

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
TUESDAY, APRIL 17, 2007
TOWN HALL CHAMBERS**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, April 17, 2007. Vice Chairman O'Neill opened the meeting at 7:00 p.m.

Pledge of Allegiance and Roll Call:

Present were:

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

Absent: Chairman Joseph Kline

ACKNOWLEDGEMENTS:

COUNCILOR FRENETTE: We would like to congratulate George Shabo, Music Director for the Loranger School, for being nominated as one of the 18 teachers suggested for the honor of Teacher of the Year and we wish him best of luck in the selection process.

COUNCILOR DAYTON: We wish to express to the staff for their assistance in the storm and also note that our shelter at the Saco Armory is still open for any citizens needed that facility or services.

COUNCILOR LONG: I would also like to thank the citizens in their efforts as good citizens and taking care of one another.

VICE CHAIRMAN O'NEILL: The Council would like to take this opportunity to personally thank all departments for their excellent service during the past two weeks of bad weather particularly Chief John Glass, and Deputy Chief Norman Gendron, Public Works Director Mary Ann Conroy, Waste Water Superintendent Chris White, Police Chief Dana Kelley, Dispatch Operations and all their staff. These were difficult circumstances and we recognize the amount of work and effort put into such experiences.

ACCEPTANCE OF MINUTES: Town Council Minutes of April 3, 2007; Special Town Council Meetings of April 4, 2007; Town Council Workshops of April 10, 2007 and April 11, 2007.

MOTION: Councilor Long motioned and Councilor Frenette seconded to accept the Town Council Minutes of April 3, 2007.

VOTE: Unanimous.

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to accept the Special Town Council Minutes of April 4, 2007 (2 sessions).

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

MOTION: Councilor Frenette motioned and Councilor Long seconded to accept the Town Council Workshop Minutes of April 10, 2007.

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

MOTION: Councilor Frenette motioned and Councilor Long seconded to approve the Town Council Workshop Minutes of April 11, 2007.

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

VICE CHAIRMAN O'NEILL: I call this Public Hearing to order at 7:05 p.m.

PUBLIC HEARING #1: Discuss the pre-application being submitted being submitted by Pier Leasing Co. to the State of Maine CDBG Program for a Business Assistance Grant (BA).

VICE CHAIRMAN O'NEILL: The Pier's

VICE CHAIRMAN O'NEILL: The Town of Old Orchard Beach will hold a Public Hearing on April 17, 2007 at 7:00 p.m. at the Town Hall Council Chambers to discuss a pre-application being submitted to the State of Maine CDBG program for a Business Assistance Grant (BA) **by the Pier Leasing Company**. The purpose of the request is to construct a banquet facility on the Pier. Public comments will be solicited at this Hearing and will be submitted as part of the pre-application. All persons wishing to make comments or ask questions about the proposal are invited to attend this Public Hearing. Comments may be submitted in writing to: Caroline Segalla, 1 Portland Avenue Old Orchard Beach, ME 04064 at any time prior to the Public Hearing. TD/TTY users may call 711. If you are physically unable to access any of the Town's programs or services, please call 207-934-5714 ext. 226, so that accommodations can be made.

JAMES ALBERT: The Pier did survive the storm. I come before you to ask that this project be resubmitted. I will just review what we are attempting to do. This will provide 10 permanent jobs and approximately 25 part time jobs. The purpose of the grant is to give money for those jobs which are provided through this project. They give you approximately two years to come up with the completion of the project. Tourism and hospitality jobs are being provided in this project. We believe this will provide the stimulus for other businesses to stay open year round. This will be a means of emphasis to keep businesses year round. We are confident we can complete a project that you will be proud of including cultural events, banquets, weddings, etc.

TOM LEMUE: I want to say that I have been in this town for fifteen years and I have been treated well by this municipality. I feel that if this will produce year round jobs that will help us support our families. I believe this would be very beneficial to our community.

COUNCILOR FRENETTE: I just acknowledge this and congratulate the Pier in pursuing this project and acknowledge my support. Not all these jobs are low paying jobs and even the low paying jobs are good second incomes for families in our community.

COUNCILOR DAYTON: I understand this is a second go around and I congratulate you and support you and wish you the best of luck. It takes significant amount of time and efforts and I congratulate you again on your efforts.

VICE CHAIRMAN O'NEILL: I also wish you the best of luck. I close this Public Hearing at 7:10 p.m.

I open this second Public Hearing at 7:10 p.m.

PUBLIC HEARING #2

Discuss the pre-application being submitted submitted by Old Orchard Beach Associates LLC to the State of Maine CDBG Program for a Business Assistance Grant (BA).

