

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, March 21, 2017
TOWN HALL CHAMBERS
6:30 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, March 21, 2017. Chair Thornton opened the meeting at 6:30 p.m.

The following were in attendance:

Chair Joseph Thornton
Councilor Kenneth Blow
Councilor Jay Kelley
Town Manager Larry Mead
Assistant Town Manager V. Louise Reid

Absent: Councilor Michael Tousignant
Vice Chair Shawn O'Neill

CHAIR: The Council is being asked to move Agenda Item # 6876 before Agenda # 6870 at the request of the Ballpark Commission. May I have a Motion?

MOTION: Councilor Kelley motioned and Councilor Blow seconded to move Agenda #6876 – Discussion with Action: Town Council acknowledges its wholehearted support for continued restoration of Ballpark Facility and for community and recreational use of the property.

VOTE: Unanimous.

The Council is asked to make a correction to a business license by revising the number of seasonal rentals in their motion to approve: Zheng Hospitality, LLC dba/Beau Rivage Motel (305-4-6), 43 East Grand Avenue, twelve (12) seasonal rentals to thirteen (13) seasonal rentals.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to revise the business license for Zheng Hospitality, LLC dba/Beau Rivage Motel (305-4-6), 43 East Grand Avenue, thirteen (13) seasonal rentals.

VOTE: Unanimous.

PRESENTATION:

Matthew Healey, Outreach Technician, of the Vet Center Program (Readjustment Counseling Service) will make a presentation regarding the program which was established by Congress in 1979 out of the recognition that a significant number of Vietnam-Era veterans were still experiencing lingering readjustment problems associated with their military service. The program continued to expand, to the present distribution of 300 Vet Centers, throughout the United States, include Puerto Rico, the U.S. Virgin islands, and Guam. These centers provide a personal and informal atmosphere in which to assist eligible veterans and their families. In addition to individual counseling they also provide

therapy groups. Therapy groups enable veterans to discuss their experience among veterans who have had similar experiences. Family members and significant others are also eligible for readjustment counseling when related to the resolution of the veterans' readjustment issues. We also focus on increasing public awareness of the effects of military trauma, to help ensure that we all can be a contributing factor in helping our veterans. Importantly, this is free service, confidential, community-based, staff are often veterans, family members get involved, there are specialized MST Therapists, bereavement therapy for families who have lost a loved one on active duty, ability to see active duty, Reserve and National Guard, and don't have to be enrolled in the VHA. The issues covered include family reintegration/marital issues, work issues, medical and health issues, substance abuse, sleep disturbance, military sexual trauma, and other issues. We have non-traditional hours – evenings and weekends to accommodate working veterans. There are community access centers such as the Sanford Vet Center, Saco, CBOC, and the Portland CBOC. The primary mission of the Vet Center is to seek out veterans suffering life readjustment problems related to their combat experiences, or as a result of sexual assault/harassment occurring while on active duty. Vet Centers provide free counseling and referral services to facilitate a successful readjustment to civilian life. Contacts for referrals include Amy Marcotte, Vet Center Director – 207-490-1513 or Amy.marcotte@va.gov; there is a 24 hours phone line – 1-877-927-8387; and a Veterans Crisis Line- 1-800-273-8255 – press 1.

ACKNOWLEDGEMENT:

COUNCILOR KELLEY: Many thanks to the Public Works Department for their excellent attention during this past storm. The absence of three of its staff made it extremely difficult but we appreciate the dedication and professionalism the staff has shown.

ASSISTANT TOWN MANAGER: It is with deep sadness that we announce the passing of Beatrice Eramo, wife of Old Orchard Beach Firefighter, Tony Eramo. Beatrice graduated from Old Orchard Beach High School in 1955 and has been very involved in the community over many years, working part time at the Libby Library and serving as a ballot clerk for many elections. Our sympathy, prayers and love go out to Tony and his family. The funeral is tomorrow at Saint Margaret's at 10:00 a.m.

ACCEPTANCE OF MINUTES: Acceptance of Town Minutes of March 7, 2017.

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

VOTE: Unanimous.

PUBLIC HEARING:

CHAIR: I open the Public Hearing at 6:43 p.m.

Shall we Amend the Town of Old Orchard Beach Code of Ordinances, Section 54-37, Penalty, to change the fine amounts for parking violations and change to language, effective July 1, 2017?

CHAIR: I close the Public Hearing at 6:43 p.m.

BACKGROUND: It has been some time since parking fines have been increased. This recommendation would increase the minimum amount for parking violations to \$30. Currently the fine for parking at an expired meter is \$25.

**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 March 21, 2017, 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 section 54-37, Penalty, of the Town of Old Orchard Beach Traffic Ordinance is amended by adding the underscored language and deleting the strikethrough language regarding the fine amounts and language:
Sec. 54-37. - Penalty.

