal*** Used Colt AR15A2 Fixed carry handle, fixed sight, adjustable stock 16" barrel - 6 at \$300 each = \$1,800 total expected trade value. Lot of 4 guns as described below: Turkish Mauser Springfield M1 Mauser Chileno Model 1895 Springfield 1903 Total expected trade value for lot: \$800. Total expected trade value: \$2,600. *Traded items must be in good, working condition and include all accessories listed. *Traded items must be properly packed to prevent damage in transit. *Traded items must be delivered by the agency or shipped prepaid and insured to our warehouse at the agency's expense.										
1	DS-R16M4LHRFMFT-LE	00000	6			DROP	each	766.50	each	0.00	4599.00
	WIND RIF MPC-LH .223 16" FLATTOP FLIP REAR QUAD ** DIRECT ORDER **										
2	DS-R11LHRFT-LE	00000	2			DROP	EA	861.95	EA	0.00	1723.90
	WIND RIF 11.5" FLATTOP'S EMI TELE STOCK FET OUT ** DIRECT ORDER ** ADD MFT RAIL - Included in price.										
4	69210	00000	8				EA	104.13	EA	0.00	833.04
	STRE LIGHT TLR-IS TACTICAL W/STROBE										



6 Dunham Road • Billerica, MA 01821
 TEL: (978) 667-7060 ~ (800) 243-3006
 FAX: (978) 671-0023 [COMMERICAL SALES]
 FAX: (978)-667-1350 [LE SALES]
www.interstatearms.com

Bill To: 83216
 TOWN OF OLD ORCHARD BEACH
 POLICE DEPT.
 1 PORTLAND AVE
 OLD ORCHARD BEACH, ME 04064

Ship To
 TOWN OF OLD ORCHARD BEACH
 DEPT OF PUBLIC SAFETY
 16 E EMERSON CUMMINGS
 OLD ORCHARD BEACH, ME 04064

QUOTE

Order #	536150-02
Page #	2
UPC Vndr	000000
Ship Point	INTERSTATE ARMS CORP-WHSE 1
Via	BEST WAY
Terms	PD NET 15
Entered P/O	02/16/15
Picked	
Shipped	
Printed	01/12/16 15:49

Taken By	jo	Sales in	PD	Sales out	PD	Placed by	JO	Customer P/O	Agency Price Quote
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Instructions

Ln#	Product And Description	UPC Item#	Quantity Ordered	Quantity B.O.	Quantity Shipped	Qty. UM	Unit Price	Price UM	Discount Multiplier	Amount (Net)
5	DS-52689 MOSS SG 590A1 COMPACT 14" PK TRIT GRS FET OUT ** DIRECT ORDER **	00000	6			DROP EA	474.50	EA	0.00	2847.00
6	12841 AIMP SGT PRO 2MOA QRP MOUNT NV COMPATBL	00000	8			EACH	407.95	EACH	0.00	3263.60

5 Lines Total									Total	13266.54
									Freight Out	30.00
									Trade Credit	2800.00-
									Invoice Total	10496.54

QUOTE

6605 Discussion with Action: Re-appoint Paul Weinstein as Associate to the Zoning Board of Appeals, term to expire 12/31/2018.

MOTION: Councilor Blow motioned and Vice Chair Thornton seconded to Re-appoint Paul Weinstein as Associate to the Zoning Board of Appeals, term to expire 12/31/2018.

VOTE: Unanimous.

6606 Discussion with Action: Approve the Special Event Permit application for the Town of Old Orchard Beach to hold the annual Memorial Day Parade on Monday, May 30th, 2016 from 8 a.m. (set up in Memorial Park) to 3 p.m. (takedown); line-up on E. Emerson Cummings Blvd at Noon, parade to begin at 1:00 p.m.; ceremony in Memorial Park; and a request to waive the fee.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Approve the Special Event Permit application for the Town of Old Orchard Beach to hold the annual Memorial Day Parade on Monday, May 30th, 2016 from 8 a.m. (set up in Memorial Park) to 3 p.m. (takedown); line-up on E. Emerson Cummings Blvd at Noon, parade to begin at 1:00 p.m.; ceremony in Memorial Park; and a request to waive the fee.

VOTE: Unanimous.

6607 Discussion with Action: Appoint Peter Hornby as a Regular Member of the Conservation Commission, term to expire 12/31/2016.