VICE CHAIRMAN O'NEILL: The Grand Victorian's - The Town of Old Orchard Beach will hold a Public Hearing on April 17, 2007 at 7:00 p.m. at the Town Hall Council Chambers to discuss a pre-application being submitted to the State of Maine CDBG program for a Business Assistance Grant (BA) by Old Orchard Beach Associates LLC. The purpose of the request is to enclose the Grand Victorian Plaza with a retractable mechanism of approximately 8,000sf. Public comments will be solicited at this Hearing and will be submitted as part of the pre-application. All persons wishing to make comments or ask questions about the proposal are invited to attend this Public Hearing. Comments may be submitted in writing to: Caroline Segalla, 1 Portland Avenue Old Orchard Beach, ME 04064 at any time prior to the Public Hearing. TD/TTY users may call 711. If you are physically unable to access any of the Town's programs or services, please call 207-934-5714 ext. 226, so that accommodations can be made.

VICE CHAIRMAN O'NEILL: No one being present to speak on this project and no comments from the public or the Council, I close this Public Hearing at 7:12 p.m.

PUBLIC HEARING LIQUOR LICENSE Oceanic Inn, Inc. dba/One Soho Square (310-6-3), 43 West Grand Avenue, Malt, Spirituous and Vinous in a Hotel-Optional Food.

COUNCILOR FRENETTE: We have received three concerns regarding this business with concerns regarding this being a bar and past history. I would assure these individuals that the Oceanic Inn has gone through all the steps necessary including Police, Fire, Tax office, Financial Office and Planning office. They have ADA bathrooms and we are encouraging them that this be a good business.

COUNCILOR DAYTON: I also would like to acknowledge that I have received concerns. I have addressed these concerns with the owners of this business. My questions and concerns were satisfied. I would suggest to those who have concerns go and visit and attempt to be a good neighbor. I think it is very clear that in talking with the owners the commitment is to change the image of the establishment. I recognize the need to be more appealing. I have

been assured by them that they have agreed to uphold these values. I acknowledge the investment that has to be made so I support this.

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

VOTE: Unanimous.

BUSINESS LICENSES: Alfred T. Simpson, Street Musician – Downtown Area, Personal Service – request to waive the fee; Kathleen & Robert Scott dba/Scott's Shore Things Variety Store (303-4-6), 134 East Grand Avenue, Grocery Store, Victualers; John Abbruzzese (304-1-2-3-21), 1 Walnut Street, Units 3 & 21, two year round rentals; Maria Vrotsos (211-1-14-2), 57 Old Salt Road, Unit 2, one year round rental; John Dugan (314-11-7), 105 Ocean Avenue, one year round rental; George & Mary Moszynski (319-2-4), 13 Hampton Avenue, one seasonal rental; Peter & Elizabeth Hatzis (211-1-14-1), 57 Old Salt Road, Unit 1, one year round rental; David Dunton dba/Yellowfins Acquisition, LLC (324-15-3), 5 Temple Avenue, Victualers; John LaCasse (302-7-5), 168 East Grand Avenue, three seasonal rentals; Lisa Huntress & Mark DeFrancesco dba/Paint Your Own Pottery Studio (205-3-7-A), 38B Old Orchard Street, personal service; and New England Restaurant Group, Inc., dba/Pirates Patio & Galley (304-2-9), 2 Walnut Street, Victualers, Entertaining & Dancing, and Vending Machine.

MOTION: Councilor Dayton motioned and Councilor Frenette seconded to approve the business licenses as read.

VOTE: Unanimous.

SPECIAL AMUSEMENT PERMIT: Vacancy Pub, Inc. (210-10-4), 17 Ocean Park Road, Entertaining and Dancing; Patio Pub dba/Pier Patio Pub (306-6-1-J), 2 Old Orchard Street, Entertaining & Dancing; and Patio Pub dba/Hooligans Landing (306-6-1-DD), 2 Old Orchard Street, Entertaining & Dancing.

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

VOTE: Unanimous.

NEW BUSINESS:

2022 Discussion: Emergency Services Communication Bureau (ESCB) presentation by Albert Gervenack, Director, and Robert Gasper, Project Director on Dispatch Operations.

VICE CHAIRMAN O'NEILL: There have been a number of unanswered concerns relative to Dispatch Operations and this evening Albert Gervenack, Director and Robert Gasper, Project Director on Dispatch Operations will address some of these concerns by providing information. I would like to thank these gentlemen for coming this evening and to discuss some of the concerns that we had on how this PSAP situation will work. I have asked an overview of how this will work.

