

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
TUESDAY, APRIL 3, 2007
TOWN HALL CHAMBERS**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, April 3, 2007. Chairman Joseph Kline opened the meeting at 7:02 p.m. 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: Our congratulations to Jason Webber, Caroline Segalla, Nikki Duplisea and all members of the Recreation Department staff and volunteers who made the Easter Egg-Stravaganza such a success. The community involvement and participation was very impressive and the children enjoyed the day. We are grateful that the weather cooperated. For all those who attended and had anything to do with making this another outstanding Old Orchard Event, our sincere thanks.

COUNCILOR FRENETTE: I would like to congratulate Old Orchard Beach High School students, Carly Wittman, Corey Sturgeon, Christopher Calavas, Kristi Geaumont, Lindsey Jacques and Krystle Eisenbach along with their teacher, Dawn Poisson and their business consultants Dennis Robillard of Robillard Insurance Services and Chris Magnuson of WASCO Products for their participation in the TITAN COMPETITION sponsored by Bank America and Junior Achievement. They did a spectacular job and although they did not win they certainly challenged some of the other High Schools that participated.

ACCEPTANCE OF MINUTES: Town Council Minutes of March 20, 2007; Special Town Council Meetings of March 27, 2007 and March 28, 2007

MOTION: Councilor Long motioned and Councilor O'Neill seconded to approve the Town Council Meeting Minutes of March 20, 2007.

VOTE: Unanimous.

MOTION: Councilor Frenette motioned and Councilor Long seconded to approve the Special Town Council Meeting Minutes of March 27, 2007.

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

MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to approve the Special Town Council Meeting Minutes of March 28, 2007.

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

PUBLIC HEARING: Shall we 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?

CHAIRMAN KLINE: This is a housekeeping item to prepare for codification. I open this meeting at 7:06 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 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.

Attached is a letter from the State of Maine – Maine State Planning Office.

CHAIRMAN KLINE: I close this meeting at 7:07 p.m.

PUBLIC HEARING LIQUOR LICENSE New England Restaurant Group dba/Pirates Patio & Galley (304-2-9), 2 Walnut Street, malt, spirituous & vinous in a Restaurant.

MOTION: Councilor O'Neill motioned and Councilor Long seconded to approve the liquor license as read.

VOTE: Unanimous.

BUSINESS LICENSES: Frederick Hoffmeister dba/Violinist – Personal Service - Renewal, 50 Old Orchard Street, requesting fee be waived; Daniel Aluigi (313-2-1-21), 1 Bay Avenue, Unit 21, one year round rental; and Bruce C. & Eleanor Pulsifer (107-3-1-K46), 79 Kavanaugh Road, one year round rental.

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

VOTE: Unanimous.

SPECIAL AMUSEMENT PERMIT: New England Restaurant Group dba/Pirates Patio & Galley (304-2-9), 2 Walnut Street, Entertaining & Dancing.

MOTION: Councilor Long motioned and Councilor O'Neill seconded to approve the Special Amusement Permit as read.

VOTE: Unanimous.

NEW BUSINESS:

2011 Discussion with Action: Approve the Special Event Permit for the Old Orchard Beach Historical Society to hold a Fresh Paint Auction on Sunday, July 8, 2007, with rain date of Saturday, July 14, 2007. Artists will paint buildings or scenes around Town, and an auction will occur in the Town Hall Council Chambers at 5:00 p.m., and a request to waive the fee.

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

VOTE: Unanimous.

2012 Discussion with Action: Approve the Liquor License Renewal for Thomas H. Humphrey dba/Tom's Restaurant (306-4-7), 17B East Grand Avenue, malt, spirituous & vinous in a Restaurant.

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

VOTE: Unanimous.

2013 Discussion with Action: Authorize the Town Manager to negotiate a two year lease agreement for a Police Sub Station located at the Grand Victorian.

COUNCILOR DAYTON: We have met with several individuals and department heads regarding this item. Below is information from the Police Department on this issue. I would be interested in hearing from the Public should there be any questions.

Police Sub-station Proposal

At the Grand Victorian

Recently, the question was proposed about the idea of a police sub-station located within the new Grand Victorian property. Looking back over the years, a sub-station never became a reality because of the lack of a suitable and affordable location. The opportunity a police sub-station at the Grand Victorian provides us many new options to better serve the public.

Purpose:

There are several specific reasons a sub-station will have a positive impact on police services. The sub-station would centralize police services in the downtown area providing a higher level of services directly to the general public. Additionally, considering a staff of 18 full-time officers, 40 reserve officers and parking enforcement staff, the sub-station will ease the impact on the main police complex which currently does not meet personnel requirements.

Efficiency:

A sub-station eliminates the need for officers having to travel to the police complex to meet the victims, complainants, witnesses or suspects of a crime. An officer can maintain continuity of the incident given the proper tools such as interview rooms and a good working space. This will enhance interaction with victims, witnesses and suspects while not being exposed to distractions during a "street interview". Officers will have the ability to complete reports during shift hours. This eliminates the need for officers to wait until shift ends and therefore enhancing shift efficiency.

