

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL SPECIAL MEETING
Tuesday, July 19, 2016
TOWN HALL CHAMBERS
6:30 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, July 19, 2016. Chair O'Neill opened the meeting at 6:30 p.m.

The following were in attendance:

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

Absent: Councilor Kenneth Blow

CHAIR: I call for a correction to Agenda Item Number 6750 - Discussion with Action: Convey foreclosed property identified at 11 Smithwheel Road, Parcel Numbers 00210-00001-07-11 through 00210-0001-07-37, and parcel number 00210-0001-07-39, for the total amount of outstanding taxes and accumulated interest, due on the effective date of conveyance, including estimated 2016 (should be 2017) taxes, plus legal costs incurred by the Town of Old Orchard Beach. I also ask that this Item be moved to New Business before Agenda Item Number 6741.

MOTION: Councilor Tousignant motioned and Councilor Kelley to Convey foreclosed property identified at 11 Smithwheel Road, Parcel Numbers 00210-00001-07-11 through 00210-0001-07-37, and parcel number 00210-0001-07-39, for the total amount of outstanding taxes and accumulated interest, due on the effective date of conveyance, including estimated 2017 taxes, plus legal costs incurred by the Town of Old Orchard Beach. Also request that Agenda Item 6750 be moved on the agenda before Agenda Item Number 6741.

VOTE: Unanimous.

CHAIR: I would call for a Motion to Remove without Prejudice Agenda Item Number 6751 – Executive Session. We will schedule this at our next meeting on August 2, 2016.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Remove without Prejudice Agenda Item Number 6751 – Executive Session to be scheduled at our next meeting on August 2, 2016.

VOTE: Unanimous.

PRESENTATION: GOOSEFARE WATERSHED MANAGEMENT
Wendy Garland – DEP – Bureau of Water Quality
Theresa Galvin – York County Soil and Water

Wendy Garland and Theresa Galvin of the Watershed Management Unit – Division of Environmental Assessment made a presentation at the Town Council Meeting on the Goosefare Brook. The Watershed is 9.2 square miles of watershed including many scenic and recreational areas and including high density, commercial, industrial, residential areas. The goals of the Clean Water Act include fishable, swimmable, drinkable matters. Some of the impairments include aquatic life, bacteria and toxics. The plan development includes stream monitoring which includes water quality monitoring, stream corridor assessment, fish and fish barrier surveys and watershed mapping. The Stakeholder process included the development of a Steering Committee and Public Hearing which occurred in June of 2014 and the establishment of a technical subcommittee. There are five target stressors including toxics, road salt, bacteria, nutrients, and habitat. In planning to move forward it is the goal to improve Goosefare Brook water quality and habitat so it meets State standards and are safe for human contact. There is a need to protect the stream and its tributaries from current and future impacts. Also there is a desire to raise public awareness and create and maintain community support. Moving forward with an action plan includes the protection and restoration of the stream including concentration on nutrients, toxics, bacteria, chloride, and habitat. “If your dog poops – you scoop.” Moving forward will implement stormwater infiltration and treatment retrofits while identifying additional high priority retro fits in Old Orchard and Saco. Hopefully Phase 1 will be completed by 2026; Phase 2 by 2031. Secondly to increase stream buffer protection and restoration which means restoring stream buffers in targeted hotspots identified during the 2015 Geomorphic Assessment and the Stream Corridor Survey. The goals dates are the same. Thirdly, improve local land use and development of ordinances. The improvement of ordinances includes for both new development and redevelopment. Fourth, raise public awareness and education in regard to fertilizer and pesticide application and disposal of lawn waste and encourage residents to use natural landscapes. Fifth, create nutrient management plans and provide recognition and/or awards and demonstration sites to promote nutrient management. Target large landowners in the watershed (examples such as golf courses, schools, campgrounds and high-risk neighborhood. Sixth, target workshops and demonstration areas by hosting target workshops and demonstration sites in high-risk neighborhood areas; and seventh, inventory and encourage increased frequency of street sweeping on commercial properties by encouraging commercial businesses to increase sweeping of their streets and parking areas. The Action Plan includes Plan oversight, funding and education and outreach. Recent work that has been done includes ongoing water monitoring, stream cleanup, Saco Culvert Grant, 319 implementations and grant proposal. Implementation Tasks include stormwater retrofits (one in Old Orchard and four in Saco); buffer installation in Saco; Erosion sites in Saco; sewer connection program in Old Orchard Beach, education and outreach; planning and development in Old Orchard Beach; and stormwater retrofit cost sharing program in Saco. Next steps include continued water monitoring, town acceptance of the plan and forming of a Goosefare Brook Restoration Committee.

The Town Council will be asked to accept the recommendations at the August 2, 2016 meeting at which time they will motion - Be it ordered that the Town Council does hereby accept the completed Goosefare Brook Watershed Management Plan and will utilize its recommendations to help improve water quality, protect against future impacts, and raise public awareness towards the restoration of Goosefare Brook.

ACKNOWLEDGEMENTS:

VICE CHAIR THORNTON: We wish to acknowledge a new business which held its ribbon cutting this past week. We encourage you to stop by BEACH BUDZ RECORDS AND CIGARS. They did a marvelous job in displaying old records from many ages. Located at 30 Saco Avenue, it is a very well done presentation of history with an enchanted glamour to the business.