ROBERT GASPER: I am always very grateful to have the opportunity to address these issues. Dispatching is what happens after you hang up from the PSAP call. In the event you keep your dispatch – and PSAP goes to Scarborough, Scarborough will take the call and see that it is an Old Orchard address. They will do one of two things. Scarborough could take the call and call you and have you address the call. The more common practice however is a three way conversation - this assures that the information provided is accurate. If you are not a PSAP you would not have this information. If it is an emergency call – the PSAP person would give the immediate information and provide life saving instructions. It is still a three way call. The other issue is that there is a study how to exchange that address agency by dropping that information into another system so that the Dispatcher would have that information. That would ensure there were not errors made in the passing of information from PSAP to Dispatch. There have been meetings held and another meeting next Wednesday because they want that type of service. This would assure no typographical errors.

COUNCILOR FRENETTE: How long will that be before that system is available? Is it a matter of special equipment?

ROBERT GASPER: We have been told that it is working in Massachusetts and substantially all of York County has that availability already. It is a matter of dumping the records into a computer sliding it to Old Orchard Beach. It is over a dedicated system such as automobile registration. That system already exists in the Sheriff's office, etc.

COUNCILOR DAYTON: The first option that you mentioned, is that the most popular? What happens to the call?

ROBERT GASPER: To the extent that you can see it on the screen it can be seen by both Old Orchard and Scarborough. There could be two calls at the same time and usually two lines would be adequate. The arrangements of how many lines needed are between the PSAP holder and the Dispatch. Cell phone calls all go to the State Police in Gray, Maine. Cell call location is not as specific as home telephone numbers.

COUNCILOR DAYTON: My concern is that a cell phone call would go to Old Orchard if we have our Dispatch – not to Scarborough.

TOWN MANAGER: The first question I have is that we are the midnight hour and the technology is out there and we don't have it ironed out. The public is paying \$.50 on their telephone bill and yet we have to negotiate a rate. The public was under the assumption that we were paying for the 911 system. Why are we at the 911 hour and this has not been worked out, and two, I recognize we are going to have to pay at a PSAP center – there must be a cost for us to have our own screens? Is that a cost that we will have to pick up?

ROBERT GASPER: It is just a matter of flushing out the routing information. As soon as we get that the PSAP centers need that information. This method just needs to be identified and

no new equipment is necessary. The other thing is that Old Orchard Beach will still have 911 capabilities it will just go to a different center.

VICE CHAIRMAN O'NEILL: Our difficulty is that we are trying to make the right decision and yet there are so many open ended questions that we have not been provided.

COUNCILOR FRENETTE: We have to pick a PSAP by October 1, 2007. If the information is not provided so that we can make a decision, will that date be changed?

ROBERT GASPER: It is a policy group that is working on the problem that we have discussed this evening. PUC would decide whether the October date is moved. Yes, Scarborough has been picked by the PUC. We have a service contract with VERIZON. If they tell us in August and we can't keep it going then we will have to accelerate the October date. I am sure they are anxious to move onto the new software. The first generation didn't have mapping but the new system will have that function. We will have two screens instead of one. Directions will be given on the map to make it easier for the dispatch person to address the location of even one that is not known.

VICE CHAIRMAN O'NEILL: We thank you for making the effort to come this evening and provide us with this information.

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2023 Discussion with Action: Amend the Town of Old Orchard Beach Code of Ordinances, Floods, Chapter 70, Section 26-38 by deleting all references to Zones AH and VE.

VICE CHAIRMAN O'NEILL:

**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 April 3, 2007, at 7:00 p.m. to consider the following:

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that the following section of the Town of Old Orchard Beach Code of Ordinances, Floods, Chapter 70, Section 26-38, is amended by deleting all references to Zones AH and VE.

MOTION: Councilor Frenette motioned and Councilor Long seconded to Amend the Town of Old Orchard Beach Code of Ordinances, Floods, Chapter 70, Section 26-38 by deleting all references to Zones AH and VE.

VOTE: Unanimous.

2024 Discussion with Action: Approve the Special Event Permit Application of the Old Orchard Beach Fire Department Call Force to hold a Yard Sale at the Public Safety Complex on Saturday, April 28, 2007; and a request to waive the fee.

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

VOTE: Unanimous.

2025 Discussion with Action: Approve the Special Event Permit Application from the Recreation Department for the Moving Wall Vietnam Memorial to be held from May 23, 2007 through May 28, 2007 (disassembled May 29, 2007); and a request to waive the fee.

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

VOTE: Unanimous.

2026 Discussion with Action: Approve the rental of a tent from Leavitt & Parris for the Moving Wall Vietnam Memorial in the amount of \$9,880 from Account Number 30220-50311 – Moving Wall.