- (a) Any person who violates any section of this chapter shall be guilty of a traffic infraction and shall, upon adjudication, be subject to a fine of not more than \$100.00. All fines shall be recovered, upon complaint, to the use of the town.
- (b) Persons charged with a violation of this chapter may waive all court action by payment, to the town within five days of the issuance of a notice of violation, a fee in accordance with the following schedule:
 - (1) No parking in center \$ 30.00
 - (2) Parked in square 35.00
 - (3) Parked ~~wrong side~~ facing traffic ~~20.00~~ \$30.00
 - (4) Parking within fire hydrant limits 50.00
 - (5) Parked on crosswalk 50.00
 - (6) Parked too near corner ~~20.00~~ \$30.00
 - (7) Double parked 35.00
 - (8) No parking in driveway 30.00
 - (9) No all-night parking 30.00
 - (10) Recreational vehicles, vans, trailers, mobile homes, etc.:
 - a. No all-night parking:
 - 1. First offense 50.00
 - 2. Subsequent offenses 100.00
 - b. No use of public services while parked 50.00
 - (11) Tow away zone 50.00
 - (12) No parking 30.00
 - (13) Other ~~20.00~~ \$30.00
 - (14) Expired meter or receipt/no receipt/receipt face down ~~25.00~~ \$30.00
 - (15) Parked overtime ~~20.00~~ \$30.00

- (16) No parking, yellow curb 30.00
 - (17) Parked in handicap space 250.00
 - (18) Parked in loading zone 35.00
 - (19) Parked on sidewalk 30.00
 - (20) Fire lane 50.00
 - (21) Hindering snow removal 30.00
 - (22) Parked in bus stop 30.00
 - (23) Expired parking slip/no permit or slip Milliken Street Lot ~~25.00~~ **\$30.00**
 - (24) Expired parking slip/no permit or slip Memorial Park Parking Lot ~~25.00~~ **\$30.00**
 - (25) Prolonged parking—Feeding meters ~~25.00~~ **\$30.00**
 - (26) No parking that takes more than one metered space ~~25.00~~ **\$30.00**
- (c) Any person asked to move, after first being advised by a Police Officer, and who refuses to move is subject to a fine.
 - (d) Waiver fees after five days following issuance of a notice of violation and prior to a court appearance shall be twice the amounts set forth in the fee schedule in this section.
 - (e) Any vehicle found in violation of any section of this chapter and having three or more outstanding notices of violation may be towed and impounded until all fees and towing charges have been paid in full.
 - (f) The fact that a vehicle is found in violation of this chapter shall be prima facie evidence of the violation by the person in whose name such vehicle is registered.

(Ord. of 6-13-1961, § 5-179; Ord. of 3-3-1982; Ord. of 3-18-1986; Ord. of 11-15-1988; Ord. of 1-2-1990; Ord. of 8-6-1991; Ord. of 4-7-1992; Ord. of 8-4-1992; Ord. of 3-20-2001; Ord. of 5-18-2004; Ord. of 7-18-2006; Ord. of 4-7-2009(2); Ord. of 6-22-2011(2); [Ord. of 5-19-2015\(2\)](#))

Formerly, § 54-44.

Per Order of the Municipal Officers this _____ day of March, 2017.

PUBLIC HEARING:

CHAIR: I open this Public Hearing at 6:44 p.m.

Shall we Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 42, Parks and Recreation, Article IV, Town Beach, Division 5, Special Event Permits, by adding a waiver for all application fees for Old Orchard Beach non-profits, and the United States Military, and keeping the waiving of fees for RSU #23 and Town sponsored or co-sponsored events?

CHAIR: I close this Public Hearing at 6:45 p.m.

**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 March 21, 2017, 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 42, Parks and Recreation, Article IV, Town Beach, Division 5, Special Event Permits is hereby amended by adding the underscored language to the Town of Old Orchard Beach Code of Ordinances, as follows:
Sec. 42-258. - Fee.

Before issuance of the special events permit by the town council pursuant to this subdivision and prior to the conduct of the special event, the permit holder shall pay to the town clerk an application permit fee in the amount as specified in the schedule of license, permit and application fees in appendix A of this Code per day or portion thereof the special event will occur, including set-up and take-down dates. ~~The town council may waive at will or reduce the application permit fees for all Old Orchard Beach non-profits, United States Military, RSU #23 or town sponsored or co-sponsored special events shall be waived. and all permit fees.~~

(Ord. of 5-17-1988, § VIII; Ord. of 4-1-2003, § 2; [Ord. of 5-19-2015\(1\)](#))

Per Order of the Municipal Officers this _____ day of March, 2017.

PUBLIC HEARING:

CHAIR: I open this Public Hearing at 6:46 p.m.

Shall we Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 42, Parks and Recreation, Article III, Recreation Area and Park Regulations, Division 1, by prohibiting tobacco use in Memorial Park and prohibiting grills in Memorial Park without a Special Event Permit?

BACKGROUND:

This Ordinance is enacted to protect, preserve, and promote the health, safety and welfare of the residents and visitors that use the Town of Old Orchard Beach's Veterans Memorial Park. The purpose of this ordinance is to decrease the exposure of individuals, and children in particular, to secondhand smoke in their outdoor environment. It is also being submitted at the recommendation of the Veteran's Memorial Park Committee. The issue of the use of grills in the park is a result of the misuse of the disposal of grill ashes after use of the grills.

CHAIR: I close this Public Hearing at 6:47 p.m.

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 March 21, 2017, 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 42, Parks and Recreation, Article III, Recreation Area and Park Regulations, Division 1, is hereby added by adding the underscored language to the Town of Old Orchard Beach Code of Ordinances, as follows:

ARTICLE III: Recreation Area and Park Regulations

Division 1. Generally

Sec. 42-84. Tobacco-Free Park.

This Ordinance is enacted to protect, preserve, and promote the health, safety and welfare of the residents and visitors that use the Town of Old Orchard Beach's Veterans Memorial Park. The purpose of this ordinance is to decrease the exposure of individuals, and children in particular, to secondhand smoke in their outdoor environment.