Full-service:

Police services will be convenient to members of the public where they can experience "full service" interaction with police officers and quickly gain information and answers by police department staff. This will include, reporting of crime, paying parking tickets, law and ordinance information, reporting of lost children, general information center, and delivering witness statements. The department intends to staff the sub-station with part-time personnel that are normally located at the police complex during the peak season. Further plans include development of community volunteer programs such as utilizing seniors to help staff the sub-station during the off peak season along with a routine presence of law enforcement officers.

Roll call room:

Currently the department holds 5 active roll-calls daily in the summer and 3 off season which are difficult due to space limitation. At times these are limited due to interruption caused by 4 offices, a bathroom and lockers room located directly adjacent the current roll-call and training area. Other times, roll-calls are eliminated due to victim or suspect interviews in the multi-purpose space.

Training room:

Currently the department lacks the space to train officers. This includes our two week training school and academy required of our new hires each year as well as other training attended and mandated by full-time and other staff members.

The police sub-station would give us the ability to sponsor state and regional training in Old Orchard Beach resulting in a cost in admittance fees, travel and over-time, (to name a few). The benefit is better trained officers at lower costs.

Work space area:

Some functions will be relocated to the sub-station to include equipment storage such as portable radios, vests, flashlights, related paperwork and other work related items.

Community Room:

Our Community Policing objective and efforts over the years have resulted in neighborhood watch meetings held monthly within our community. This also includes neighborhood mediations sessions and problem solving exercises that have been difficult due to the lack of meeting space without interruptions. This space would provide the police department and community with a great location these meetings.

Lease cost:

15,000.00 per year with an expected 2 year lease period.

Summary:

Considering the issues outlined above, a police sub-station at the Grand Victorian would have will have a positive impact on the efficiency of police services by integrating police personnel directly with the community.

CHAIRMAN KLINE: I have supported this and this is not something that is new. We have a facility now that is possible and available and we have an opportunity to capitalize on this lease agreement.

CHAIRMAN O'NEILL: Concerning the funds, will this come back to the Council when the lease agreement has been negotiated?

CHAIRMAN KLINE: Yes, this will come back before the Council.

COUNCILOR DAYTON: I do have further information which I can share later.

COUNCILOR LONG: I have toured this property with Messrs. Danton and Kerr. I am concerned about the cost; we have a number of issues before us and we have not discussed these further. Where are the operating funds coming from; the staffing, the parking; who will man the office during this time? We have information about training, interviewing, etc., and we have serious parking issues as it is. There are no parking plans in place and this concerns me. I am concerned frankly about outside people building a police facility. How does the person who paid half a million dollars feel about having the Police Department downstairs? Where are we taking the police officer from as far as staff? Having toured that space I do not believe it is the kind of space that will be workable. I don't believe this has been clearly laid out. I am recommending a workshop on this matter.

CHAIRMAN KLINE: If we provide this information to you will that confirm your vote?

COUNCILOR LONG: We need to have a public dialogue before we go ahead.

CHAIRMAN KLINE: This is just giving the Town Manager authority to move it ahead by negotiating a lease and give us an opportunity to address some of these concerns.

CHIEF KELLEY: I believe that we can address them. We have one place in front of the Grand Victorian. Many times we park in the square and we are within walking distance from Milliken Street. We do not plan to have training seminars in the summer. The training that

we talked about was for off season. There is more than enough parking during that time for that consideration.

COUNCILOR LONG: Is this going to be manned 24 hours a day – if you are telling the public you are going to be there all day and you don't have it staffed, what then?

CHIEF KELLEY: We certainly would post our hours.

COUNCILOR LONG: How do the residents of the Grand Victorian feel about a police presence in that area?

CHIEF KELLEY: I don't believe that this will be a problem. This is not a holding facility for individuals but rather a lost child, discussions on parking issues, etc. Seasonal personnel will park at the Milliken Street parking lot. We have addressed these issues. This idea is not anything new. I have advocated for this for some time.

COUNCILOR LONG: That is why I believe this should be work shopped. My preference is that this be work shopped. I appreciate you; you are a good Chief. If we want this presence down there – are there other ways of doing it; one that gives us more mobility; more comprehensive in approach? The presentation was excellent – but if we have a witness who says she was raped; now we have arresting officers and these cruisers are going to show up. So my concern is if you have someone in distress and you have police in police mode; you have places that tourists want to use for parking; and I see a conflict here. I would like to explore different options and have more comprehensive approach.

CHIEF KELLEY: I truly do not believe that this will be a negative experience in that area. I can't say it won't happen but I do not believe that this is an area that will cause that type of disruption.

CHAIRMAN KLINE: Those are legitimate concerns but I believe we should move this forward and there is a trial and error period. I believe we can learn from this type of placement of police officers.

COUNCILOR FRENETTE: I have always thought that this was a good idea. The cost was more in the past than we can afford. I think at the proposed cost – it is affordable – let us try it and if it does not work we can rethink it. I think it would be foolish to miss this opportunity.

COUNCILOR DAYTON: I appreciate Councilor Long's comments. I believe that I have done due diligence. I have talked to the department heads and also the Town Manager and I have great confidence in one of our most senior department heads, the Chief. I believe the Police Department is credible and I do not believe that the parking issue is enough to stop something as forward thinking as this sub station. I believe the benefits far outweigh any concerns. We are trying to get this up and running for the summer. A great deal of conversation has occurred regarding this issue.