MOTION: Councilor Long motioned and Councilor Frenette seconded to approve the rental of a tent from Leavitt & Parris for the Moving Wall Vietnam Memorial in the amount of \$9,880 from Account Number 30220-50311 – Moving Wall.

VOTE: Unanimous.

2027 Discussion with Action: Approve the Liquor License Renewals for Vacancy Pub, Inc. (210-10-4), 17 Ocean Park Road, Malt, Spirituous & Vinous in a Class A Lounge; Portland Avenue Associates dba/Grand Beach Inn (202-3-5), 198 East Grand Avenue, Malt, Spirituous & Vinous in a Hotel – Optional Food; Patio Pub dba/Pier Patio Pub (306-6-1-J), 2 Old Orchard Street, Malt, Spirituous & Vinous in a Restaurant/Lounge; Patio Pub dba/Hooligans Landing (306-6-1-DD), 2 Old Orchard Street, Malt, Spirituous & Vinous in a Restaurant/Lounge; and Pine Ridge Realty, Inc. dba/Dunegrass Golf Club, (105A-1-200), 200 Wild Dunes Way, Malt, Spirituous & Vinous in a Golf Club, renewal of auxiliary mobile golf cart & snack shack.

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

VOTE: Unanimous.

2028 Discussion with Action: Appoint Michael Dickinson as a Member of the Community Development Block Grant Committee on business Façade Grants, term to expire 6/30/08.

MOTION: Councilor Long motioned and Councilor Frenette seconded to appoint Michael Dickinson as a Member of the Community Development Grant Committee on business Façade Grants, term to expire 6/30/08.

VOTE: Unanimous.

2029 Discussion with Action: Town Council Order to Amend the Existing Schedule of License, Permit and Application Fees by Increasing, and amending the Fees under Section “Assessors Office Fees.”

VICE CHAIRMAN O’NEILL: The Assessor has reevaluated fees and proposed changes to the Fee Schedule.

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that the following sections of the Town of Old Orchard Beach Code of Ordinances entitled Appendix A, Schedule of License, Permit and Application Fees is amended by adding the underscored language, and deleting the strikethrough language as shown below:

ASSESSORS OFFICE FEES

(Amended by adding 1/20/04)

List by Alpha, Mailing Addresses	\$100.00
List by Parcel, Mailing Addresses	\$100.00
List by Alpha, No Addresses	\$100.00
List by Parcel, No Addresses	\$100.00
List by Street, No Addresses	\$100.00
Floppy Disk with Mailing Addresses	\$50.00

Standard:

Includes Property Location, MBLU, Owner, Mailing Info,

Property type & Assessed Value – sorted by Parcel, Alpha, Street **\$100.00**

Customized Lists **\$150.00**

List in Label Format **\$100.00** **\$150.00**

Maps-Complete set 11x17 **\$50.00**

Single Maps

Large **\$5.00**

Small **\$1.00**

Complete Property Record Card

Double-sided **\$1.00** **\$2.00**

Single-sided ~~\$0.50~~

Copy of Recorded Deeds, per page **\$1.25** **\$1.50**

~~**Research & Copies of Historical Records, per page**~~ ~~\$1.00~~

Historical Research, per hour **\$20.00**

Historical Record Copies, per page **\$1.00**

MOTION: Councilor Long motioned and Councilor Frenette seconded to move to Town Council Order to Amend the Existing Schedule of License, Permit and Application Fees by Increasing, and amending, the Fees under Section “Assessors Office Fees.”

VOTE: Unanimous.

GOOD AND WELFARE – There being no one wishing to speak under Good and Welfare we will move to item number 2030.

2030 Executive Session: Consider Abatement Request 07-03 (Note: Pursuant to 1 M.R.S.A. Section 405(6)(F), and 36 M.R.S.A., Subsection 841, this item is confidential and the discussion and decision will be made in executive session.)

MOTION: Councilor Frenette motioned and Councilor Long seconded to enter into Executive Session to Consider Abatement Request 07-03 (Note: Pursuant to 1 M.R.S.A. Section 405(6)(F), and 36 M.R.S.A., Subsection 841, this item is confidential and the discussion and decision will be made in executive session.)

VOTE: Unanimous.

MOTION: Councilor Frenette motioned and Councilor Long seconded to approve Abatement Request 07-03 pursuant to 1 M.R.S.A. Section 405(6)(F), and 36 M.R.S.A., Subsection 841.

VOTE: Unanimous.

MOTION: Councilor Long motioned and Councilor Dayton seconded to adjourn the meeting.

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 nine (9) is a true copy of the original Minutes of the Town Council Meeting of April 17, 2007.