ASSISTANT TOWN MANAGER: I have been requested to read this letter into the Minutes. "Gentlemen: As the organizers and directors of the annual "Back to the Beach Corvette Weekend", we would like to extend our sincerest thanks to you for the extraordinary cooperation and support we have received from members of the community. Deputy Chief Timothy DeLuca of the Old Orchard Beach Police Department has been a huge help to us for years, and has always cheerfully taken on the task of organizing both the cruise-in on Main Street downtown on Saturday morning and the parade through town associated with it. During this year's weekend (June 9 – 12, 2016), his officers arranged for the safety of the 280 cars that parked downtown during the display and for their safe passage along the streets of Old Orchard during the parade. We would also like to thank the good people of OOB-365, whose fine volunteer staff arranged for and served a Lobster & Steak Bake on Thursday, June 9th for so many of our attendees. Sharri MacDonald went above and beyond while working with us to make the entire weekend run smoothly. The folks who run the Fielder's Choice Ice Cream parlor were also very kind in welcoming the early birds who came for an extra day of fun in Old Orchard Beach. The 264 members of what we affectionately call "Corvette Nation" who attended the event, and the others who came from all over New England just for the day on Saturday, were made to feel very welcome by the citizens of our fine town. On behalf of all of them, and for ourselves, we would like to thank you and the entire town for the overwhelming reception you give us each year. The weekend has grown from an original 20 couples in one motel to over 125 couples in five local motels. This doesn't happen unless people feel welcome, and your town has certainly made sure of that. We feel at home here and plan to return again and again. Our very best wishes for a prosperous summer. We look forward to our next adventure in Old Orchard Beach. Sincerely – your event coordinators – Ralph Quaglietta and Sandie Bergeron.

ACCEPTANCE OF MINUTES:

Accept the Town Council Minutes of June 21, 2016; Town Council Workshop of June 21, 2016; Administrative Review Board Minutes of June 17, 2016; and Special Town Council Meeting of July 12, 2016.

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

VOTE: Unanimous.

PUBLIC HEARING: BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 7:01 p.m.

James & Franca Morgan (104-2-5), 121 B Portland Avenue, one year round rental; Michael Polakoff (104-2-14-702), 135 Portland Avenue, Unit #702, one year round rental; Cheryl Theriault (202-1-8-1), 193 East Grand Avenue, Unit #1, one year round rental; Cheryl Theriault (301-7-10-23), 190 East Grand Avenue, Unit #23, one year round rental; Afshad Irani (302-7-1-5), 152 East Grand Avenue, Unit #5, one year round rental; 2 Walnut LLC (304-2-9), 2 Walnut Street, one year round rental; Anna M. Johnson (311-5-5), 66 Washington Avenue, three year round rentals; Evan & Nicole Buxton (316-5-2-1), 15 Seacliff Avenue, Unit #1, one seasonal rental; and George Hogan (315-7-1), 17 Seacliff Avenue, one year round rental.

CHAIR: I close this Public Hearing at 7:03 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 indicated that there were over 40 applicants for the Fire Chief position and that interviews and second interviews have been done and he is waiting for background checks and plans to bring to the Council in August a recommendation for a new Fire Chief. He continued to work regularly with the downtown maintenance contractor to refine and improve their efforts both downtown and on the beach. He has been pleased with their performance and efforts. Memorial Park Tennis Courts are complete and being used. Met with a structural engineer on Town Hall towers with a goal of doing the work next Spring. Road striping is completed. Waste Water and Wright Pierce and the Town Manager met to discuss the capital project on dewatering building and efforts to reduce odors. Met with the Library director and project engineer on site at the Library to plan for window replacement in the original building which is to be done in September. Received notice that the Town was awarded \$100,000 for a safe neighborhoods grant to be used by the Police Department for drug enforcement and mitigation activity.

NEW BUSINESS:

6750 Discussion with Action: Convey foreclosed property identified at 11 Smithwheel Road, Parcel Numbers 00210-00001-07-11 through 00210-0001-07-37, and parcel number 00210-0001-07-39, for the total amount of outstanding taxes and accumulated interest, due on the effective date of conveyance, including estimated 2017 taxes, plus legal costs incurred by the Town of Old Orchard Beach.

BACKGROUND:

There are 28 properties that were subject to tax foreclosure on or around January 27, 2014. The redemption price for the properties is \$140,982.15 plus legal expenses of \$1,485, for a total redemption price of \$142,467.15. Smithwheel Road LLC agrees to repurchase the properties on these terms.

MOTION: Councilor Kelley motioned and Councilor Tousignant seconded to Convey foreclosed property identified at 11 Smithwheel Road, Parcel Numbers 00210-00001-07-11 through 00210-0001-07-37, and Parcel Number 00210-0001-07-39, to the former owner, Smithwheel Road LLC, for a total amount of outstanding taxes and accumulated interest, due on the effective date of conveyance, including estimated 2017 taxes, plus legal costs incurred by the Town of Old Orchard Beach. The redemption price of the properties is \$140,982.15 plus legal expenses of \$1,485, for a total redemption price of \$142,467.15.