1) Definitions:

Electronic smoking device means a device used to deliver nicotine or any other substance intended for human consumptions that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen.

Smoking means carrying or having in one's possession a lighted or heated cigarette, cigar or pipe or a lighted or heated tobacco or plant product intended for human consumptions through inhalation whether natural or synthetic in any manner or in any form. "Smoking" includes the use of an electronic smoking device.

Tobacco Product means any of the following: (1) A product containing, made, or derived from tobacco or nicotine that is intended for human consumptions, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff; or (2) An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic smoking device. "Tobacco product" does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.

2) Tobacco use prohibited.

a) It shall be unlawful for any person to use tobacco products within the property boundaries of Veteran's Memorial Park and the Libby Memorial Library (MBLU 206-27-1).

b) Nothing in this ordinance shall prohibit smoking on privately owned residential property.

3) Enforcement.

The Old Orchard Beach Police Department shall investigate and enforce the provisions contained in this ordinance.

4) Penalties.

Prior to issuing a citation for violation of this ordinance, a law enforcement officer shall issue one verbal warning to an individual. If the individual fails to comply after the warning, the individual shall be issued a citation to appear in court. If the individual is found to be in violation of this ordinance, the Court shall impose a fine of \$50.00 for the first offense, and \$150 for the second and subsequent offenses, which may not be

suspended. The municipality may be awarded attorney's fees and costs incurred in enforcing this ordinance.

Sec. 42-85. Grills and open flames.

Open flames of any type are prohibited in Veteran's Memorial Park without a Special Event Permit issued by the Town. The prohibition includes bonfires of any size, cooking grills of any type, including, but not limited to charcoal grills, propane grills, wood grills and gas grills.

BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 6:47 p.m.

Elissa & Pavel Pashkin (305-4-1-205), 1 Cleaves Street, # 205, one year round rental; Ellen Phinney & Sally Patterson (305-4-1-207), 1 Cleaves Street, # 207, one seasonal rental; Kevin & Ann Ruel (312-10-3), 7 Cedar Avenue, one year round rental; Zuber Dadabhai dba/Seaside Motel (211-10-2), 204 Saco Avenue, eight (8) year round rentals; Zheng Hospitality LLC dba/Beau Rivage Motel (305-6-8), 54 East Grand Avenue, thirty-six (36) year round rentals; Zheng Hospitality, LLC dba/Beau Rivage Motel (305-4-6), 43 East Grand Avenue, twelve (12) seasonal rentals; Zheng Hospitality, LLC dba/Beau Rivage Motel (305-6-7), 48 East Grand Avenue, twelve (12) year round rentals; Shin Sirizandar (104-2-14-304), 135 Portland Avenue, #304, one year round rental; Ernie Bencivenqa, (210-1-20-1), 39 Smithwheel Road, #1, one year round rental; and Raymond Vallee dba/Rave, LLC (313-1-5), 106 West Grand Avenue, three year round rentals.

The Council was asked to make a correction to a business license by revising the number of seasonal rentals in their motion to approve: Zheng Hospitality, LLC dba/Beau Rivage Motel (305-6-7), 48 East Grand Avenue, twelve (12) seasonal rentals to thirteen (13) seasonal rentals.

CHAIR: I close this Public Hearing at 6:48 p.m.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to revise the business license for Zheng Hospitality, LLC dba/Beau Rivage Motel (305-6-7), 48 East Grand Avenue, thirteen (13) seasonal rentals and approve all other licenses as read.

VOTE: Unanimous.

PUBLIC HEARING AMUSEMENT PERMITS AND APPROVAL:

CHAIR: I open this Public Hearing at 6:50 p.m.

TPR Inc. dba/Bull & Brew WingHouse (306-5-2), 6 East Grand Avenue, DJ's, Bands, Solo, Duets – Outside and Inside – 12:00 p.m. – 1:00 a.m.; Jeanne LaChance dba/JJ's Eatery Too (306-5-1), 12B Old Orchard Street, Single/Duo Acoustic – Outside and Inside – 6:00 p.m. – 10:30 p.m.; and New England Restaurant Group dba/Pirates Patio & Galley (304-2-9), 2 Walnut Street, Amplified Music, Dancing, and Karaoke – Outside and Inside – 12:00 p.m. – 8:00 p.m.

CHAIR: I close this Public Hearing at 6:51 p.m.

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

VOTE: Unanimous.

PUBLIC HEARING LIQUOR LICENSES (NEW)

CHAIR: I open this Public Hearing at 6:52 p.m.

TPR Inc. dba/Bull & Brew Winhouse (306-5-2), 6 East Grand Avenue, m-s-v in a Class A Lounge.

CHAIR: I close this Public Hearing at 6:52 p.m.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to approve the Liquor License as read.

VOTE: Unanimous.

TOWN MANAGER'S REPORT:

The Town Manager asked to be excused from his report this evening in light of his budget presentation.

TABLED ITEM:

6860 Discussion with Action: Amend Town Council Policy 94-3, Parking Meters Days of Operation, by adding pay stations and changing the dates to be operational to the second Friday in May to the third Monday in September.

BACKGROUND:

This past year the Town Council discussed extending the dates that parking meters are operational at the beginning and the end of the summer season. It was noted during discussion that there are many days prior to Memorial Day and following Labor Day that the downtown and beach areas are very busy and when private parking lots are collecting fees. The Council asked that this order be brought forward for consideration prior to the 2017 season. This item was tabled from the last meeting to permit the Police Chief and Parking Enforcement to meet with the Chamber of Commerce business owners.

