

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
TUESDAY, MAY 1, 2007
TOWN HALL CHAMBERS**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, May 1, 2007. Chairman Joseph Kline opened the meeting at 7:02 p.m.

Pledge of Allegiance and Roll Call:

Present were:

**Councilor Robin Dayton
Councilor Roxanne Frenette
Councilor James Long
Vice Chair Shawn O'Neill
Chairman Joseph Kline**

ACKNOWLEDGEMENTS:

COUNCILOR DAYTON: I would urge citizens to get involved in the Phase I of our Jameson Playground refurbishment on Friday, May 11th in the afternoon and Saturday, May 12, 2007 from 8:00 a.m. on. For further information on what you can do to assist this project please call Nancy Mackin at 590-7623. I would also like to remind citizens of a Town Clean Up day scheduled for Saturday, May 12, 2007 from 9:00 a.m. to noon. We are asking folks to meet us in the Town Square at 9:00 a.m. for coffee and to pick up bags and get instructions. Everyone is welcome, young and old alike. For further information call the Public Works Department at 934-2250.

COUNCILOR FRENETTE: I would like to remind the citizens to save the date of Saturday, July 8, 2007 for the first Fresh Paint Benefit Auction being held at the Old Orchard Beach Historical Society. More information is available on our web site. I would also invite business owners to the meeting Business meeting on May 17, 2007 at 6:00 p.m. here in the Town Hall.

COUNCILOR O'NEILL: Congratulations to the Planning Department and in particular to Caroline Segalla for she has secured another canopy grant for \$5,000. She has worked hard on getting grants for the town and this is another star in her crown. Congratulations to all concerned.

COUNCILOR LONG: I would also like to extend my thanks to the Public Works Department and their Director for the excellent job they did during the past storm and for the positive changes made in our community.

ACCEPTANCE OF MINUTES: Town Council Minutes of April 17, 2007; Town Council Workshop of April 18, 2007; and Administrative Board Hearing of April 18, 2007 with no conditions recommended.

MOTION: Councilor Frenette motioned and Councilor Long seconded to accept the Town Council Minutes of April 17, 2007.

VOTE: Yea: Councilors Frenette, Dayton, Long and Vice Chairman O'Neill.
Abstain: Chairman Kline

MOTION: Councilor Frenette motioned and Councilor Long seconded to accept the Town Council Workshop of April 18, 2007.

VOTE: Yea: Councilors Frenette, Dayton, Long and Vice Chairman O'Neill.
Abstain: Chairman Kline

MOTION: Councilor Frenette motioned and Councilor Long seconded to accept into the records the minutes of the Administrative Board of April 18, 2007 with no conditions recommended.

VOTE: Unanimous.

CHAIRMAN KLINE: I would like a motion to move the Public Hearing – Liquor License after the Business License where it should have been placed.

MOTION: Councilor Frenette motioned and Councilor Long seconded to move the Public Hearing – Liquor License after the Business Licenses.

VOTE: Unanimous.

CHAIRMAN KLINE: I recommend that consideration to the Grand Victorian Condo Owners Association dba/Grand Victorian Condos (306-1-2) be considered by itself as I do not believe it belong here.

MOTION: Councilor Dayton motioned and Councilor Frenette seconded to address as read the item above.

VOTE: Unanimous.

BUSINESS LICENSES: Robert Tate & Steve Field dba/Tates Retail Gift Shop (205-3-6), 40 Old Orchard Street, Novelty Store (no knives or guns); James Gagne dba/Seaside Grill (304-3-3), 1 York Street, Victualers; Eryn Steele dba/Club Mirage (306-5-2), 6 East Grand Avenue, Victualers and two pool tables; Susan M. Fisher & Arthur F. Germer (301-3-1-100), 189 East Grand Avenue, Unit 100, one year round rental; George & Diane Gadbois (309-9-1-10), 7 Heath Street, Unit 10, one year round rental; Michael Foley (302-7-8-11), 170 East Grand Avenue, Unit 11, one