VOTE: Unanimous.

PHILIP F. COPPINGER, ESQ.

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July 13, 2016

Ms. Deborah Mulherin, Tax Collector
Old Orchard Beach Town Hall
1 Portland Avenue
Old Orchard Beach, ME 04064

Re: 11 Smithwheel Road, Old Orchard Beach, Maine

Dear Ms. Mulherin:

I represent Smithwheel Road, LLC, the owner of record of the following properties:

<u>Property Address</u>	<u>Parcel Number</u>
11 Smithwheel Road #11	00210-00001-07-11
11 Smithwheel Road #12	00210-00001-07-12
11 Smithwheel Road #13	00210-00001-07-13
11 Smithwheel Road #14	00210-00001-07-14
11 Smithwheel Road #15	00210-00001-07-15
11 Smithwheel Road #16	00210-00001-07-16
11 Smithwheel Road #17	00210-00001-07-17
11 Smithwheel Road #18	00210-00001-07-18
11 Smithwheel Road #19	00210-00001-07-19
11 Smithwheel Road #20	00210-00001-07-20
11 Smithwheel Road #21	00210-00001-07-21
11 Smithwheel Road #22	00210-00001-07-22
11 Smithwheel Road #23	00210-00001-07-23
11 Smithwheel Road #24	00210-00001-07-24
11 Smithwheel Road #25	00210-00001-07-25
11 Smithwheel Road #26	00210-00001-07-26

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11 Smithwheel Road #27	00210-00001-07-27
11 Smithwheel Road #28	00210-00001-07-28
11 Smithwheel Road #29	00210-00001-07-29
11 Smithwheel Road #30	00210-00001-07-30
11 Smithwheel Road #31	00210-00001-07-31
11 Smithwheel Road #32	00210-00001-07-32
11 Smithwheel Road #33	00210-00001-07-33
11 Smithwheel Road #34	00210-00001-07-34
11 Smithwheel Road #35	00210-00001-07-35
11 Smithwheel Road #36	00210-00001-07-36
11 Smithwheel Road #37	00210-00001-07-37
11 Smithwheel Road #38	00210-00001-07-38
11 Smithwheel Road #39	00210-00001-07-39

Each of these properties was the subject of a tax foreclosure on or around January 27, 2014.

It is my understanding that the redemption price for these properties is \$138,837.30, plus expenses of \$1,485.00, for a total redemption price of \$140,322.30.

Smithwheel Road, LLC agrees to repurchase the properties on these terms. Please place the redemption on the agenda for consideration by the Town Council.

If you have any questions or concerns, please contact me at (508) 372-0504.

Yours very truly,


Philip F. Coppinger

cc: Mr. Marcello M. Mallegni

6741 Discussion with Action: Set a Public Hearing date of August 2, 2016 to Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 2, Administration, Article IV – Boards, Committees, Commissions, Section 2-398 (Ballpark Commission) Appointment, Vacancies, term, Section 2-399, Powers and Duties, Section 2-401, quorum, procedure, officers, and Section 404, Ballpark is land owned by the public but not considered a park.

BACKGROUND:

Ballpark Manager Guy Fontaine has requested that the Council consider making changes to the ordinance in the following areas.

- 1. Allow non-residents to serve on the Ballpark Commission. The Ballpark Commission consists of seven members and two alternates. Currently there are four members with three vacancies (and two alternate vacancies). The proposal is to allow up to three non-residents to serve because the Ballpark needs to reach a regional audience in order to attract economically viable events. The rationale is that the Ballpark benefits when a non-resident is interested in serving and brings a skill-set that can contribute positively to the operations. It was the feeling of the Council that the Commission would benefit from members who bring experience and knowledge about managing and operating an events venue. Expanding Commission membership outside of Old Orchard Beach will help in getting that type of expertise on the Commission.**

MOTION: Vice Chair Thornton motioned and Councilor Kelley seconded to Set a Public Hearing date of August 2, 2016 to Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 2, Administration, Article IV – Boards, Committees, Commissions, Section 2-398 (Ballpark Commission) Appointment, Vacancies, term, Section 2-399, Powers and Duties, Section 2-401, quorum, procedure, officers, and Section 404, Ballpark is land owned by the public but not considered a park.

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 August 2nd, 2016, at 6:30 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 2, Administration, Article IV—Boards, Committees, Commissions, Sections 2-398 (Ballpark Commission) Appointment, vacancies, term, Section 2-399, Powers and Duties, 2-401, Quorum, procedure, officers, and Section 404, Ballpark is land owned by the public but not considered a park, is hereby amended by deleting the strikethrough language and adding the underscored language to the Town of Old Orchard Beach Code of Ordinances, as follows:

Sec. 2-398. - Appointment, vacancies, term.