There was community discussion about this item. Eileen Payette, owner of The Landmark, spoke about it affecting the business owners and business during this peak time; Kim Verreault of the Chamber of Commerce also encouraged the Council to rethink this change. The Council discussed indicating they had concerns and discussion about whether to remove without prejudice or table it again. However, Councilor Kelley called for the motion.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Amend Town Council Policy 94-3, Parking Meters Days of Operation, by adding pay stations and changing the dates to be operational to the second Friday in May to the third Monday in September.

VOTE: NEA: Councilors Blow, Kelley and Chair Thornton

The agenda item failed.

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~~:

1. Installation: All parking meters and pay stations shall be installed and operational by the second Friday in May the Friday before Memorial Day weekend. The meters and pay stations may be installed one week prior to the above date, but must not be operational until the second Friday in May. ~~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 third Monday in September of each year and shall be removed from the streets no later than one week after that date. ~~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 March 7, 2017 Town Council Meeting.

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

NEW BUSINESS:

- # 6876 Discussion with Action: Town Council acknowledges its wholehearted support for continued restoration of the Ballpark Facility and for community and recreational use of the property.

BACKGROUND:

Whereas the Town of Old Orchard Beach is a premier family destination with seven miles of pristine sandy coastal beaches that draws visitors from throughout Maine, the United States and other countries; and

Whereas the Town of Old Orchard Beach is blessed to have as a resource located in the heart of town an Event, Sports and Recreation facility known as The Ballpark that includes a 5,000 seat stadium that is the only triple-A ballfield in the State of Maine; and

Whereas the Town of Old Orchard Beach strives to embody a healthy, safe, family oriented, recreational environment in all of its endeavors, and to promote leisure opportunities that encourage outdoor activities and enhance our quality of life; and

Whereas the Town of Old Orchard Beach, its citizens, and local businesses regularly and routinely work together to promote and inspire an endearing sense of community pride, and a strong commitment to volunteerism; and

Whereas the Town of Old Orchard Beach, the Ballpark Commission, the local citizenry, and the local business community have voluntarily worked tirelessly to restore and rebuild The Ballpark so that it is once again being used by thousands of people for sports, entertainment and special events; and

Whereas though much has been accomplished through the efforts of dedicated volunteers and supporters, more can and should be done to make The Ballpark an even greater resource to Old Orchard Beach; and

Whereas local citizens, businesses, and private organizations have come together to create the non-profit organization "Friends of the of Orchard Beach Ballpark;" to further improve the ballpark stadium;

NOW, THEREFORE BE IT RESOLVED, that the Old Orchard Beach Town Council does hereby acknowledge and champion these efforts and declare its wholehearted support for continued restoration of the facility and for community and recreational use of the ballpark property.

Jerome Plante, Chair of the Ballpark Commission, thanked the Council for their support. Robin Dayton expressed her appreciation and asked for the Council to recognize Senator Justin Chenette who in length documented the history of the Ballpark and the great mission is accomplishing in our time. He encouraged volunteerism and enjoined everyone to claim ownership of this valuable piece of community property and support it in its fundraising events. He said this is a fun way to give back and that hard work in the past and the present will continue to see the growth of the Ballpark. He talked about the educational, cultural, recreational value of the Ballpark and the desire to raise \$100,000 towards work that needs to be done. He said the Ballpark is a "gem from the past."

MOTION: Councilor Kelley motioned and Councilor blow seconded that the Town Council acknowledges its wholehearted support for continued restoration of the Ballpark Facility and for community and recreational use of the property.

VOTE: Unanimous.

6870 PRESENTATION OF FISCAL YEAR 2018 BUDGET AND CIP

The Town Manager presented the 2018 Budget and CIP projections at this meeting, giving the Council an opportunity to consider his recommended budge.

The presentation included:

Combined Tax rate increase of 3.1% within Council guidance, based on these assumptions:

The Council adopts a municipal budget that remains within the budget recommendations of the Town Manager.

On the education side the adopted RSU budget is consistent with the budget estimate provided by the School Superintendent.

The adopted York County budget is consistent with the budget recommendations provided by the County Administrator.

Town's property valuation increased by at least \$7.1 million (5 tenths of a percent). This is a conservative projection.

Operating Budget

FY17: \$14,846,255 FY 18: \$15,632,508 Up: \$786,253 5.3% increase

Budget Drivers

<u>CATEGORY</u>	<u>AMOUNT</u>	<u>% INC or DEC</u>
Wages	\$245,000	4.0%
Debt Service	\$233,000	16%
Benefits/Health/Retirement	\$62,600	2.3%
Legal Services	\$60,000	66%
Solid Waste	\$38,000	6.1%
Fire Hydrants	\$21,000	13.6%
Dispatch services	\$11,500	3.2%
Wastewater disposal fees	(\$15,000)	-12%
Election expenses	(\$14,650)	-38.8%

TOTAL BUDGET DRIVERS \$641,450

Capital Budget

FY17 \$1,153,836 FY18 \$1,298,200 Increase - \$144,364 12.51% Increase

<u>Category</u>	<u>Manager's Proposed</u>
Buildings	\$605,000
Vehicle/Equipment	\$197,700
Road Improvement	\$300,500
Stormwater/Sewer	\$195,000

Non-Property Tax Revenues and Transfers

\$5,146,500 which is up \$282,500 or 5.81% increase – Proposed revenue increase decreases tax rate by 0.24 center.