WILLIAM DANTON: A question that Chief Kelley could not answer was whether the Grand Victorian renters or owners would not be happy. I have discussions with many of the residents and they welcome it; they think it is a brilliant move on behalf of the Town. Mr. Long's concern – the retail space is completely different from the upstairs – and the kiosk

area is a separate area as well. George Kerr reduced the rate in half and we feel this is a service to the community as well.

COUNCILOR LONG: I believe the compatibility of use – suspects of crime – the intention of police is to investigate suspects – and I don't believe this is compatible. I would like a workshop to study these proposals.

MOTION: Councilor Dayton motioned and Councilor Frenette seconded to authorize the Town Manager to negotiate a two year lease agreement for a Police Sub Station located at the Grand Victorian.

COUNCILOR O'NEILL: I commend Councilor Dayton and it has been an idea that has been long in consideration. I do not disagree but I believe it is a little premature as it regards the financing; I believe the workshop would be good; I would like to see a bigger facility with bathrooms. The space does not face the square. It is not in direct line of sight. You have to know where it is in order to find it. I would like to see us have our own structure; a place for lifeguards; I think you are looking at about \$80,000 at this point and for those reasons I believe it should be slowed down.

NORM MARQUIT: I would like to have this turned down because I also do not believe it has been studied enough and enough information forthcoming on the issue.

SARA MOREY: I think it is a good idea. The cops can be here quicker. The police will have more time to get there and maybe you will save lives quicker.

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

2014 Discussion with Action: Approve funds for costs related to a build out of the Police Sub Station at a preliminary cost of approximately \$25,000 to \$30,000 from the Undesignated Fund, Account Number 10013/30100 with a balance of \$4,056,481.05.

Projected Costs:

Build out

Preliminary estimated costs 25,000.00 to 30,000.00.

DAYTON: I believe this is a commitment to our community. I do not believe the funds need to exceed \$25,000. This is a very generous offer and I am pleased to be able to present this to the Council for consideration.

COUNCILOR FRENETTE: It is understood that I support the previous I will support this and the next agenda item.

COUNCILOR LONG: My concern is the fast track we are on here. When things come before the Council things are supposed to be specific. Five days before the meeting we receive the packet and I am troubled when I receive items that are not specific. I understand that it is appropriate to offer

amendments to a motion; it just demonstrates that we are winging this; and we are more likely to make a mistake when we wing it. Therefore I oppose it.

CHAIRMAN KLINE: I support this for we have a \$5,000 policy; or a bid policy for cost items. We are working with professional services – the owners of the building – the contractors putting the building together and with the support of the Police Department. I continue to support this. It is not new and it is fast tracked but it is not a new issue. I have spoken to people outside of Old Orchard Beach and many have been favorable about this.

TOWN MANAGER: We have been forthcoming with the information. We were getting comments back from Councilor Dayton and there are those willing to give back to the community. A full cost breakdown was provided to the Council over two weeks ago.

MOTION: Councilor Dayton motioned and Councilor Long seconded to Approve funds for costs related to a build out of the Police Sub Station at a cost not to exceed \$25,000 from the Undesignated Fund, Account Number 10013/30100 with a balance of \$4,056,481.05.

COUNCILOR O'NEILL: You mentioned the bid process and I am concerned about why this did not go out as an RFP? How do we know there is not another place downtown that is available? I believe we are not researching this enough.

CHAIRMAN KLINE: Those things have been explored in the past and we have done a deep exploration in the past and were not able to find anything like this in the downtown. Some of the vacant buildings have been built up and there are not a lot of places that will work for us particularly in the downtown. We are not the only people interested in this place; it is an ideal location. I believe this is the right way to move ahead. It is not a new idea and I believe it is an opportunity that we need to grab at now.

COUNCILOR O'NEILL: Historical data does not justify breaking up the bid process.

TOWN MANAGER: This is a built to suit. The owners of this space have given us a preliminary bid a few weeks ago to bid to our use. There have been no direct negotiations. I can tell you that this particular location – the price that we are giving for this cannot be touched in Old Orchard Beach for the square footage and the space we are looking at.

CULLMAN ROOCH: The way you phrase it – are we not bringing this up to code. Because we have had difficulty in the past – it is not appropriate to move over the RFP process. Are you going to do this without an RFP process? If I were suspicious I think you are avoiding the RFP process.

CHAIRMAN KLINE: Let me explain. If it is an old building you would have to bring it up to code. This is a brand new building so it is already at code. We are not exempt from our own laws. I am not preempting the RFP process. We are following the rules. In the build out - \$5,000 or less goes to the regular process; anything over \$5,000 would go to the Council.

COUNCILOR DAYTON: I made extensive efforts to see that the Council sees the space; everything that was done on the up and up; had several meetings with Council and made several attempts to get every Councilor involved. If you are using a facility that is up for retail, it is the owner that gets the construction done, buys the materials, etc., it is the owners that are involved for this. This is the situation that we have here. The electrician is working with other sites. He is able to do it more reasonably than getting someone who has not been involved. We are trying to take advantage of these offers to save money. Build to suit does ensure we are getting the best for our

investment. In a build to suit, new construction, it is not uncommon to work through the current owners.