seasonal rental; Kathleen Gannon (203-1-9), 99 Portland Avenue, two year round rentals; Mitchell & Cenia Rosenweld (302-3-5), 3 Ladd Avenue, Unit 1, one year round rental; Joseph & Patricia Valentino (305-4-1-407), 1 Cleaves Street, Unit 407, one year round rental; George Gadbois dba/8 Ocean Park, LLC (219-2-31-B), seven seasonal rentals (Administrative Board Hearing, no recommendations); and Robert Bouthot, Good Tunes Dance Club, Inc., dba/Referee's (206-31-19-B), 2 First Street, pool tables, coin operated amusement devices, entertaining and dancing, victualers (Administrative Board Hearing, no recommendations).

MOTION: Councilor Dayton motioned and Councilor Frenette seconded to approve the Business Licenses as read.

VOTE: Unanimous.

CHAIRMAN KLINE: I do not believe that this requires a business license but rather the individual owners of these condos will need to secure their own business license if they are planning to rent. I would appreciate a motion to remove without prejudice.

MOTION: Councilor Dayton motioned and Councilor Frenette seconded to remove without prejudice the Grand Victorian Condo Owners Association dba/Grand Victorian Condos (306-1-2), 1 East Grand Avenue, 51 year round rentals.

VOTE: Unanimous.

PUBLIC HEARING LIQUOR LICENSE: Eryn Steele dba/Club Mirage (306-5-2), 6 East Grand Avenue, Malt, Spirituous & Vinous in a Class A Lounge

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to approve the liquor license as read.

VOTE: Unanimous.

SPECIAL AMUSEMENT PERMITS Eryn Steele dba/Club Mirage (306-5-2), 6 East Grand Avenue, Entertaining & Dancing; Good Toones Dance Club, Inc. dba/Referees (206-31-19B), 2 First Street, Entertaining and Dancing.

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to approve the Special Amusement Permits as read.

VOTE: Unanimous.

NEW BUSINESS:

2031 Discussion with Action: Approve the Special Event Permit for James Neilsen to have a small campfire on the beach in front of the Scollard Road entrance during the evening hours of May 6, 2007.

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to approve the Special Event Permit as read.

VOTE: Unanimous.

2032 Discussion with Action: Approve the Request from the Recreation Department to place a banner in the Square, and to place patriotic ribbons on Town owned light poles in the downtown area for the Viet Nam Moving Wall from May 2, 2007 through May 29, 2007.

MOTION: Councilor Dayton motioned and Councilor Frenette seconded to Approve the Request from the Recreation Department to place a banner in the Square, and to place patriotic ribbons on Town owned light poles in the downtown area for the Viet Nam Moving Wall from May 2, 2007 through May 29, 2007.

VOTE: Unanimous.

2033 Discussion with Action: Approve the Liquor License Renewals for Demetrios & Chrysanthe Dikos dba/Chrys's Restaurant (306-5-1-E), 6 East Grand Avenue, Malt & Vinous in a Restaurant; Dennis M. Sherman dba/Denny Mike's Smokehouse BBQ (307-1-3), 27 West Grand Avenue, Malt in a Restaurant; and Good Toones Dance Club, Inc. dba/Referees (206-31-19B), 2 First Street, Malt, Spirituous and Vinous in a Class A Lounge.

MOTION: Councilor Frenette motioned and Councilor Long seconded to approve the Liquor License Renewal Applications as read.

VOTE: Unanimous.

2034 Discussion with Action: Approve the hours for Voter Registration for the June election.

MOTION: Councilor O'Neill motioned and Councilor Frenette seconded to approve the hours for Voter Registration for the June election as Tuesday, June 5 from 8 a.m. to 6:00 p.m.; Wednesday, June 6 from 8:00 a.m. to 4:00 p.m.; Thursday, June 7 from 8:00 a.m. to 4:00 p.m.; Friday, June 8 from 8:00 a.m. to 4:00 p.m.; and Monday, June 11 from 8:00 to 4:00 p.m.