Budget Drivers – Revenues and Transfers

<u>CATEGORY</u>	<u>CHANGE</u>	<u>% INC</u>
Homestead Exemption	\$131,000	64%
Building Permits	\$65,000	56%
Business Licenses	\$60,000	32.4%
Parking Fines	\$30,000	25%
Parking Meters/Permit Fee	\$25,000	7.2%
Excise Tax	\$25,000	1.8%
Investment Income	\$25,000	125%
TOTAL REVENUE DRIVERS	\$361,000	
OTHER SIGNIFICANT REVENUE FACTORS		
Transfer of Bond Proceeds	(\$100,000)	-33.3%

Municipal Commitment

FY17 \$11,136,091 FY18 \$11,784,208 Up \$648,117 5.8% increase

Preliminary Combined Tax Levy

	FY 17 Budget	FY 18 Proposed Budget	\$ change +/-	% change +/-
Town	11,134,244	11,784,208	649,964	5.84%
School	11,871,521	12,227,667	356,146	3.00%
County	933,204	957,300	24,096	2.58%
Overlay	200,000	50,000	(150,000)	(75.00%)
Total	24,138,969	25,019,175	880,206	3.65%
*Taxable Valuation	1,562,897,690	1,570,000,000	7,102,310	0.45%
Mill Rate	15.46	15.94	.48	3.1%

Effect on Homeowner

\$200,000 Home \$400,000 Home

❖ Town Increase	\$ 56	\$111
❖ School Increase	\$ 38	\$ 76
❖ County Increase	\$ 2	\$ 5
❖ Total Increase	\$ 96	\$192
❖ Less Additional \$5,000		
Homestead Exemption <u>(\$-80)</u>		(\$-80)
❖ Projected Inc/Dec	\$16	\$112

The proposed budget, combined with the projected school budget would increase the mill rate by \$.48 cents, from \$15.46 to \$15.94. This would mean a \$96 annual tax increase on a \$200,000 home. Those who live in Maine year-round are eligible for the State Homestead Exemption and this increase would be reduced by \$80 from \$96 to \$16 a year. The Town Manager's proposal also includes adding a deputy fire chief position to the Fire Department. He said given the size of the department and the complexity of operating a modern fire and rescue department, it is unrealistic to expect the Fire Chief to operate without professional administrative support. The proposal also includes an increase of \$50,000 for overtime expenses in the Fire Department. In the past we have spent more than we budgeted for on overtime costs. The proposed budget also includes leases for a street sweeper for Public Works and a loader-tractor for the Waste Water Department as well as a new lease program for police vehicles. On the revenue side, the projected budget includes an increase of \$65,000 in building permit fees and \$60,000 in business licenses that reflect new rates. The proposed increase of money from business licenses would cover the \$20,000 for a proposed part-time position to help coordinate services for foreign students working at summer jobs through J1 Visas. Currently this was being done by two volunteers but no longer able to be done that way. The proposed budget also includes in revenues parking meters, permits and fines. This forecasted increase includes a new summer parking pass program for residents and a proposed increase in parking ticket charges. The Town Council will begin reviewing individual department budgets at workshops in the months of April and May. It is anticipated the approval of the budget will be done around the first meeting in June. The school budget will be presented to the public next month and will later be voted on by the public in June.

TOWN OF OLD ORCHARD BEACH
Memorandum

March 21, 2017

TO: Members of the Old Orchard Beach Town Council

FROM: Larry S. Mead, Town Manager



RE: INTRODUCTION TO THE FY18 MUNICIPAL BUDGET

The Council's budget guidance for FY18 was to limit as much as possible increases in property taxes while continuing to deliver effective services and address the Town's infrastructure needs.

It is always challenging to develop a budget that balances meeting need and service demand with the responsibility to limit growth in taxes so that the Town's residents and property owners are not unduly burdened. This challenge is shared with the members of the Town Council. I know that as you engage in the process of review over the next two months there will be difficult decisions and choices ahead as you debate what the final budget will be.

Projected Tax Increase of 3%

The property tax commitment is made up of the municipal budget, school assessment, and county assessment. The overall combined tax rate increase for FY18 under the projected municipal, school and county budgets is 3.1%, **based on the following assumptions:**

- The Council adopts a municipal budget that remains within the total expenditures and revenues contained in the Town Manager's budget recommendation,
- On the education side the adopted RSU budget is consistent with the budget estimate provided to the Town Manager by the School Superintendent,
- The adopted York County budget is consistent with the budget estimate provided to the Town Manager by the County Administrator.
- The Town's property valuation increases by at least 7.1 million (5 tenths of a percent). This projection is based on the experience of the last three years and the housing starts during the past twelve months.

These assumptions will unfold as the budget development process proceeds, and certainly prior to final budget adoption by the Council. We will also need to track developments in the State Legislature as it affects municipal and education funding assistance from the State.

Gross Municipal Budget Expenditures

Gross municipal expenditures are made up of the operating budget and the capital improvements budget expenditures. The gross budget is the total before non-property tax revenues are subtracted. As proposed for FY18 the gross municipal budget is \$16,930,708, a 5.8% increase over FY17.