VOTE: Yea: Councilors Dayton, Frenette and Chairman Kline.
Nea: Councilors O’Neill and Long

2015 Discussion with Action: Approve the funds for costs related to purchase of operational office equipment for the Police Sub Station at a preliminary cost of \$20,000 from the Undesignated Fund, Account Number 10013/30100 with a balance of \$4,056,481.05.

Operational office equipment and supplies

Preliminary estimated costs: Revised to be \$19,710.

COUNCILOR DAYTON: Again this cost was presented on the March 20th. The cost is factored to be \$19,710 is the new cost. Phones, fax machines, desks, etc., business supplies.

COUNCILOR FRENETTE: I understand the concern about the RFP process. I trust that we have placed RFP with these companies.

CHIEF KLINE: These costs were anticipated costs and if any of those items are over the \$5,000 we would deal with the vendors that we currently use. If it is \$5,000 we would have to go out for bid also.

COUNCILOR DAYTON: I specifically looked into the vendors that we would be using.

COUNCILOR LONG: These are contentious issues. It may be great that the owner is giving us a great deal but it is important that we should know all the facts no matter what the deal is. We are not spending our funds. We are spending the citizen’s money here. The rules for spending your money in this Town have been laid out carefully. There must be transparency. I remain concerned what we have done here because we have side stepped. Two weeks ago we were given a suggested plan but this past week we are not provided further and full information. This may be convenient – it is fast tracked – and I remain concerned about that. We are moving without the information that is necessary to make a prudent decision.

COUNCILOR DAYTON: This is brand new construction and we are working with the owners and contractors. It makes sense. It is not atypical. It may be the first time that we have rented first time space and I don’t believe that is a reason not to try it. I don’t believe we are breaking the RFP process and we do have the process in place to go forward with an RFP.

COUNCILOR FRENETTE: If we supported the first and second and I will support the third. To fast track in Old Orchard is usually not the way. I support it.

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to Approve the funds for costs related to purchase of operational office equipment for the Police Sub Station at a cost, not to exceed \$20,000 from the Undesignated Fund, Account Number 10013/30100 with a balance of \$4,056,481.05.

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

2016 Discussion with Action: Authorize the Town Manager to go out with a Request for Proposal (RFP) for Architectural Services to design a Public Safety Complex Building or Buildings.

**REQUEST FOR QUALIFICATIONS / PROPOSALS
FOR ARCHITECTURAL SERVICES
OLD ORCHARD BEACH, MAINE 04064**

For a New Public Safety Building Complex Building or Buildings

April 4, 2007

INVITATION

The Town of Old Orchard, Maine's Town Council solicits your qualifications for Architectural services related to the construction of a new Public Safety Complex building or buildings. The Architect will provide programming, schematic design, renderings and cost estimating services to the Owner for an option or options that satisfy needs identified during programming activities

Completion of Part One schematic design services shall be completed by May 21, 2007 for public presentation and voter approval of cost in Town Referendum. Following successful voter approval, the Architect shall complete construction documents and administration with a Construction Manager of the Town's choosing. The committee is inviting Architect's to participate in the following selection process:

THE PROJECT

The project consists of site development and construction of a new approximately 23,000 square foot program area in a single building or two buildings on town owned land in the Ballpark area of Old Orchard Beach. It may also be considered an option to renovate and expand the existing facility on Saco Avenue. The Architect shall divide the proposal into two parts; 1.) Programming and Schematic Design and 2.) Construction documents and Administration with possibility of Construction Manager (CM) form of project delivery.

The Part One of the project will consist of the following items:

Programming activities shall consist of assessing needs of each department by interviewing key staff to determine space requirements in order to proceed with design. Schematic Design shall include providing an option or options for a building or buildings designed specifically to house each department on Town owned land within the Ballpark area consistent with the development goals of the area. Each option, as approved by the Town Manager and Town Council shall be accompanied by appropriate plans, elevations, renderings and an accurate cost estimate that may be utilized to form a town referendum to approve funding for the project as the Town may choose.

Part Two of the project will consist of the following items:

The architect shall develop construction documents for the voter selected option. The architect shall provide services consistent with the AIA B141 or AIA B141 CMA should the Town consider engaging in construction management services.

The raw project estimate for the facility is \$4.6 million. The Architect will develop the Schematic Design for the project with the objective of a Town referendum vote in June, 2007 and a construction start in the Fall of 2007 and construction completion within 10 months of the date of commencement.

THE PROCESS

Prospective Architects are being invited to participate in the selection process. Each is expected to prepare a written statement of qualifications in response to this RFQ/RFP (eight copies required), to be submitted to the Town Manger not later than noon on April 18, 2007. Submittals received after that date and time will be returned unopened. Clearly mark the cover of the submittal with the words "Response to Public Safety RFQ/RFP." Address submittals to:

Mr. James Thomas
Town Manager
Town of Old Orchard Beach
1 Portland Avenue
Old Orchard Beach, ME 04064
207-934-5714 X 226
lreid@oobmaine.com

Architects may be selected for interviews no later than April 20, 2007, and a recommendation is expected to be made by April 24, 2006.