MOTION: Councilor Blow motioned and Councilor Tousignant seconded to Appoint Peter Hornby as a Regular Member of the Conservation Commission, term to expire 12/31/2016.

VOTE: Unanimous.

6608 Discussion with Action: Set a Public Hearing date of February 16, 2016, to Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 18, Business Licenses, Section 18-35 (Denial; imposition of conditions of issuance), 18-38 (Renewals) and 18-39 (Suspension or Revocation.)

BACKGROUND:

The Administrative Review Board has met several times to review the Town of Old Orchard Beach Code of Ordinances, Chapter 18, Business Licenses, Sections 18-35 (Denial, Imposition of conditions of issuance), 18-38 (Renewals), and 18-39 (Suspension of Revocation). The Board recommended the following amendments to the ordinance:

- 1. Clarifying that the Council shall consider information provided by the Administrative Review Board in determining whether to issue, issue with conditions, or deny a business license.**
- 2. Add the Planning Director as a member of the Administrative Review Board.**

3. Specify that the Administrative Review Board membership will include two alternate members; an alternate member of the business community and an alternate citizen member.
4. Clarify that when reviewing a license holder pending renewal the Administrative Review Board can determine that the License Administrator may renew the license without further action by the Town Council.

The Town Manager described and noted the recommended changes to the Ordinance; changes recommended by the Administrative Review Board.

MOTION: Vice Chair Thornton motioned and _____ seconded to Set a Public Hearing date of February 16, 2016, to amend the Town of Old Orchard Beach Code of Ordinances, Chapter 18, Business Licenses, Section 18-35 (Denial; imposition of conditions of ISSUANCE), 18-38 (Renewals) and 18-39 (Suspension or Revocation).

VOTE: Unanimous.

**NOTICE OF PUBLIC HEARING
MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH**

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on February 16th, 2016, 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 18, Business Licenses, sections 18-35, Denial; imposition of conditions for license, Section 18-38, Renewals, and Section 18-39, suspension or revocation, of the Town of Old Orchard Beach Code of Ordinances is amended by adding the underscored language:

Sec. 18-35. - Denial; imposition of conditions for issuance.

- (a) Failure to provide any of the information required by section 18-33 to the license administrator in a timely manner shall be cause for a denial of a license application.
- (b) The town council shall consider information provided by the applicant or received from the administrative board convened per section 18-38 or 18-39, the building inspector, the electrical inspector, the town manager, the police chief, the fire chief or any other municipal employee or the general public in determining whether to issue, issue subject to conditions, or deny any license requested. The town council may deny a license application if it finds that:
 - (1) The applicant does not have the legal right to occupy the premises for which the license is sought;
 - (2) Required state or local permits have not been obtained or applied for;
 - (3) The business or activity is not or the premises are not in compliance with other local ordinances;
 - (4) Any public health, safety or welfare problems which occurred in the operation of the business or activity or a similar business or activity on the premises during

the immediately preceding year were not satisfactorily resolved and are likely to recur;

- (5) The applicant for the license has, during the immediately preceding year, committed or permitted, in the course of conducting a business or activity subject to this article, an act or omission which constitutes a violation of this article as defined in section 18-28 or 18-39;
 - (6) The applicant is delinquent in paying any personal property tax assessed by the town, unless there is pending at the time of application for the license a request for abatement of the tax or an appeal of the tax assessment;
 - (7) The licensed location has had three or more documented and relevant disturbances as verified by the police chief within the previous licensing period, which documentation shall be provided to the license administrator by the police department; or
 - (8) The applicant owes any fine, penalty or judgment to the town as a result of any violation of this article and the fine, penalty or judgment, with any accrued interest, has not been paid in full. Notwithstanding anything to the contrary in 1 M.R.S.A. § 18-3202, this subsection applies to actions and proceedings pending on the effective date of the Ordinance of April 15, 1997.
 - (9) The applicant owes any amount to the Town of Old Orchard Beach for services rendered by the town or by town employees to the applicant or the applicant's property, is in default on any performance guarantee or contractual obligation to the town, or is otherwise delinquent in any financial obligation to the town, including real property taxes.
- (c) The town council may also impose conditions on the operation of any licensed business or activity, such as restrictions on the hours of operation, a requirement of trash removal at specified intervals, or implementation of particular forms of crowd control, where the public interest so requires.
- (d) When the town council denies a license, written notice of the decision shall be provided to the applicant within ten days thereof, which shall set forth the reasons for the denial. The licensee shall receive written notice in the same manner of any conditions imposed upon the license whenever conditions are imposed, and the license administrator shall note such conditions on the license records maintained by the license administrator.