Operating Budget

The operating budget comprises 92% of total municipal expenditures, and includes the funding for day-to-day operations of municipal departments, as well as funding for debt service, the Libby Library, solid waste disposal, and contributions to the transit district. The FY18 proposed operating budget of \$15,632,508 increases by \$786,253, or 5.3% above the FY17 budget. I have included in your budget materials a listing of the most significant drivers of increased cost in the operating budget.

FIRE DEPARTMENT INVESTMENTS

The Fire Department budget includes funding to add the position of Deputy Chief. Given the size of the department and the complexity of operating a modern Fire and Rescue Department it is unrealistic to expect the Fire Chief to operate without professional administrative support within the department. There is, simply put, too much that needs to be done for one person to handle it. As you know in recent memory a past Council funded a Deputy Chief's position for one year only to eliminate it the following budget to save money. This position is not a frill. It is essential to the success of the department.

I am also including in the Fire budget an increase of \$50,000 for overtime expenses. The actual cost of overtime over the past several years has consistently been much greater than the budgeted amount and expenditures in the current fiscal year already exceed the budgeted amount. The reality is that shifts have to be filled when there are absences and it often requires the use of overtime to accomplish that.

Local hospitals have instituted this year a change in policy that will add \$38,000 in cost to the budget. Hospitals will no longer supply drugs and medical supplies at no cost to municipal rescue services. I am recommending an increase in ambulance service fees to cover the cost of this new expense.

DEBT SERVICE EXPENSE

Debt Service expense includes the cost to the Town of borrowing for larger capital projects as well as the cost of leasing vehicles and equipment. While the Town's obligations for borrowing remain very low the budget includes an increase of

\$233,313. About half of that cost is for the ladder truck and the Wastewater storage building, both of which were approved last year. The remaining increase is attributable to proposed leases in the FY18 budget for a street sweeper, a loader/tractor for Wastewater, and a new lease program for police cruisers.

Capital Budget

The capital budget funds improvements that are beyond the scope of day-to-day operations. Usually the improvements or equipment have a useful life of 10 years, or over 5 years in the case of equipment, and typically have a cost in excess of \$20,000, although there are certain circumstances when the cost can be less.

For FY18 I am proposing total capital expenditures of \$1,298,200, an increase of \$144,364 (12.5%).

Under the Town's charter the Finance Committee is charged with proposing a capital improvement budget to the Town Council for its consideration. The Finance Committee has been meeting in February and March to review Department requests and will complete its work prior to the Council's budget workshops beginning so that the Council will have the benefit of the Finance Committees input and recommendations. As the Council reviews departmental budgets at workshop sessions the capital requests will be addressed at that time in addition to the operating budget requests. I look forward to working with the Council, staff and Finance Committee members during the budget workshops to arrive at final decisions with respect to capital expenditures.

Non-Property Tax Revenues and Transfers

Non-property tax revenues and transfers include all sources of funding other than the property tax, including fees for services, permits and licenses, revenue from other governmental entities, excise taxes on motor vehicles, rescue service revenues, and transfers from fund balance. **As proposed in FY18 these revenues total \$5,146,500, an increase of \$282,500, or 5.8%.**

The Southern Maine economy has remained strong enough for the past two years to sustain revenue activity driven by consumer spending, including excise taxes, building permits, and parking revenues. The Council recently approved a new resident summer parking pass that should generate an additional \$10,000. Other parking related revenues are increased by \$45,000, including a proposed modest increase of \$5 in the cost of parking tickets.

I am proposing an increase in building permit fees that should generate at least \$50,000 in new revenue.

FY18 is the second year that the State Homestead Reimbursement Program is increased by \$5,000, from \$15,000 to \$20,000 per eligible household. This year the

reimbursement to the Town for the lost revenue is slated to increase from 50% of the lost revenue to 62.5% reimbursement. This will increase the revenue for the program by \$131,000. It should be noted that there is a corresponding reduction in total valuation (a loss of \$9,000,000), which would result in an increase of 5 cents to the tax rate. However so long as the State honors the commitment to a 62.5% reimbursement the additional revenue will offset the loss of value and there will be no affect to the tax rate. There will be a benefit to homeowners who will experience a reduction of \$80 in their tax bill.

Average Homeowner's Tax Bill Would Increase \$16

Operating expenditures, capital expenditures, and non-property tax revenues combined comprise the municipal budget commitment to be funded by property taxes. As presented for consideration by the Council the municipal commitment increases \$648,117, or 5.8% over FY17. Adding the School and County tax assessments to the municipal budget would result in an overall tax rate increase of 3.1%. **For an average homeowner who is a full time resident and qualifies for the homestead exemption this would result in a tax increase of \$16 for FY18.** For property owners who do not qualify for a homestead exemption and whose property is valued at \$200,000 the increase in taxes for FY18 would be \$96.

Thank you to the Department Heads, the Assistant Town Manager, and particularly to Finance Director Diana Asanza for their work in developing the FY18 budget. I look forward to working with the Council, staff, and Finance Committee to improve and revise the FY18 municipal budget.

6871 Discussion with Action: Approve the purchase of a spare pump for the Milliken Pump Station from Zylem Water Solutions in the amount of \$8,410 from Account Number 20161-50330 – Waste Water Equipment Replacement, with a balance of \$21,909.

BACKGROUND:

This request is to purchase a spare pump for the Milliken Pump Station. The Department currently does not have a spare pump for this station. This pump would be kept in storage if a pump were needed. Pumps this small are not considered for rebuild. Xylem Water is a direct dealer for all Flygt Pumps. The Superintendent is recommending the purchase from Zylem Water Solutions in the amount of \$8,410.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Approve the purchase of a spare pump for the Milliken Pump Station from Zylem Water Solutions at a cost of \$8,410 from Account Number 20161-50330 – Wastewater Equipment Replacement, with a balance of \$21,909.