Each prospective Architect shall address the following in a statement of qualifications:

1) General Qualifications:

a) Architects Qualification Statement.

2) Programming experience

a) Narrative description of the firms' philosophy of programming.

b) Demonstration of successful municipal programming services.

3) Specific Municipal Experience:

a) Specific Architectural experience, particularly on projects of similar program and scope in programming and schematic design. A complete list of related Architectural projects completed during the past five years shall be submitted, along with owner references.

4) Key Personnel:

a) Identification and qualifications of key personnel to be used including, but not limited to, Project Managers and key consultants.

5) Project Schedule

- a) Preliminary project schedule for services as outlined above for Part one, and
- b) Estimated project schedule for completion of services based on a CM project delivery method.

6) Fees:

- a) Provide in a sealed envelope:
 - i) Lump sum fee for programming and schematic design services, and
 - ii) The construction documentation and administration phase as a percentage of the Cost of Work.

The Town reserves the right to reject any and all proposals, in whole or in part.

QUALIFICATIONS

1. The Owner retains the right to waive any informality, to reject any or all Statements of Qualifications, or to accept any Statement of Qualifications that may be determined to be in its best interest.
2. It is the Owner's intent that the work be publicly, competitively bid by qualified bidders for each phase of the project.
3. The Architect Request for Qualifications and Selection Process, as outlined herein, shall be considered subject to change as required by the Town of Old Orchard Beach. Terms and conditions of the Agreement between Owner and Architect shall take precedence over all prior understanding and/or Agreement, if any, including this Request for Qualifications.
4. The Owner retains the right to terminate the services of the Architect at any time prior to the execution of an Agreement, and the Owner's obligation shall be limited to actual documented expenses of the Architect as of such date.

END OF REQUEST FOR QUALIFICATIONS

WILLIAM DANTON: First I want to compliment Councilors Dayton, Frenette and Chairman Kline for moving ahead on the previous motions. I commend you for your strength and your wisdom. In regards to this. I support this process to get that information that you need to make a decision and I do support this process.

COUNCILOR O'NEILL: I encourage you to move forward because the cost will be far less than the \$80,000 on the previous issue.

COUNCILOR DAYTON: I don't think there are many people that understand the issues of the Public Safety Building and I understand the needs of this place. The Feasibility Study was done well and it provides us with four options. I appreciate the work the architectural firm has done and the Police Department and the administration for bringing this forward. This was only made available about a week ago and people have not had an opportunity to

digest this. The Clerk's office and the Library do not have this available for the public to see. I am concerned that the public has not had the opportunity to see this. I do believe that this, given all the data, this is an issue that needs to be work shopped. I believe it is a little premature when the Council has not had the opportunity to discuss this in workshop. I also would like to say that I spoke to the architect. That is information that the public needs to know.

COUNCILOR FRENETTE: I support the RFP. It is up the public and not the Council. The Feasibility Study talks about the present facility. When the citizens of Old Orchard Beach had the option to build or reconstruct the old Town Hall the citizens decided to keep the old and build on it. This will give the opportunity for the citizens to make a decision.

CHAIRMAN KLINE: The Town Manager and the Police Chief have the option to put out an RFP. Transparency was mentioned earlier this evening. We want to make this totally up front for the citizens. We need to be able to come back to the citizens for the real costs. I think Councilor Dayton had some good thoughts but I believe workshops will follow this.

COUNCILOR LONG: I appreciate hearing from the Chairman about workshops. The schools are looking for money; the town is asking for the money; the auditors have mentioned that our debt service should be under \$22 million. I think the community has to have a lot of workshops and this is being fast tracked. It is not just an RFP – completed by May – in order to go to referendum and construction to start in the fall and completed in ten months. This is charging ahead. We don't even have a site for this yet. The only architect that could meet these deadlines is the architect that we used. This is charging ahead. This is not a decision that needs to be made fast tracked. There are millions of dollars at risk here. We have shown fiscal responsibility and I believe the fast tracking of this will put the people back in debt. I will conclude by saying that the State is going to hit us up for a lot of money. We should not be stepping out and taking on a lot of debt without orderly consideration of this. It is going to cost you and your children a lot of money to take this on. We do not even have a site in mind for this. It is not good fiscal management. I am terrified that this will undue all the good that this Council has done. Thank you Mr. Chairman.

CHAIRMAN KLINE: I concur that we have several issues under consideration here. We have been steadfast in bonding before and the Town Manager has pushed this forward. We need to put the pieces of puzzle together. We have presented over the past couple of years several bonding issues. We need to prioritize but we need this information in front of us in order to move forward. We have drainage and road issues so with this request for proposal – it just gives us some of the information that we need to have to move forward. If the dates don't work then we move the dates. We need to set dates in order to set goals and to be measurable.

COUNCILOR O'NEILL: The costs were presented. This is just for the architectural services. We have not agreed as a council to a new public safety complex when we have not even agreed that this is what we want to do.

CHAIRMAN KLINE: It is just to give us an idea of the cost so that we can decide if we really want to move ahead. We may reject it and say we are not interested in moving ahead.