(Ord. of 6-13-1961, § 4(C); Ord. of 2-16-1988; Ord. of 6-18-1991; Ord. of 11-8-1993; Ord. of 3-4-1997; Ord. of 4-15-1997; Ord. of 3-2-1999; Ord. of 4-20-1999; Ord. of 4-15-2008; Ord. of 5-4-10(1))

Sec. 18-38. - Renewals.

- (a) The license administrator is authorized to renew, without further action by the town council, the license of any person holding a license pursuant to this article, referred to as the "licensee," upon receipt of the required fee and of a written statement from the licensee that there has been no material change in the information provided in the licensee's previous application. The license administrator may not renew a license, but must refer the application to the town council, if:
- (1) The license has been suspended or revoked by the town council during the preceding licensing cycle as outlined in section 18-31 of this chapter
 - (2) The license administrator has received, during the past licensing cycle as outlined in section 18-31 of this chapter, any written complaint from any person charging

that the licensee has violated the terms of this article or any other section of this Code or town ordinance.

- (3) The applicant is delinquent in paying any personal property tax assessed by the town, unless there is pending at the time of application for the license a request for abatement of the tax or an appeal of the tax assessment.
 - (4) The licensed location has had three or more documented and relevant disturbances as verified by the police chief within the previous licensing cycle as outlined in section 18-31 of this chapter, which documentation shall be presented to the license administrator in writing by the police department.
- (b) In cases involving a complaint under subsection (a)(2) of this section or disturbances under subsection (a)(4) of this section, the license administrator shall bring the complaint or disturbance to the attention of the town manager before referring the application to the town council. The town manager will then convene an administrative board consisting of the town manager; the police chief; the fire chief; the license administrator; the planning director; a member of the town business community appointed by the town council; and a citizen of the town, not an employee of the town, appointed by the town council, an alternate member of the town business community appointed by the town council; and an alternate citizen of the town, not an employee of the town, appointed by the town council, to discuss the complaint or disturbance with the applicant. At this time, the town manager shall notify the town council chairperson, in writing, that this board is being convened. The purpose of the administrative board will be fact finding with the goal of resolving the issues raised by the complaint or disturbance. The administrative board can determine that the license administrator may renew the license without further action by the town council. If the administrative board finds that the applicant has not successfully addressed the complaint or disturbance, the administrative board shall propose a consent agreement with the applicant to address the complaint or disturbance. If the applicant fails to appear before the administrative board, or fails to accept a consent agreement proposed by the administrative board, the license administrator shall refer the application to the town council with the recommendation that the license not be renewed.
- (c) Action undertaken by the administrative board will be viewed as advisory to the town council. The town manager will place recommendations on the agenda for the next regular meeting of the town council. The town council will act upon such recommendations in the same manner as used for license hearings.

(Ord. of 6-13-1961, § 1-A; Ord. of 2-16-1988; Ord. of 6-18-1991; Ord. of 11-8-1993; Ord. of 3-2-1999; Ord. of 4-20-1999; Ord. of 9-18-2001; Ord. of 5-4-10(1))

Sec. 18-39. - Suspension or revocation.

- (a) The town council, upon notice and after hearing, for cause, may suspend or revoke any license issued pursuant to this article. The term "cause" shall mean the violation of any license condition, any section of this article, any condition constituting a threat to the public health or safety, or the revocation or suspension of any state or local license that is a condition precedent to the issuance of a license pursuant to this article. The term "cause" shall also include any of the grounds for denying a license application under section 18-35.* Licenses may be temporarily suspended without prior notice and hearing if, in the judgment of the building inspector, the town manager or the town council, the continued operation of the licensed business or activity constitutes an immediate and substantial threat to the public health and safety, provided the licensee receives written notification of the suspension and the

reasons therefor, prior to its taking effect, and a hearing is scheduled as soon as possible thereafter.

*Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, this amendment shall apply to any actions or proceedings pending on the date of its enactment.