The ballpark commission ("commission") shall consist of seven members appointed by the town council for a term of three years each commencing on the date of appointment, except that of those first appointed, three shall be for a term of three years, three shall be for a term of two years and one shall be for a term of one year. **Two of the Ballpark Commission members may be non-residents, but neither shall be elected Chair or Vice-Chair.** Any vacancy in the membership of the commission shall be filled by the town council for the unexpired term. Members whose terms expire shall continue to serve until their successors are appointed and qualified. Members of the commission serve at the will of the town council and may be removed by vote of the council at any time for any reason. Commissioners shall attend at least 75 percent of commission meetings held during a calendar year, either in person or by telephone or video conferencing. Commission members shall actively contribute their efforts to various tasks (e.g., meeting participation, timely completion of assignments, sub-committees) important to the usefulness of the commission's powers and duties.

(Ord. of 3-16-2010, § 3; Ord. of 2-1-2011(1); Ord. of 1-21-2014)

Sec. 2-399. - Powers and duties.

Subject to town council oversight, the commission is responsible for developing the Ballpark's business planning including improvement, maintenance, financial tracking, marketing, operations, and long-term property enhancements, offering recommendations to the town manager and town council for consideration and approval. Operations may include, but is not limited to equipment, materials, vendors and park users.

In order to carry out that responsibility, the commission shall have the following powers and duties:

Undertaking maintenance of and improvements to the physical facilities, subject to appropriation of funds therefore by the town council and subject to the town's established purchasing and procurement procedures.

Scheduling events, subject to issuance by the town council of special events permits under [chapter 42](#), article IV, division 5 of the Town Code.

Raising funds to be used exclusively for the improvement, maintenance and operation of the Ballpark through the sale of advertising or other promotional activities and through soliciting and accepting donations on behalf of the town, all in accordance with the town's established finance and accounting procedures.

All such funds received by the commission shall be remitted to the town treasurer for deposit in a dedicated revenue account denominated "the Ballpark Fund."

Soliciting, supporting and organizing the efforts of volunteers to assist in the improvement, maintenance and operation of the Ballpark as a community facility.

With the approval of the town manager, obtaining the assistance of town employees in connection with the improvement, maintenance and operation of the Ballpark. **Provide guidance to staff assigned to Ballpark management and operations by the Town Manager or Town Council.**

Performing such other duties and responsibilities and exercising such other powers as the town council may, from time to time, by order, assign to the commission.

(Ord. of 3-16-2010, § 4; Ord. of 1-21-2014)

Sec. 2-401. - Quorum, procedure, officers.

Four members of the commission, **three of which are Old Orchard Beach residents or own real estate in Old Orchard Beach**, shall constitute a quorum for the purpose of conducting a meeting. Any action by the commission requires a majority vote of those members present and voting. The commission may adopt additional rules, not inconsistent with this division, for the conduct of its activities.

The commission shall choose annually a chairperson, vice chairperson, secretary, and **may choose shall select** a financial liaison from among its members. The secretary shall maintain a permanent record of the commission's meetings. The financial liaison **will maintain maintains** records of purchase orders, invoices and other financial documents including the **town financial director's Finance Director's** monthly reports. Original financial records, including purchase orders, invoices and other financial documents, are maintained by the **town finance director Finance Director**.

(Ord. of 3-16-2010, § 6; Ord. of 1-21-2014)

Sec. 2-404. - Ballpark is land owned by the public but not considered a park.

The Ballpark, as defined in this division, is intended to be operated as a sports/entertainment/events and recreation area **that serves the Southern Maine regional market** and not as a public park subject to the care and superintendence of the conservation commission. The Ballpark's operation shall not be considered a recreation program subject to oversight by the recreation board.

(Ord. of 3-16-2010, § 9; Ord. of 1-21-2014)

6742 Discussion with Possible Action regarding proposed Amendments to the Town Charter regarding Section 201 and 1002.2 related to Town Council term limits; Section 409 related to disposing of real and personal property; Section 412 related to Conflicts of Interest; and Section 904 related to the Public Bulletin Board and Advertising of agendas; and set a Public Hearing for August 16, 2016 and Directions to the Town Clerk to issue the Statutory Notices for the Public Hearing.

BACKGROUND:

At the Council's request staff drafted a number of proposed charter changes for the ballot in November.

- 1. Term limits: Remove the language setting a limit of two terms, or seven consecutive years of service for Town Councilors.**
- 2. Sale of property: Currently sale of Town property, including tax acquired and surplus property, is allowed by sealed bid only. This process does not always provide the highest possible price to the Town. For example in selling the old ladder truck it is likely to the Town's advantage to work with a broker that can reach a national market for such a specialized vehicle. Another example is that using an auction service may be a preferred way to dispose of surplus public works or police**

vehicles. The proposed language change would require a competitive bid process rather than a sealed bid process.

3. **Conflicts of interest:** Existing language prevents an employee who is a relative of a Town Councilor from receiving any increase in compensation. The proposed language would allow an increase in compensation but require the Town Councilor to recuse himself from voting on any increase in compensation.
4. **Advertising of agendas:** The charter requires that the agenda for meetings of the Town Council and all other Town boards, committees or commissions be printed in the daily newspaper. This adds considerable expense. The most recent Town Council meeting agenda cost over \$900 to print in the Journal Tribune. The proposed change would require the agenda to be posted in Town Hall and also on the Town's website 3 days prior to the meeting.