COUNCILOR LONG: In the proposed RFP presented - \$4.6 million raw and finished – raw and finished are two different things – site preparation costs – unrealistic. This has the potential to far exceed the \$4.6 million for the building never mind what we need to

put in the building. The RFP – the Down-easter does not go that fast. They don't know the potential site – do we need a sub station – these need to be dealt with a workshop. We need to slow this process down and the process has not permitted this. We are talking about millions or dollars and it is rush, rush, rush. It does not serve the best interest of the citizens.

TOWN MANAGER: I will try to put my comments into respectable tones. It was in September of 2006 that I spent 2 hours with five members of the Finance Committee - \$15 million dollars proposed bond – five different projects – finance committee unanimously agreed. We would not have had to raise a penny of taxes. Councilor Long's 65 million dollar bond package would have broken the bank – I still believe that consideration needs to be given to the \$15 million bond issue, it has been talked about since 1996. We study, study and study. We need to work, work, work. We have moved forward orderly, and fiducially by the administration – I do have a passion for Old Orchard Beach. I believe in the support of the residents if they hear the whole story. These are target dates – private conversations with councilors – we can easily amend the dates – the administration is more than happy to amend – take the consensus of three members. We have moved as expeditiously as possible.

JEROME PLANTE: We had some recent referendums and they have not been successful because we have suppressed information that the public should have had long before the referendum. In any request for proposals you have parameters. The Town people should know – such as will it include Dispatch operations – in the request for proposal – dispatch – the public had an input – becomes a burden – are we talking about building or buildings. We went to referendum and it didn't pass. I want to emphasize there was citizen input. Are you asking for a building or buildings? Where will these be built? Will it be on gravel or sand; at the present location or some other place. You have to know those things before hand. Citizen input before you go to referendum. Are we naming any particular sites.

CHAIRMAN KLINE: The reason I am asking for this proposal – how much to design. We have to have workshops for parameters. This is an adjunct to the wish of the citizens, should they choose to build a new facility. What you are asking is not the consideration of this proposal. We are not awarding anything right now. We are just asking for the designing cost. The cost is prohibitive, then there would be no more dialogue. What do we want our public safety building to be like. We are just trying to find out how much it would cost.

JEROME PLANTE: Architects do not design in a cloud. Someone is whispering in the architect's ear. At the present site or somewhere else? We might be back right where we were destroying school land.

CHAIRMAN KLINE: You are 500 steps ahead. You are asking inappropriate questions – this dialogue doesn't have to happen. We are transparent. Let us ask the Town Manager to get the proposal.

JEROME PLANTE: I believe we need a citizen committee.

COUNCILOR LONG: I understand the Town Manager's enthusiasm and aggressiveness but....

CHAIRMAN KLINE: (Interrupts) This direction came from me not the Town Manager's office. One of the options is to build a new building. We need to know how much it is going to cost. We don't know that till we have a Request for Proposal.

COUNCILOR LONG: The Town Manager made comments to me.

COUNCILOR FRENETTE: Excuse me. This is not the item. We need to stick to the item and quick all the personal comments.

MOTION: Councilor O'Neill motioned and Councilor Frenette seconded to remove without prejudice to authorize the Town Manager to go out with a Request for Proposal (RFP) for Architectural Services to design a Public Safety Complex Building or Buildings.

VOTE: Unanimous.

2017 Discussion with Action: Set a Public Hearing Date of April 17, 2007 to discuss the pre-application being submitted by Pier Leasing Co. to the State of Maine CDBG Program for a Business Assistance Grant (BA).

TOWN MANAGER: 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.

MOTION: Councilor O'Neill motioned and Councilor Long seconded to Set a Public Hearing Date of April 17, 2007 to discuss the pre-application being submitted by Pier Leasing Co. to the State of Maine CDBG Program for a Business Assistance Grant (BA).

VOTE: Unanimous.

2018 Discussion with Action: Set a Public Hearing Date of April 17, 2007 to discuss the pre-application being submitted by Old Orchard Beach Associates LLC to the State of Maine CDBG Program for a Business Assistance Grant (BA).

TOWN MANAGER: 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.

MOTION: Councilor O'Neill motioned and Councilor Long seconded to Set a Public Hearing Date of April 17, 2007 to discuss the pre-application being submitted by Old Orchard Beach Associates LLC to the State of Maine CDBG Program for a Business Assistance Grant (BA).

VOTE: Unanimous.

2019 **Discussion with Action:** Amend the Travel/Mileage Reimbursement Policy, effective August 1, 2004, Item III, Reimbursable Expenses (A) Transportation Mileage – Personal car to increase employee reimbursement for use of personal vehicle on Municipal business from \$.38 cents per mile to \$44.5 cents per mile, effective July 1, 2007, and \$.48 cents per mile, effective January 1, 2008.

**Town of Old Orchard Beach, Maine
Travel/Mileage Reimbursement Policy**

Effective August 1, 2004; amended 7/18/06

I. Purpose

The Town of Old Orchard Beach supports and encourages the professional development of all staff members. In order to enhance the skills and knowledge base of employees, regional and out-of-state travel is sometimes necessary to attend professional meetings, seminars, and workshops. Attendance at these sessions, while important, is a privilege for which employees are responsible for ensuring that both their time and the Town's financial resources are well-spent.