- (b) Before the town council conducts a hearing on a suspension or revocation, the town manager will convene an administrative board consisting of the town manager; the police chief; the fire chief; the license administrator; the planning director; a member of the town business community appointed by the town council; and a citizen of the town, not an employee of the town, appointed by the town council, an alternate member of the town business community appointed by the town council; and an alternate citizen of the town, not an employee of the town, appointed by the town council, to discuss with the licensee the situation giving rise to the possible suspension or revocation.
- (c) The purpose of the administrative board will be fact finding with the goal of resolving the situation by proposing a consent agreement with the licensee. If the licensee fails to appear before the administrative board or fails to accept a consent agreement proposed by the administrative board, the license administrator shall recommend to the town council that the license be suspended or revoked, as appropriate.
- (d) Action undertaken by the administrative board will be viewed as advisory to the town council. The town manager will place recommendations on the agenda for the next regular meeting of the town council. The town council will act upon such recommendations in the same manner as used for license hearings.

(Ord. of 6-13-1961, § 5(C); Ord. of 2-16-1988; Ord. of 8-7-2001; Ord. of 9-18-2001; Ord. of 4-15-2008)

MOTION: Vice Chair Thornton motioned and Councilor Blow seconded to Set a Public Hearing date of February 16, 2016, to Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 18, Business Licenses, Section 18-35 (Denial; imposition of conditions of issuance), 18-38 (Renewals) and 18-39 (Suspension or Revocation.)

VOTE: Unanimous.

6610 Discussion with Action: Approve Order #2016-1, entitled "Order to Authorize Lease Purchase of a 2016 International 7400 Truck in the Principal Amount of \$166,724," and that an attested copy of this Order be filed with the Minutes of this meeting.

BACKGROUND:

TO: Larry Mead
FROM: Diana H. Asanza

RE: Emergency Agenda Item
 – Lease Purchase Financing Order

I have requested an emergency agenda item to be added to the February 2, 2016 Council meeting to complete the lease purchase financing requirements for the 2016 International truck. The purchase of this truck was previously approved by Council on August 18, 2015.

I recently became aware of the additional requirements when I received the lease documents from the bank. Because the lease purchase is over \$100,000 the Town is required to obtain a legal opinion from bond counsel and Town Council must vote and approve a lease purchase financing order.

Bond Counsel has prepared the order, which is attached, and the motion for tonight's meeting.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Approve Order #2016-1, entitled "Order to Authorize Lease Purchase of a 2016 International 7400 Truck in the Principal Amount of \$166,724," and that an attested copy of this Order be filed with the Minutes of this meeting.

VOTE: Unanimous.

February 2, 2016: Order # 2016-1

Agenda: To see what action the council will take to approve Order # 2016-1, entitled, "Order to Authorize Lease Purchase of a 2016 International 7400 Truck in the Principal Amount of \$166,724.00."

Motion: I move that the council approve Order # 2016-1, entitled, "Order to Authorize Lease Purchase of a 2016 International 7400 Truck in the Principal Amount of \$166,724.00," and that an attested copy of this Order be filed with the minutes of this meeting.

ORDER TO AUTHORIZE LEASE PURCHASE OF A 2016 INTERNATIONAL 7400 TRUCK IN THE PRINCIPAL AMOUNT OF \$166,724.00

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 Section 409.12 of said Charter, the Town Manager is authorized to accept the proposal of Gorham Savings Leasing Group, LLC (the "Lessor"), to provide tax-exempt lease purchase financing for a 2016 International 7400 Truck to be purchased from Portland North Truck Center (the "Equipment") in the principal amount of \$166,724.00 payable with interest at 3.4% per annum in seven (7) substantially equal annual payments, commencing on or about February 15, 2016, and any such prior action by the Town Manager is hereby ratified and confirmed;

That the Town Manager is authorized to execute and deliver a Municipal Lease Purchase Agreement with Lessor, or its nominee, in the name and on behalf of the Town for the Equipment, with an purchase price of \$166,724.00, in such form and on such terms not inconsistent herewith as the Town Manager may approve (the "Lease"); That no part of the proceeds of the Lease shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the Lease to be a "private activity bond" or an "arbitrage bond" within the meaning of Sections 141 and 148, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"); That the Lease issued pursuant hereto is designated as a qualified tax-exempt obligation within the meaning of Section 265(b)(3) of the Code; That the Town Manager is authorized 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 Lease, and to take all other lawful actions necessary to ensure that the interest portion of the rental payments under and pursuant to the Lease 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 such interest portion of the rental payments to become includable in the gross income of the owners thereof; That the appropriate officials of the Town are authorized to execute and deliver such other documents and certificates as may be required in connection with the Lease; and That an attested copy of this Order be filed with the minutes of this meeting.