MOTION: Councilor Kelley motioned and Vice Chair Thornton seconded to take action regarding proposed Amendments to the Town Charter regarding Section 201 and 1002.2 related to Town Council term limits; Section 409 related to disposing of real and personal property; Section 412 related to Conflicts of Interest; and Section 904 related to the Public Bulletin Board and Advertising of agendas; and set a Public Hearing for August 16, 2016 and Directions to the Town Clerk to issue the Statutory Notices for the Public Hearing.

VOTE: Unanimous.

DRAFT CHANGES TO CHARTER

Sec. 201. - Town Council, Town Clerk.

Sec. 201.1. Town Council. The Town Council shall be composed of five (5) members, with two-year terms, each of whom shall be elected by the registered voters of the entire Town, and each of whom shall serve until a successor is elected and qualified. The two-year terms of the Town Council shall be staggered, and expire at two year intervals. All terms shall expire on the third Monday in November of the term year. ~~No Town Councilor is eligible to serve more than seven years consecutively.~~

Sec. 409. - Enumeration of Powers.

Sec. 409.14. Dispose of real and personal property acquired through nonpayment of taxes, when deemed in the best interest of the Town, by ~~sealed competitive bids,~~ including, but not limited to a public auction or use of a brokerage firm. ~~except that the~~ The Council, in its discretion, may sell the property to the former owner for a sum not less than the total of all back taxes, interest, and costs;

Sec. 409.15. Sell, or offer to sell, by ~~sealed competitive bids,~~ including, but not limited to a public auction or use of a brokerage firm, surplus property of the Town provided that no real property acquired in any manner other than through nonpayment of taxes may be offered for sale, leased for more than three years, or otherwise disposed of without a referendum vote or, in the case of condemnations, sold to any other than the original owner without first offering it to the original owner for the price paid minus any expenses incurred by the original owner because of the condemnation. ~~Invitations for bid shall be published at least thirty (30) days prior to the date for the opening of bids.~~ The Town shall give public notice of the process at least 30 days before the deadline for disposition. The Council may, in its discretion, accept or reject any or all bids.

Sec. 412. - Conflicts of Interest.

No relative of a Town Councilor or the Town Manager shall be appointed to any compensated Town office or any position appointed by the Town Council or shall be hired for a position in any Town department under the direct control of the Town Council so long as that Councilor continues to serve on the Town Council. If the relative was serving in any such position at the time of that Councilor's election, **the Councilor shall recuse him/herself from voting on any increase in that relative's salary or compensation, relative shall not receive any increase in salary or compensation which is approved during that Councilor's term of office** except for salary or compensation increases which are commensurate and proportional to salary or compensation increases received by non-union Town employees or Town employees covered under a collective bargaining agreement. **A Councilor with a relative serving in a compensated Town office or position shall recuse him or herself from consideration or acting on matters directly related to the compensation or salary of their relative.**

Comment [p1]: Kim, does the Council intend to allow votes for such increases? If not, this entire section could be deleted to just clarify that a Councilor must recuse him/herself from voting on any salary increase for a relative.

No Town Councilor may vote on any contract while employed by the contractor or subcontractor or in which the member or a relative has a financial interest. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting on that issue must be decided by a majority vote of those members present and voting, excluding the member being challenged.

As used in this section, the term "relative" means related by blood, marriage, or law, including spouses, children, grandchildren, great-grandchildren, parents, brothers, sisters, nephews, nieces, grandparents, uncles, aunts, first cousins or domestic partner relationships.

(Ref. of 11-4-2014, eff. 11-18-2014)

Editor's note— The amendment to section 412 was approved by the voters at the November 4, 2014 Election, and the council voted on November 18, 2014 for it to take effect on November 18, 2014.

Sec. 904. - Public Bulletin Board.

There shall be an official public bulletin board located outside the Town Clerk's Office in the Town Hall. The agenda of each meeting of the Town Council, and all other boards, committees, and commissions shall be posted, or cause to be posted, on this bulletin board and on the town internet web site by the Town Clerk, at least three (3) working days prior to the meeting, **and a copy of the agenda shall be printed as a legal advertisement in a newspaper of general circulation in the Town at least twenty-four (24) hours prior to the meeting.**

Comment [p2]: The newspaper notice requirement also appears in Section 410 related to Ordinance adoption – I did not know if the Council intended to keep that provision or if it should be deleted as well.

No action shall be taken on agenda items which have not been posted **and published** in accordance with this section, unless the Council, commission, committee or board determines that an emergency exists. The declaration of emergency by the Council, commission, committee or board shall be conclusive. Dates, times, and meeting places of all regular and special meetings, public hearings and workshops shall also be posted on the bulletin board in accordance with this section.

Comment [p3]: Although fine to delete this from the Charter, the Town must still comply with newspaper notices in certain circumstances where it is required by statute or local ordinance- for example in 30-A MRSA 4352(9).

A failure or malfunction in the town internet website shall not require the postponement of any hearing or action by the Town Council or any other board, committee or commission provided the agenda was posted on the official public bulletin board as required by this section.