The following policy governs reimbursement of travel expenses incurred during the conduct of Town business. The Town will reimburse employees for ordinary, necessary and reasonable travel expenses that pertain to the transaction of Town business. The objective is to ensure cost effective and equitable reimbursement for expenses incurred by employees in the performance of their duties, within the Town budgetary parameters.

II. Responsibilities

Prior to any employee attending any seminar, workshop or professional association meeting which will require the expenditure of Town funds for travel, or lodging, s/he must receive the approval of their supervisor. In the case of out-of-state travel, the employee must also receive the approval of the Town Manager.

All employees who incur travel expenses must comply with the policy. Employees who submit travel expense reports not in compliance with the policy risk delayed, partial, or forfeited reimbursement.

Supervisory employees who approve travel expense reports are responsible for ensuring that employees follow Town reimbursement guidelines. Any deviation must be explained by the supervisor on the report.

III. Reimbursable Expenses

A. Transportation/Mileage

- **Personal Car:** Employees who use their personal cars for work related travel will be reimbursed at .38 cents per mile. The mileage allowance covers all auto costs (fuel, repairs, insurance) other than parking and tolls.
- **Air and other modes of travel:** Employees are expected to make travel arrangements that are the most cost-effective possible within practical considerations.
- **Taxi and Other Local Transportation:** Cab fare to and from convention centers, hotels and airports in connection with a work related activity is reimbursable. Cab fare is authorized only when alternate, less expensive services (hotel vans, shuttles, etc.) are not available. Employees are encouraged to use public transportation whenever feasible.

Receipts are required for all transportation expenses.

B. Meals

- **Meal expenses:** Only the cost of the employee's meals will be reimbursed. If employees buy meals for other staff or staff of other municipalities, those expenses will be reimbursable based on appropriate documentation. Alcoholic beverages are not reimbursable.

In the case of travel, employees will be reimbursed for up to \$50.00 per day.

Receipts are required for all reimbursable meal expenses.

C. Lodging

Employees are expected to perform cost comparisons and ensure that the selected lodging is the most cost-effective hotel/lodging, given other factors (distance from the meeting or seminar site and potential travel costs, etc.)

Receipts are required for all hotel expenses.

D. Other

The following incidental expenses are reimbursable, when directly related to City business:

- **Parking fees**

- Tolls
- Seminar Registration Fees

Receipts are required for all miscellaneous reimbursable expenses.

IV. Non-reimbursable Expenses

The following expenses are *not* reimbursable:

- Any additional costs which are necessitated due to an employee's spouse accompanying the employee or which are incurred by the employee's spouse (hotel, meals, etc.).
- Childcare fees
- Pet care fees
- Entertainment
- Personal phone calls
- Meal costs which exceed the per diem rate
- Other non-work related expenses.

V. Cash Advances

A. Issuance and Use: Upon request, temporary cash advances will be given to employees who are traveling out of state for expected out-of-pocket expenses.

Advances will not be issued to employees who have a previously issued advance that remains outstanding.

B. Settlement and reporting: Cash advances must be settled within ten (10) business days after returning from the pre-approved trip. Settlement consists of reporting the advance on a travel expense report and deducting the advance from the final balance due.

VI. Expense Report Processing

A. Timeframes. Out-of-state travel must be documented on a travel expense report within ten (10) business days after returning from a trip. In-state expenses accumulate monthly and should be submitted on a travel expense report by the tenth of the month following the previous month's expenses. In state mileage reimbursement requests may be submitted quarterly, upon prior approval of the employee's supervisor.

B. Travel Report Forms. A copy of the Town authorized travel/mileage expense report form is attached.

C. Authorization. The travel expense reports must be approved and signed by a supervisor, who will review the report for accuracy and compliance with the travel policy.

D. Reimbursements. Reimbursement checks will be processed with the regular accounts payable, which are processed weekly.

MOTION: Councilor O'Neill motioned and Councilor Long seconded to move to Amend the Travel/Mileage Reimbursement Policy, effective August 1, 2004, Item III, Reimbursable Expenses (A) Transportation Mileage – Personal car to increase employee reimbursement for use of personal vehicle on municipal business from \$.38 cents per mile to \$44.5 cents per mile, effective July 1, 2007, and \$.48 cents per mile, effective January 1, 2008.

VOTE: Unanimous.

2020 Discussion with Action: Abate certain prior years' taxes as requested by the Assessor. 1. R. Wickham, Acct #4116 - \$44.46, Fiscal Year 2001 - \$46.36, Fiscal Year 2002 - \$38.19, Fiscal Year 2003 - \$38.19, Fiscal Year 2004 \$38.19, Fiscal Year 2005 - \$25.65, Fiscal Year 2006 – Did not have a rental license for time periods indicated.

CHAIRMAN KLINE: This is a yearly housekeeping item.

MOTION: Councilor O'Neill motioned and Councilor Long seconded to Abate certain Prior years' taxes as requested by the Assessor. 1. R. Wickham, Acct #4116 - \$44.46, Fiscal Year 2001 - \$46.36, Fiscal Year 2002 - \$38.19, Fiscal Year 2003 - \$38.19, Fiscal Year 2004 \$38.19, Fiscal Year 2005 - \$25.65, Fiscal Year 2006 – Did not have a rental license for time periods indicated.