VOTE: Unanimous.

2035 Discussion with Action: Approve the Pole Permit from Verizon to install a pole on Puffin Street, from approximately 49' northeasterly of Seabreeze Avenue, one pole.

MOTION: Councilor Long motioned and Councilor O'Neill seconded to approve the Pole Permit from Verizon to install a pole on Puffin Street, from approximately 49' northeasterly of Seabreeze Avenue, one pole.

VOTE: Unanimous.

2036 Discussion with Action: Abate certain prior years' taxes as requested by the Tax Collector. O'Brien, #T1015 – \$282.14 – Fiscal Year 2006, \$453.27 – Fiscal Year 2005; \$423.98 – Fiscal Year 2004, evicted—uncollectible.

CHAIRMAN KLINE: The Tax Collector has requested the following go before the Council for abatement: Tenant Evicted per Court Order from Old Orchard Village and home has been removed from the site. The home is not fit for human habitation. Old Orchard Village paid the 2007 taxes in full.

MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to Abate certain prior years' taxes as requested by the Tax Collector. O'Brien, #T1015 – \$282.14 – Fiscal Year 2006, \$453.27 – Fiscal Year 2005; \$423.98 – Fiscal Year 2004, evicted—uncollectible.

VOTE: Unanimous.

2037 Discussion with Action: Accept the bid of \$287.20 per thousand from Phoenix Recycling, Inc. for the purchase of 30,000 bags in the amount of \$8,616 to be used in the Municipality's Waste Program from Account Number 10011-10302 – Inventory-Trash Bags, with a balance of \$14,712.64 including the option to extend the contract for an additional year to three years with a price escalator not to exceed the consumer price index inflation rate.

TOWN MANAGER: The Assistant Town Manager handled the bid process for ordering of new bags.

**SUPPLY TRASH BAGS
for the Town's Trash Pick-up Program**

The Town of Old Orchard Beach, Maine is accepting bids from qualified vendors to supply trash bags for use in our town-wide trash collection program.

Bid Packages can be obtained:

Office of the Assistant Town Manager
V. Louise Reid
1 Portland Avenue
Old Orchard Beach, ME 04064
207-934-5714 X 226
lreid@oobmaine.com

All bids must be received in hand
no later than 3:00 p.m. on Monday, April 17, 2007
at which time they will be publicly opened.

Boxes & Bags Unlimited
35 Canal Street
Bates Mill Complex
Lewiston, ME 04240
Attention: Tom Tiner

Phoenix Recycling
5180 Harry Dr. Ste. B
Murrells Inlet, SC 29576
Attention: Kristin Brown

~~**Gemflux Corp**
49 S. Main Street, Ste 201
Spring Valley, NY 10907
Attention: Jacob Kinraich~~

Unipak Corps.
P.O. Box 30027
Brooklyn, NY 11230
Attention: Ken Boyle

Bag Company
26 Woodard Road
P.O. Box 565
Greenfield, MA 01301

RNJ Packaging
Attention: Paul Gribbon
Post Office Box 11176
Portland, ME 04102

Assi Amos
Benjamin Plastic Co.
515-E Wild Avenue
Staten Island, New York 10314

PERKINS
Attention: Lea Zafirson
510 County Road
Westbrook, ME 04092

Resourceful Bag & Tag, Inc.
6420 W 127th Street
Palos Ht., IL 60463
Attention: Jim Alderson

BBI
Ken Blow
Post Office Box 510
Old Orchard Beach, ME 04064

All American Poly
Attn: Bid Department-Eve Stein
40 Turner Place
Piscataway, NJ 08854

Bids were received from only two businesses; two businesses responded they would like to bid the next time around; and one bid was returned as undeliverable; and the remainder did not respond.