Sec. 904.1. Public Access to Meetings. All regularly scheduled meetings and budget workshops of the Town Council shall be video recorded and broadcast on a local cable access channel pursuant to Federal laws governing local access. Additionally, in the event an issue arises causing significant public interest or significant community changes which

will be discussed at a meeting other than a regularly scheduled meeting, all reasonable attempts will be made by the Town Council Members to have the meeting video recorded and shown as soon as possible on a local public cable channel. Two copies of all meetings so videorecorded, shall be given to the Town Clerk, to be maintained as an archival record of said meetings and available to the public for review.

Sec. 1002.2. - Term Limits.

~~Term limits shall go into effect with the 2012 election. Council seats elected prior to November, 2012 shall not calculate into the term limit formula.~~

6743 Discussion with Action: Amend Policy Number 94-3, Parking Meters Days of Operation, by changing the dates the parking meters are operational, and adding pay stations.

BACKGROUND:

The Police Chief has requested for some time that the Parking Meters Days of Operation be amended to permit the meters to go up the first of May rather than the Friday before Memorial Day and to remain in place through Columbus Day. History has shown that around the first of May many visit Old Orchard Beach and meters could provide extra funding for the Municipality.

Shall the Town Council amend Policy Number 94-3, Parking Meters Days of Operation, by adding the underscored language and deleting the strikethrough language?

TOWN OF OLD ORCHARD BEACH, MAINE
Town Council Policy
Parking Meters Days of Operation
Adopted: June 15, 1994 Policy Number 94-3

The Town Council has established the following policy concerning the placement and removal of all parking meters and pay stations in ~~on~~ the Town of Old Orchard Beach ~~public ways~~:

Installation: All parking meters and pay stations shall be installed and operational by May first of each year ~~the Friday before Memorial Day weekend~~. The meters and pay stations may be installed one week prior to the May first date but must not be operational until May first may be put in earlier. ~~However, in no circumstances shall any meter be installed, as to give the appearance of operation, before the Monday occurring two weeks before Memorial Day. The intent of the Town Council is to have the meters put in before Memorial Day weekend but as close as~~ Shall the Town Council amend Policy Number 94-3, Parking Meters Days of Operation, by adding the underscored language and deleting the strikethrough language?

TOWN OF OLD ORCHARD BEACH, MAINE
Town Council Policy
Parking Meters Days of Operation
Adopted: June 15, 1994 Policy Number 94-3

The Town Council has established the following policy concerning the placement and removal of all parking meters and pay stations in ~~on~~ the Town of Old Orchard Beach ~~public ways~~:

- 4- Installation: All parking meters and pay stations shall be installed and operational by May first of each year ~~the Friday before Memorial Day weekend~~. The meters and pay stations may be installed one week prior to the May first date but must not be operational until May first may be put in earlier. However, in no circumstances shall any meter be installed, as to give the appearance of operation, before the Monday occurring two weeks before Memorial Day. ~~The intent of the Town Council is to have the meters put in before Memorial Day weekend but as close as possible during that week.~~
- 2- Removal: All parking meters and pay stations shall cease being operational the day after Columbus Day of each year and shall be removed from the streets no later than one week after Columbus Day ~~Shall be removed the Monday after Labor Day. The meters shall be removed as close as possible to the Monday after Labor Day and in no case shall be in operation, or give the appearance of operational, three weeks after Labor Day.~~

Draft amendments for July 19th, 2016 Town Council Meeting.

~~3- possible during that week.~~

- 4- Removal: All parking meters and pay stations shall cease being operational the day after Columbus Day of each year and shall be removed from the streets no later than one week after Columbus Day ~~Shall be removed the Monday after Labor Day. The meters shall be removed as close as possible to the Monday after Labor Day and in no case shall be in operation, or give the appearance of operational, three weeks after Labor Day.~~

Draft amendments for July 19th, 2016 Town Council Meeting.

MOTION: Vice Chair Thornton motioned and Councilor Kelley seconded to move to approve but for discussion.

VOTE: Unanimous.

MOTION: Vice Chair Thornton and Council Kelley removed their previous motion.

VOTE: Unanimous.

After a great deal of discussion relative to moving this to a possible workshop for concern about the dates of changes and how it affects several areas of concern including parking lots, residents use during those time periods, etc. It was then decided to Remove without Prejudice this item until such a time as to when a workshop could be scheduled, perhaps in September. Chief Kelley indicated that this item has been discussed many times in the past and it was back on the discussion agenda because it is a way of raising additional funds for the Town and also recognizing that parking lots are filled during these possible time slots.

MOTION: Vice Thornton motioned and Council Kelley second to Remove without Prejudice and recommend that a workshop be scheduled for some time in September to review and discuss any changes.

VOTE: Unanimous.

6744 **Discussion with Action:** Approve the trade of a 2005 John Deere 717 and the purchase of a 2016 John Deere Z930M from North Country Tractor in the amount of \$8,987.52 from Account Number 50002-50551 – Public Works Equipment, with a balance of \$130,199.19.

BACKGROUND:

The Public Works Department went out to bid for the purchase of one (1) John Deere Z930M Commercial Ztrak with a 14 bushel 3-Bag Material Collection System and also requesting a trade-in price for a 2005 John Deere 717 Ztrak.