A true copy, attest:

Kim McLaughlin, Town Clerk

GOOD AND WELFARE

HELENE WHITTAKER: I would like to take this opportunity to speak to you about “complete streets”. If we are to become an age-friendly Town we need to address our streets and roads becoming complete to accommodate all residents and visitors, young and old. Complete Streets are planned, designed, maintained and operated to enable safe, convenient, appealing and continuous travel networks for all users. The goal is to formalize the planning, design, operation and maintenance of streets so that pedestrians, bicyclists, motorists and bus riders of all ages and abilities, are able to safely move from destination to destination along and across the street network. Complete Streets, according to the policy, should support many of the goals outlined in the Town’s Comprehensive Plan, Town-wide transportation study, and various neighborhood plans. OOB is still in the working stage with their Comprehensive Plan and should include “complete streets.” Other towns in the Greater Portland area, have already adopted similar Complete Streets policies. I believe it would be a great statement for our community and would help us move in a direction of a more inclusive, better lifestyle for our residents as well as our vacationers. We see more and more vehicles coming into Town with bike racks using their bike as their mode of transportation here in Town and on the trails. We have J1 students commuting to work the yellow shirts patrolling on their bikes. This is certainly the direction of a lot of communities that are forward-looking and moving in, and this is another way OOB should be making an effort to look out for all our residents. Please take this information (hand out) and let’s make OOB an even better, forward-thinking community. Thanks. Helene Whittaker.

PAT BROWN: I needed a break today and watched a little mindless TV to clear my brain. It happened to be an episode of Bonanza about a guy who spent a 24hr period rowing a boat –a boat on wheels-- across all kinds of prime grazing land. Turns out, he had found a little known law that gave him the right to buy every acre of land he rowed across at a ridiculously low price. The lawmakers hadn’t seen the necessity to have the words “in water” as part of the law. Residents around the Territory filed an injunction to stop any ceding of property to this man until the words “in water” could be added to the law. From that program I learned that no matter how hard lawmakers or Planners may try, there’s no way to anticipate what words have been left out, which in turn, affect the original intention of the law or ordinance. The current project before the Planning Board would have been deemed ineligible if the words for that GB zone contained an exclusion for any and all “high volume vehicle business”. Those words are not there, but there is a 9 item check list of criteria to be met for Site Plan Approval by the Planning Board. Item #5 is The proposed project will not have an adverse on-site and off-site impact upon existing vehicle (ular) and pedestrian circulation systems within the community or neighborhood. There was on Public Hearing held two concepts ago. The public spoke without seeing the proposed concept which was scheduled and discussed much later in the meeting. Much of what was heard deepened the concern, not only of the abutters but of residents and taxpayers throughout this entire community. 4 of abutters at that meeting came together

and got 148 signatures of other equally concerned abutters in just 4 days. Many of the people signing the document had not previously heard anything about the proposal at all. There have been changes to the site plan since that Public Hearing that the residents have not had the opportunity to comment about. The one simple request to Council is focused on these points. The Town Council does not oversee the Planning Board, but you, the Council members, do represent the residents and taxpayers of this Town. And this one simple request is on behalf of the residents and taxpayers you have been elected to represent. In addition, you are each an OOB resident and several of you have professions that give you keen insights of the types of “challenges” this proposal presents. The residents and taxpayers are asking Town Council to implore the Planning Board to hold one more public hearing. They are not required to do so, but we all hope they will agree as a show of respect for the residents and taxpayers of this Town. One would hope that as a future potential abutting business, the applicant would see the value in making sure the concerns of the residents and taxpayers are heard and considered. Thank you for your time.

Site Plan Criteria for Approval

5. The proposed project will not have an adverse on-site and off-site impact upon existing vehicular and pedestrian circulation systems within the community or neighborhood.

The basic scenario: The only entrance to DD is on Smithwheel. Cars leaving Town will turn right onto Smithwheel and then left into DD. At the same time, cars will be coming down Smithwheel, waiting in line in their own lane to turn right into DD. There will still be cars coming down Smithwheel to turn left or right for work, etc. The cars coming from Ocean Park Rd need to turn across the cars traveling down Smithwheel and merge in turn with the cars waiting in line. Add to that pedestrians and bicycles crossing both Smithwheel and also Ocean Park Road (add in J-1s and campground vacationers all summer).

Tourism.