VOTE: Unanimous.

6872 Discussion with Action: Approve the purchase of a spare pump for the East Grand Pump Station in the amount of \$8,400, from Account Number 20161-50330 – Waste Water Equipment Replacement, with a balance of \$21,909.

BACKGROUND:

This request is to purchase a spare pump for the East Grand Pump Station. The Department currently does not have a spare pump for this station. This pump would be kept in storage if a pump were needed. Pumps this small are not considered to be rebuilt. Xylem Water is the direct dealer for all Flygt pumps.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Approve the purchase of a spare pump for the East Grand Pump Station in the amount of \$8,400, from Account Number 20161-50330 – Waste Water Equipment Replacement, with a balance of \$21,909.

VOTE: Unanimous.

6873 Discussion with Action: Approve the purchase of an ABB replacement VFD for Blower #1 from Motion Industries, in the amount of \$6,078.87, from Account Number 30181-50853, with a balance of \$799,390.88.

BACKGROUND:

The current VFD on Blower #1 was installed in 2005. This request is to replace the VFD. The Department normally requests quotes from ABB and Toshiba VFD's. The existing VFD will be put aside and will be available for use in case of emergency break-down.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Approve the purchase of an ABB replacement VFD for Blower #1 from Motion Industries, in the amount of \$6,078.87, from Account Number 30181-50853, with a balance of \$799,390.88.

VOTE: Unanimous.

6874 Discussion with Action: Approve the purchase of parts for waste activated sludge Pump #1 from Aqua Solutions in the amount of \$8,988, from Account Number 30181-50853, with a balance of \$798,390.

BACKGROUND:

This pump was originally installed in 1986. The pump backs up both the return activated sludge pump and waste activated sludge pumps. The cost to purchase factory wear parts is \$8,988; and the cost to replace the entire pump is \$27,962. All parts and pumps are sourced from Aqua Solutions as they are the sole vendor for the East Coast for Flowserve Pumps. Once the parts arrive, the pump will be sent out for rebuild at an approximate cost of \$5,000. The recommendation is to purchase factory wear parts at \$8,988.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Approve the purchase of parts for waste activated sludge Pump #1 from Aqua Solutions in the amount of \$8,988, from Account Number 30181-50853, with a balance of \$798,390.

VOTE: Unanimous.

6875 Discussion with Action: Approve Ted Berry Company for cleaning and disposal of debris at the Pump Stations and the Waste Water Transfer Facility, in the amount of \$17,990, from Account Number 20161-50342 – Waste Pumping Expenses, with a balance of \$18,275.

BACKGROUND:

Ted Berry has performed the bi-annual wet cleaning for the Waste Water Department for the last ten years. Approximately \$10,000 of this request is for labor and the \$7,000 for disposal. The increase for this event is due to Ted Berry Company's running the Permitted Confined Space Entry Program (PCSEP), and providing all the below grade labor. New standards require that the PCSEP test for volatile organic carbons (VOC's). Last year we registered VOC's on our gas meter. The Superintendent is recommending that we absolve the Town of this liability by having Ted Berry Company run the entire program. Information below includes the quote, and e-mail referring to VOC's.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Approve Ted Berry Company for cleaning and disposal of debris at the Pump Stations and the Waste Water Transfer Facility, in the amount of \$17,990; \$16,275 from Account Number 20161-50342 – Waste Pumping Expenses, with a balance of \$16,275; and \$1,715 from Account Number 20161-50340 - Waste Tipping Expenses, with a balance of \$56,024.

VOTE: Unanimous.

Subject: 2017 and 2018 Biannual Pump Station Maintenance Proposal M-17-090

Thank you for giving us the opportunity to provide you with the following proposal for cleaning pump stations and conducting the confined space entry program. As you know the Ted Berry Company has been performing pump station cleaning in OOB for a number of years and has the intimate understanding of the individual pumping systems and components and upon your request would be willing to take on additional responsibilities associated with the cleaning and confined space management.

Scope of work: Work to be done during the spring and fall of each year at the request of the collection system manager

- A. Confined Space Entry, including continuous air monitoring and retrieval system**
- B. Lock Out Tag Out Pump Stations**
- C. Plug inlet line to stop incoming flow as needed**
- D. Perform pump station cleaning at the following locations, as requested by the customer:**
 - 1. Comfort St. Pump Station**
 - 2. ½ way grit chamber**
 - 3. West Grand Pump Station**
 - 4. East Grand Pump Station**
 - 5. Dune Grass Pump Station 100 & 200**
 - 6. Primary Holding Tank**
 - 7. Primary Influent Launder**
- E. Remove and dispose debris at Eco Maine**

Project Responsibilities

Old Orchard Beach Wastewater Department: To help achieve a smooth and successful project, you will be considered the owner of the project and it will be your responsibility to perform the following:

- **Provide a designated contact person**
- **Provide all access to all pump stations**
- **Operate Pump Stations as needed**
- **Provide disposal site or payment for disposal at an approved site – EcoMaine**

Ted Berry Company, Inc.