The following bids were received:

North Country Tractor

John Deere Z930M Commercial Ztrak Mower	\$7,719.51
14 Bushel 3-Bag Material Collection System	\$2,768.01
Trade in of 2005 John Deere 717	\$1,500.00
Total Price:	\$8,987.52

Chad Little

John Deere Z930M Commercial Ztrak Mower	\$7,843.49
14 Bushel 3-Bag Material Collection System	\$2,716.68
Trade in of 2005 John Deere 717	\$1,000.00
Total Price:	\$9,560.17

Greenway Equipment

John Deere Z930M Commercial Ztrak Mower	\$7,765.71
14 Bushel 3-Bag Material Collection System	\$2,999.00
Trade in of 2005 John Deere 717	\$1,001.00
Total Price:	\$9,763.71

The Public Works Director is recommending the trade of a 2005 John Deere 717 and the purchase of a 2016 John Deere Z930M from North Country Tractor in the amount of \$8,987.52 from Account Number 50002-50551 – Public Works Equipment, with a balance of \$130,199.19.

MOTION: Vice Chair Thornton motioned and Councilor Tousignant seconded to Approve the trade of a 2005 John Deere 717 and the purchase of a 2016 John Deere Z930M from North Country Tractor in the amount of \$8,987.52 from Account Number 50002-50551 – Public Works Equipment, with a balance of \$130,199.19.

VOTE: Unanimous.



1 Portland Avenue
Old Orchard Beach, ME.
04064
(ph) 207-934-2250
(fax) 207-934-5323

**Old Orchard
Beach – Public
Works Dept.**

7/6/2016

The Town of Old Orchard Beach Department of Public Works is seeking quotes for the purchase of one (1) John Deere Z930M Commercial Ztrak with 14 Bushel 3-Bag Material Collection System. The Town is also requesting a trade in price for a 2005 John Deere 717 Ztrak.

To inspect the trade please visit the Public Works Department at 103 Smithwheel Road, Old Orchard Beach, ME 04064 during the hours of 7:00am – 3:00pm Monday - Friday or contact Dennis Nason, Public Works Mechanic at (207) 934-2250. Thank you.

Please send formal quote for the new equipment and the trade-in price for the used equipment to mhutchins@oobmaine.com by July 8, 2016.

Specifications:

One (1) John Deere Z930M Commercial Ztrak

- 24x12x12 Pneumatic Turf Tire for 54 In. and 60 In. Decks
- 60 In. 7-Iron Pro Side Discharge Mower Deck
- Deluxe Comfort Seat with Armrests

14 Bushel 3-Bag Material Collection System

- For 48 In./54 In./60 In. Z900 B/M/R Series
- 72 In. Z900 M/R Series Mowers including Mulch-On-Demand Decks

Standard Options

Attaching Parts for 60 In. 7-Iron Pro Decks

7-Iron Blower for 7-Iron, 7-Iron Pro and 7-Iron Pro Mulch-On-Demand Decks

6745 Discussion with Action: Approve the Interlocal Agreement with Cumberland County Soil & Water Conservation District to provide technical assistance to the Town pertaining to compliance with municipal separate storm sewer system requirements (MS4), at a cost of \$10,100 from Account Number 20151-50300 – Professional Engineering Expense, with a balance of \$64,000.

BACKGROUND:

This Agreement will provide regional implementation of the MCM Requirements and assistance for our municipality on a cost-sharing basis on the terms and conditions set for in the Agreement. The Town will work collaboratively and cooperatively with the Cumberland County Soil & Water Conservation District. This will allow the Town to meet the General Permit's regulatory compliance requirements efficiently and cost-effectively, with minimal duplication of effort by the Town. This will permit the Town to collaborate regionally and cost-effectively and utilize the District as a technical and educational service provider to address and implement any or all of the MCM Requirements.

The \$10,100 fee covers implementation of Minimum Control Measures (MCMs) 1 and 2. These MCMs are required under ISWG's MS4 program and pertain to Public Education and Outreach and Public Involvement and Participation. Note: MCM1 includes 4 education plans, they also keep the documentation for these MCMs:

- Commenting on different DEP initiatives, the most current one was the hydrant flushing profile; and
- Facilitation of the ISWG meetings

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Approve the Interlocal Agreement with Cumberland County Soil & Water Conservation District to provide technical assistance to the Town pertaining to compliance with municipal separate storm sewer system requirements (MS4), at a cost of \$10,000 from Account Number 20151-50300 – Professional Engineering Expense, with a balance of \$64,000.

VOTE: Unanimous.

6746 Discussion with Action: Approve the purchase from Seacoast Motorcycles, Inc., a 2017 FLHTP Harley Davidson Motorcycle, in the amount of \$17,000, less the trade-in of a 2014 FLHP Harley Davidson Motorcycle valued at \$10,000, from Account Number 20131-50501 – Operating Equipment, with a balance of \$12,691.28.

BACKGROUND:

The Police Department is requesting the purchase from Seacoast Motorcycles, Inc., one 2017 FLHTP Harley Davidson Motorcycle, in the amount of \$17,000, less the trade-in of a 2014 FLHP Harley Davidson Motorcycle valued at \$10,000, from Account Number 20131-50501 – Operating Equipment, with a balance of \$12,691.28.

Seacoast Motorcycles, Inc. has provided service for us before and is a competent and dependable business operation. Their product system is specific and offers consistency and proficiency to our operations and the Chief is recommending approval of this purchase and trade-in.