How long do you think it will take for Old Orchard to have the same situation as is so common along Rt. 1 in Ogunquit? It's impossible to get to the Marginal Way or anywhere else in Ogunquit during season. Every person asked about that spot reacts by saying “I never go through there.” Tourists have short tempers and no patience. How many day trippers will be lost due to traffic? What will that do to local businesses such as parking lots (private and Town owned), stores, restaurants? “You can't get there from here” will be painfully true.

Public Safety

This location is continually referred by the Town hired Professional Engineer as “challenging” with no solution to public safety concerns, only compromises by choosing the lesser evils. With that said, why even consider putting the public at risk even more than they currently are given the multitude of existing curb cuts and pedestrian/vehicle dangers? This business is welcome, just not in this location.

Many senior citizens who live in that area fear ambulances will be delayed in getting to them, and then, instead of accessing the highway to the hospital within 30 seconds by going down Ryefield to Smithwheel to the Spur, the ambulance will be forced to use Smithwheel to Saco Ave to Ocean Park Road to the Spur—a significantly longer route. This concern is shared by the Fire Chief.

Our Town Manager, Fire and Police Chiefs and Public Works Director state that “this plan does not satisfactorily mitigate the public safety concerns for either pedestrian or vehicular traffic” and “are very concerned with the sheer quantity of separate but interrelated vehicle and pedestrian decision points that occur in a relatively small area...” (refer to email from Town Manager to Jeffrey Hinderliter dated 1-28-2016 included).

The only entrance to Dunkin Donuts will be on this road. Even in winter, this road is a constant source of traffic back-up with bad sightlines for drivers waiting to exit left or right, and sometimes driver misjudgment results in accidents. Add a high-volume business to this equation, with waiting customers blocking residents' driveways and trying to turn left from the main road to get to Dunkin Donuts, and the public safety problem is compounded exponentially.

Two school bus routes go down Smithwheel and Ryefield during DD peak hours, turning both right and left onto Ocean Park Road. There are children waiting at stops and the driver will have to navigate through traffic while attempting to keep on schedule. Some of the parents along that route signed the abutters documents.

The proposed site at the entrance to town comes directly off I-95. Cars do not slow down, even though they are instructed to do so. The proposed solutions to slow down traffic will result in severely backed up traffic, especially on Fridays and Sundays, on top of where the traffic already backs up due to campers checking in at the campground on Ocean Park Road. We are a tourist destination and cater to summer visitors. The stopped traffic will result in Dunkin Donuts customers threading through 3 or 4 lanes of traffic in between stopped cars, each of which is looking to pull out and escape this traffic jam.

Residents and taxpayers leaving Ocean Park for work or to do errands will be greatly impeded from accessing the Spur. The Shuttle Bus cite concerns about the effect this will have on their schedules (attached).

Areas of concern stated by the PE hired by the Town at the January 14, 2016 meeting:

1. Pedestrians/cyclists crossing Ocean Park Rd. from the very large campground across the street to get coffee.
2. An already existing crosswalk 150' away from this spot in a high pedestrian/bike crossing area. According to MDOT, 2 crosswalks so close together is not advisable. (If one is to be removed, which one? The other location is designated a high accident area already)
3. MDOT will not allow a traffic light because they believe current volume off of Smithwheel doesn't warrant it. A light could also cause traffic to back up onto the interstate spur, especially at high volume periods, similar to what happens now with cars exiting to go to Saco.
4. High speed of cars coming off the interstate.
5. Merging of traffic off the interstate from 2 lanes to 1 exactly where the proposed site is.

6. A multitude of already existing curb cuts adding to the dangerous situation.
7. Larger trucks on-site issues (delivery and trash pick-up).
8. Large trucks turning right onto Ocean Park Rd from Smithwheel that will be forced to now enter into the opposing traffic lane to make that turn due to proposed changes in the road.
9. Queuing—queuing equals the amount of volume that is taking that movement and the amount of gaps in opposing traffic. The PE agreed with Mark Koenigs of the Planning Board when Mark said in the meeting he felt the proposed queuing lanes are short. DD's Drive Thru will have capacity for only 15 vehicles on property and anticipate during peak hours 300 "trips" which consist of 150 vehicles/hr. (Not sure what the other 150 are). Given that, and the entrance location, traffic will severely back up onto both Smithwheel and onto Ocean Park Road.
10. Line of sight for vehicles turning left will be obstructed by cars in the queuing line.