The Bag Company
26 Woodard Road
Greenfield, MA 01302-0565
26 Woodard Road
Box 565
Greenfield, MA 01302-0565

Phoenix Recycling, Inc.
5180 Horry Drive, Suite B
Murrells Inlet, SC 29576

Bid of: \$256.67/m
30,000
Standard Liners

Bid of: \$287.20/m
30,000
Draw String Bags

Bid of \$321.67 –
30,000
Handy Handle Liners

The Assistant Town Manager wishes to indicate to Council that The Bag Company does not make draw string bags and this is the type of bag that has proved very acceptable in our previous experience here in Old Orchard Beach. In addition the weight of the bag provided by Phoenix Recycling is the strength that is acceptable to our use. The Assistant Town Manager made calls to all six references provided by Phoenix Recycling and found that all those interviewed were pleased with not only the quality of the bag but the service provided by the company and the staff. One of the references, Joseph Lambert, purchases 20 million bags for the Boston area and recommended with great satisfaction the Phoenix Recycling Company. The Bag Company did not provide a listing of references.

In addition to the acceptable price a contract extension/price escalator/de-escalator clause is provided to us by the company. This has been part of the reference check and the escalator/de-escalator clause has been economically attractive to the references because it has de-escalated more than escalating re the cost of products.

MOTION: Councilor Frenette motioned and Councilor Long Seconded to Accept the bid of \$287.20 per thousand from Phoenix Recycling, Inc. for the purchase of 30,000 bags in the amount of \$8,616 to be used in the Municipality's Waste Program from Account Number 10011-10302 – Inventory- Trash Bags, with a balance of \$14,712.64 including the option to extend the contract for an additional year to three years with a price escalator not to exceed the consumer price index inflation rate.

VOTE: Unanimous.

2038 Discussion with Action: Authorize the Town Manager to sign a two year Lease Agreement between OLD ORCHARD BEACH ASSOCIATES, LIMITED LIABILITY COMPANY, and the TOWN OF OLD ORCHARD BEACH, for Retail Unit D in Unit 102 in The Grand Victorian

Hotel Condominium in the amount of \$15,000 per year from Account Number 10013-30100 – Undesignated Fund Balance with a balance of \$4,165,404.05.

TOWN MANAGER: The request for the leasing of space at The Grand Victorian Hotel Condominium is being presented to the Council this evening. This is for the Police sub station which will provide to the citizens and tourists a place located in the center of the community from which to operate during the summer months.

COUNCILOR O'NEILL: I wish to state that I am not supporting this. We have major issues already with our fire and police public safety facility and are questioning whether we need to rebuild or build new so I believe that we are placing the cart before the horse. I didn't support it when it was first raised and I also feel that we did not follow through on the purchasing policy of the Municipality when we considered this and for those two reasons I do not support this and will vote against it. I appreciate the work put into it but I cannot support it at this time.

COUNCILOR LONG: I also do not support this. We have been talking about comprehensive planning and this is premature to do this at this time. We need to look at the public safety issues at a comprehensive planning level. I don't think it is a good way to do business. I will not support this.

COUNCILOR FRENETTE: I support this. We have talked about this need for years but it has always not been affordable. It is affordable now. We need this in the downtown area and I believe that this is an opportunity that we cannot afford to miss. If a year or so down the road we find it does not meet our needs or fit into our planning we can address it at that time. I don't think we can afford not to try it.

MOTION: Councilor Dayton motioned and Councilor Frenette seconded to
Authorize the Town Manager to sign a two year Lease Agreement between
OLD ORCHARD BEACH ASSOCIATES, LIMITED LIABILITY COMPANY,
and the **TOWN OF OLD ORCHARD BEACH,** for Retail Unit D in Unit 102 in
The Grand Victorian Hotel Condominium in the amount of \$15,000 per year
from Account Number 10013-30100 – Undesignated Fund Balance with a
balance of \$4,165,404.05.