MOTION: Vice Chair Thornton motioned and Councilor Kelley seconded to Approve the purchase from Seacoast Motorcycles, Inc., a 2017 FLHTP Harley Davidson Motorcycle, in the amount of \$17,000, less the trade-in of a 2014 FLHP Harley Davidson Motorcycle valued at \$10,000, from Account Number 20131-50501 – Operating Equipment, with a balance of \$12,691.28.

VOTE: Unanimous.

6747 **Discussion with Action:** Accept the bid from Adams Emergency Vehicles in the amount of \$17,863.82 for the purchase and installation of equipment for the two Ford Utility Police Interceptors vehicles, from Account Number 52002-50849 – Public Safety CIP Police Vehicle Expense, with a balance of \$42,077.46.

BACKGROUND: The Police Department went out to bid with three companies that have provided bids in the past:

Cocheco Communications
Post Office Box 1919
Barrington, NH 03825
Did not respond to request

RCM – Radio Communications Mgt.
158 Rand Road
Portland, Maine 04102
Indicated not able to bid at this time

Adams Emergency Vehicles
Post Office Box 752
Westbrook, Maine 04098
Submitted bid to be accepted

The bid submitted by Adams Emergency Vehicles is for \$17, 863.82 which includes a discount of \$2.25% or \$324.18. The Chief of Police is requesting approval of this bid.

MOTION: Councilor Kelley motioned and Vice Chair Thornton seconded to Accept the bid from Adams Emergency Vehicles in the amount of \$17,863.82 for the purchase and installation of equipment for the two Ford Utility Police

VOTE: Unanimous.

6748 Interceptors vehicles, from Account Number 52002-50849 – Public Safety CIP Police Vehicle Expense, with a balance of \$42,077.46.

Discussion with Action: Approve the Special Event Permit application for Ever After Mustang Rescue to hold a Ford Mustang Car Show, including sale of t-shirts, and showing of Mustang horses, on Saturday, August 6th, 2016. Set up from 7 a.m. to 10 a.m., show from 10 a.m. to 4 p.m., and take down from 4 p.m. to 6 p.m. Request to waive the fee as the event is co-sponsored by the Ballpark Commission.

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

VOTE: Unanimous.

6749 Discussion with Action: Approve the line item transfer from Account Number 20119-50210 – Health Insurance, in the amount of \$2,475, with a balance of \$93,631.04, to Account Number 20119-50124 – in Lieu of Health Insurance, with a balance of (2,466.89); from Account Number 20161-50106 – Waste Water Full-time Wages, in the amount of \$10,000, with a balance of \$26,934.84, to Account Number 20161-50400 – Electricity, with a balance of (\$3,267.72); from Account Number 20161-50340 – Waste Tipping, in the amount of \$20,500, with a balance of \$34,242.95, to Account Number 20163-50341 – Waste Collection, with a balance of (\$20,323.60); from Account Number 20118-50350 – Contingency, in the amount of \$4,550, with a balance of \$89,250; to Account Number 20107-50106 – Town Clerk Full Time Wages, with a balance of (\$4,510.95); from Account Number 20132-50108 – Seasonal Employee Wages, in the amount of \$5,500, with a balance of \$8,362.25, to Account Number 20132-50540 – Debit Card Fees, with a balance of (\$5,473.74); from Account Number 20119-50210 – Health Insurance, in the amount of \$5,000, with a balance of \$93,631.04, to Account Number 20119-50203 – ICMA, with a balance of (\$4,982.64); from Account Number 20118-50350 – Contingency, in the amount of \$27,400, with a balance of \$89,250, to Account Number 20151- 50106 – Public Works Wages, with a balance of (\$27,394.58); from Account Number 20137-50108 – Lifeguard Wages, in the amount of \$3,325, with a balance of \$13,733.37, to Account Number 20137-50111 – Lifeguard Overtime, with a balance of (\$3,312.68); from Account Number 20138-50106 – Fire Full Time Wages, in the amount of \$5,700, with a balance of \$19,290.69, to Account Number 20138-50335 – Fire Hydrant Rental in the amount of (\$5,656.87).

MOTION: Vice Chair Thornton motioned and Councilor Kelley seconded to Approve the line item transfer as read.

VOTE: Unanimous.

GOOD AND WELFARE:

6751 Executive Session: Discuss Labor Negotiations: (Note: This item discusses labor contract issues related to the Old Orchard Beach Patrolmen's Association – Maine Association of Police union contract, as defined under Title 1 M.R.S.A., Section 405 (6) (D), and the Council anticipates that the discussion portion will be held in Executive Session.)

As indicated at the beginning of the meeting, the Council has Removed without Prejudice this Executive Session and will consider having it at the August 2, 2016 meeting.

MOTION: Councilor Tousignant motioned and Vice Chair Thornton seconded to Remove without Prejudice the Executive Session and will consider having it at the August 2, 2016 meeting.

VOTE: Unanimous.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Adjourn the Town Council Meeting at 7:45 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 twenty (20) pages is a copy of the original Minutes of the Special Town Council Meeting of July 19, 2016.

V. Louise Reid