Not mentioned, but should be a consideration:

- School buses—children waiting by the road, school buses entering Smithwheel from Ocean Park Road and exiting Smithwheel to Ocean Park Road.
- The back up traffic on Temple Ave.
- The inconvenience caused to the residents of Smithwheel area having their driveway blocked by heavy traffic all year round, preventing emergency vehicles coming to their rescue quickly.

Thank you. Pat Brown

Also speaking this evening and representing the 148 signatures that were presented to the Council by Pat Brown, Karen Brozek, Arlene Dolgan, Fred Dolgan and Jerome Begart spoke as well bring up issues such as: traffic congestion; a senior citizen neighborhood; safety issues; noise, we are the ones that pay the taxes; RSU bus transportation of our Children; Shuttlebus concerns; inconvenience of heavy traffic all day limiting access from some driveways; concern about ambulances and fire truck access, etc.

6609 Executive Session: Old Orchard Beach Waste Water Employee's Association Contract pursuant to 1 M.R.S.A., Section 405(6)(D). (Note: This Item discusses labor negotiations, and the Council anticipates that the discussion portion will occur in Executive Session.

The Council thanked those who have come before the Council with their concern and expressed the fact that the Planning Board is the one that makes the decision except that the Council would have to approve a license. That really would be another issue since should the Council not approve the license it would be so doing on a business that has already been built which would be an issue in itself. Councilor Tousignant explained his experience on the Planning Board and the fact that the MDOT makes rules that cannot be overridden by the Council and that certain zoning regulations also complicate this issue.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Enter into Executive Session: Old Orchard Beach Waste Water Employee's Association Contract pursuant to 1 M.R.S.A., Section 405(6)(D). (Note: This item discusses labor negotiations, and the Council anticipates that the discussion portion will occur in Executive Session.

VOTE: Unanimous.

MOTION: Councilor Tousignant motioned and Vice Chair Thornton seconded to exit Executive Session: Old Orchard Beach Waste Water Employee's Association Contract pursuant to 1 M.R.S.A., Section 405(6)(D).

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Adjourn the Town Council Meeting at 8:50 p.m.

VOTE: Unanimous.

Respectfully Submitted,

**V. Louise Reid
Town Council Secretary**

I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of nineteen (19) pages is a copy of the original Minutes of the Town Council Meeting of February 2, 2016.

V. Louise Reid

February 2, 2016: **Order # 2016-1**

Agenda: To see what action the council will take to approve Order # 2016-1, entitled, "Order to Authorize Lease Purchase of a 2016 International 7400 Truck in the Principal Amount of \$166,724.00."

Motion: I move that the council approve Order # 2016-1, entitled, "Order to Authorize Lease Purchase of a 2016 International 7400 Truck in the Principal Amount of \$166,724.00," and that an attested copy of this Order be filed with the minutes of this meeting.

**ORDER TO AUTHORIZE LEASE PURCHASE OF A 2016 INTERNATIONAL 7400
TRUCK IN THE PRINCIPAL AMOUNT OF \$166,724.00**

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 Section 409.12 of said Charter, the Town Manager is authorized to accept the proposal of Gorham Savings Leasing Group, LLC (the "Lessor"), to provide tax-exempt lease purchase financing for a 2016 International 7400 Truck to be purchased from Portland North Truck Center (the "Equipment") in the principal amount of \$166,724.00 payable with interest at 3.4% per annum in seven (7) substantially equal annual payments, commencing on or about February 15, 2016, and any such prior action by the Town Manager is hereby ratified and confirmed;

That the Town Manager is authorized to execute and deliver a Municipal Lease Purchase Agreement with Lessor, or its nominee, in the name and on behalf of the Town for the Equipment, with an purchase price of \$166,724.00, in such form and on such terms not inconsistent herewith as the Town Manager may approve (the "Lease");

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

That the Lease issued pursuant hereto is designated as a qualified tax-exempt obligation within the meaning of Section 265(b)(3) of the Code;

That the Town Manager is authorized 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 Lease, and to take all other lawful actions necessary to ensure that the interest portion of the rental payments under and pursuant to the Lease 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 such interest portion of the rental payments to become includable in the gross income of the owners thereof;

That the appropriate officials of the Town are authorized to execute and deliver such other documents and certificates as may be required in connection with the Lease; and

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

A true copy, attest:

Kim M. Laughlin
Kim McLaughlin, Town Clerk 2-2-2016