VOTE: Yea: Councilors Dayton, Frenette, Chairman Kline
Nea: Councilor Long and O'Neill

2039 Discussion with Action: Establish an Emergency Account - FEMA
Disaster Relief – Other Improvements Capital, Account Number
31131/50556, in the amount of \$200,000, until such a time as FEMA
funds cover the cost of damage related issues.

CHAIRMAN KLINE: The recent storm and large amount of property damage within our community brings forth this request for setting aside \$200,000 and establish an Emergency Account – FEMA Disaster Relief – Other Improvements Capital, until such a time as FEMA funds cover the cost of damages are received.

COUNCILOR LONG: Again, I state that Public Works has done a great job and our Public Safety staff and Chief John Glass who is the Emergency Management Director have provided an unbelievably excellent service to the community.

COUNCILOR DAYTON: I met with the Public Works Director today and reviewed some of the plans that she has put in place and I appreciate the work she is doing and believe we are going in the right direction.

MOTION: Councilor O'Neill motioned and Councilor Frenette seconded to establish an Emergency Account – FEMA Disaster Relief – Other Improvements Capital, Account Number 31131/50556, in the amount of \$200,000, until such a time as FEMA funds cover the cost of damage related issues.

VOTE: Unanimous.

GOOD AND WELFARE

SHERI MACDONALD – I am pleased to tell you that on April 24, 2007 the Loranger Middle School send the Loranger Middle School History Day winners to the State Capitol in Augusta, Maine to compete against the best in the State at the Maine History Day State Competition. The honors we won included – First Place – in the Individual Historical Exhibit Category – “The San Francisco Earthquake” by Gillian Foss Gill also won a cash award for the best use of resource material; Second place in the Individual Historical Paper – “Samantha Smith: The Girl Who Dares to Ask” by Brittany Green; Second Place in the Individual Performance – “Jackie Robinson” by Luke Pellitier; Third Place in the Individual Exhibit – “The Triumphant Life of Harriet Tubman” by Victorian Bryan; and Third Place in the Group Historical Performance – “Fast Food Changes America” where the performers were: Jenna Tatsak, Kathy Hatch, Victorian Bonville and Shelby Bourgault. I am also proud to announce the contributions of the other members of the team including David Berlin, Jordan Marsters, Jamie Strain, Isabella Rosado, Courtney Rodgers, Taylor Mezoian, Kelsey Koenigs and Scott Godan. Without their encouragement and enthusiasm we could not have achieved our goals. What a great team effort. They assign points for first, second and third to see which school has the most wins and has bragging rights as the State Champs. This year when the points were totaled up – Bonny Eagle Middle School and Loranger Middle School (the biggest and the smallest) were declared co-champs. We are Number 1 – we are number 1 in the State. It should also be noted that the Portland Press complimented our school system as being one of the best in the State. I would also encourage the Town Council to let the School Board know of the date in which we will meet and have the opportunity not just to talk about the budget but about consolidation. Thank you.

CHAIRMAN KLINE: The following letter was received from the sons of Christopher Cash. Both Christopher, Jr. and Matthew indicate “Since we were small we have always heard stories from our Dad about his hometown, his high school, his community, his favorite place – Old Orchard Beach, Maine. He loved it and he wanted us to know about it and experience the Town and its people. We thank you from the bottom of our hearts for naming the Track after my Dad. It is an honor and a wonderful tribute to our Dad. We love seeing it when we visit, we love knowing it is there, and knowing we can see it anytime we want. It means more than we can say. Words cannot express how sad we are without Dad. We miss him so much to you all we can’t wait to visit and see everyone this summer. Thank you for your kindness and generosity and we will see you soon. Christopher Cash, Jr. and Matthew Cash.

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to adjourn the meeting at 7:25 p.m.

VOTE: Unanimous.

Respectfully Submitted,

**V. Louise Reid
Secretary to the Town Council**

I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of ten (10) is a true copy of the original Minutes of the Town Council Meeting of May 1, 2007.