- **Provide a designated project manager**
- **Provide a written work plan prior to start of work**
- **Provide all traffic control per MUTCD regulations as required to complete the project.**
- **Provide a cleaning team with all necessary tools and equipment**
- **Provide confined space entry equipment and permit. All personnel are confined entry trained within the previous 12 months.**
- **Provide disposal of all materials in accordance with state, local and federal regulations at an approved disposal site.**

Ted Berry Company, Inc. Employees

- **Project Manager (Off Site)**
- **Project Crew Supervisor**
- **Jet/Vac CDL Operator**
- **Technician – confined space entry trained (2) technicians may be required for individual pump stations and will be charged individually.**

Differing conditions

- 1. **Flows at the pumping station higher than anticipated by the owner - If flows at the wastewater pumping station are higher than anticipated a modification to the pumping or work plan may be required and shall be paid by the Owner at no additional expense to TBCI.**

Delays

1. Delays caused by circumstances outside of the control of the Ted Berry Company shall be compensated fully by a standby rate that is defined in the contract terms and conditions. Items outside of the control of the Ted Berry Company include but are not limited to.
 - 1) Delays caused by "others"
 - 2) Differing site conditions
 - 3) Scope variance or inaccurate "as build" system drawings

Ted Berry Company Inc. Equipment

- Combination Jet/Vac Truck
- Service Truck
- Various size Plugs as needed
- Portable Air Compressor
- Confined Space Equipment

Terms and Conditions

All quotes are good for 30 days from date of inquiry.

Payment is due Net 30 from the date the project is completed.

Billable Units for Each Biannual Cleaning

Item Description	Rate	Estimated Units	Estimated Cost
Municipal Vactor Truck with Supervisor & CDL Operator	\$2,250.00/Day	3 Days	\$6,750.00
Support Truck	\$80.00/Day	3 Days	\$240.00
Confined Space Technician	\$750.00/ Day	3 Days	\$2,250.00
Confined Space (each day)	\$250.00/Each day	3 Days	\$750.00
Total Estimated Project Cost			\$9,990.00
Disposal	Billed at actual +10%		TBD

We appreciate the opportunity to provide you with this proposal and look forward to working with you again on the town's pump station maintenance. Please sign and return signed copy upon acceptance of this proposal.

Thank you for taking time to discuss the subject. Under the 'right to know' laws I must inform you that the last permitted confined space entry at the Comfort pump station resulted in a high reading of VOC's. This is a recent development and not something we have seen before. VOC's come in all forms and identifying the individual forms is very expensive and not practical for what we do. In discussions with others we suspect that the increased use of grease dissolving chemicals is causing the high readings. This could be the result of commercial entities choosing to dissolve the grease rather than trapping them and disposing of them properly. My understanding is that your staff is fit tested, medically cleared and can provide the proper breathing apparatus to enter in to areas that contain VOC's. We rarely perform permitted confined space entry and do not have the resources or expertise you do.

Because of the above I am requesting that the next round of cleanings include your staff running the entire permitted confined space entry program, provide all the safety

equipment and perform all the below ground tasks. Please adjust the quote as necessary and forward when you have the opportunity. My staff will inform the fire department so they can be on standby and we will operate the pump station while the cleanings are done. Before we perform the next cleanings in the spring we will discuss modifications that could make a safer entry for all.

6877 Discussion with Action: Convey foreclosed property, pending sale, identified as 43 WINONA AVE, Parcel Numbers 00320-00006-00003 to owners of record CURTIN PAUL J. & SANDRA (JT), for the total amount of \$21,171.90 in outstanding taxes and accumulated interest, due on the effective date of conveyance, including FY 2017 taxes, plus any legal costs incurred by the Town of Old Orchard Beach.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Convey foreclosed property, pending sale, identified as 43 WINONA AVE, Parcel Numbers 00320-00006-00003 to owners of record CURTIN PAUL J. & SANDRA (JT), for the total amount of \$21,171.90 in outstanding taxes and accumulated interest, due on the effective date of conveyance, including FY 2017 taxes, plus any legal costs incurred by the Town of Old Orchard Beach.

VOTE: Unanimous.

6878 Discussion with Action: Approve the Liquor License Renewals for Jeanne LaChance dba/JJ's Eatery Too, (306-5-1), 12 B Old Orchard Street, m-s-v in a Restaurant/Lounge; Big Daddy's Bar & Grill Inc., dba/Big Daddy's Bar & Grill Inc. dba/Big Daddy's Bar & Grill, (307-3-4), 13 Old Orchard Street, m-s-v in a Restaurant; and New England Restaurant Group dba/Pirates Patio & Galley (304-2-9), 2 Walnut Street, m-s-v- in a Restaurant.

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

VOTE: Unanimous.

GOOD AND WELFARE:

6879 Executive Session: Personnel Matters. (Note: This item discusses privacy issues define under Title 1 M.R.S.A., Section 405(6)(A), and the Council anticipates the discussion will occur in Executive Session.)

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Enter into Executive Session: Personnel Matters. (Note: This item discusses privacy issues define under Title 1 M.R.S.A., Section 405(6)(A), and the Council anticipates the discussion will occur in Executive Session.)

VOTE: Unanimous.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Exit Executive Session: Personnel Matters. (Note: This item discusses privacy issues define under Title 1 M.R.S.A., Section 405(6)(A), and the Council anticipates the discussion will occur in Executive Session.)

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Adjourn the Town Council Meeting at 8:30 pm...

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-five (25) pages is a copy of the original Minutes of the Town Council Meeting of March 21, 2017.

V. Louise Reid