VOTE: Unanimous.

2021 Authorize the Town Manager to consider whether to subcontract out the police dispatch work to the Town of Scarborough, and to pursue all legal steps necessary to arrange for this possibility should the Town ultimately decide to take such action.

CHAIRMAN KLINE: I had this agenda item placed on the agenda because it has been a lingering issue and I believe that the employees that this is affecting need to have some direction on this issue. Mr. Town Manager, do you have anything to add.

COLLMAN ROACH: If we go through this process and we pursue all legal steps necessary to arrange for this possibility does this effectively make it irrelevant as to whether we go to another motion on the floor; in other words does this finalize this or does it call for another vote?

CHAIRMAN KLINE: Yes, this would have another opportunity to be voted on.

CHAIRMAN LONG: We certainly have had discussions about this before and we found out after the fact that the contract was not a partnership between Old Orchard Beach and Scarborough, leaving Old Orchard Beach no way of getting out of this contract; questions were raised on the equipment and who owned it or would own it. If we are building a Public Safety building that includes space for Dispatch, then we are out of step. I believe the citizens have made it clear they do not want to go out of Old Orchard. This needs to be discussed in workshop and there is a need for a lot of discussion on the subject.

COUNCILOR O'NEILL: The Town Manager was so public to say that three of us were so quick to deprive the public the opportunity to go to bond but I have strongly supported this going to referendum. we denied the public the right to have their say. I do not agree with him. We seem reluctant to move forward by giving the public their say when it is their right. It is a sensitive item – if it is going to cost us \$500,000 and \$750,000, then this would require a referendum. We seem reluctant to move forward with a referendum. It is a sensitive topic and we have debated and since we are moving forward with something for our public safety building, it is obvious we need to move forward on the issue of Dispatch.

COUNCILOR FRENETTE: I support Councilor O'Neill's suggestion this go to referendum. We complain about the first step; well tell me what is the alternative? We have work shopped most of these items to death and maybe it looks like we are pushing it. We hardly ever push things. We never make a decision in any step that is criticized. I would like someone to give me the right answer.

COUNCILOR O'NEILL: I would like to put this in with a referendum to the people and let the citizens decide. I say lets take this to referendum and let the people give us direction.

CHAIRMAN KLINE: I think this addresses questions that we have had in the past and this will give us the opportunity to move this forward so we can have the Council advised and be able to make a decision whether enough to go ahead with Scarborough. This is a referendum vote whenever that is but we are not there yet. We have not moved ahead officially. We have gathered data, discussed it continually, and at some point we need to make a decision.

COUNCILOR FRENETTE: By agreeing to this request we are just asking the Town Manager to get us the answers to questions that are unresolved.

CHAIRMAN KLINE: There are many unanswered questions but we have not given direction to close that loop. We need to have the information to stay in outhouse or go out.

COLLMAN ROACH: You mentioned October 1st?

COUNCILOR FRENETTE: We need to have our E911 system placed somewhere by that date.

COLLMAN ROACH: Then it would appear we need to move swiftly. One would assume that all the issues would be taken into account. It would be appropriate to include dates here and quantify all the various details of this issue.

CHAIRMAN KLINE; One of the steps to do that is to close the open ended questions that we addressed before and they will be brought forward for public referendum. The cost of keeping dispatch makes a referendum necessary. The minimum amount we might have to spend is over \$800,000. This will give the people all the information and facts so that they can decide what they want us to do. What are the legal implications and how can we move this forward and what will the contract look like because before it was not acceptable?

COUNCILOR O'NEILL: I would agree with this that the words “legal steps” do not have to happen. These do not have to happen.

CHAIRMAN KLINE: The reason that wording is here is that there are certain things we cannot do and legal steps are necessary to address these.

COUNCILOR O'NEILL: What is it going to cost for Dispatch to stay; what is it going to cost for Dispatch to go? I have asked for the Public Utilities Commission to come and speak and they have not come. The people need answer.

COUNCILOR DAYTON: The original question is that the study recently done recommends keeping Dispatch. You did provide cost, Chief Kelley. By contracting out to Scarborough was approximately \$100,000 and I felt that was not sufficient to suffer the human consequences? Not to contradict some of the Councilors, we do have those costs provided to us. We have some idea of what it is going to cost to keep dispatch but I am not convinced that we will save money if we subcontracted out. Some of those costs, Chief Kelley, I am not totally convinced that we have to have a contract to get those costs.

CHAIRMAN KLINE: There are costs in breaking a contract and in establishing a contract with Scarborough. That is why I am asking the Town Manager to go back to Scarborough and work this contract out so we know what we are working with. I feel there is a lack of partnership in the first agreement and I believe this needs to be readdressed.

COUNCILOR FRENETTE: The cost of keeping dispatch here is a public referendum. We have to be able to tell the people the cost in total to send it a way. The people need to have all the information when they make their vote.

TOWN MAANGAER: There are people behind this contract. There was an attorney client privileged memo that you received and I recommend that we take the first step and explore the first step and ultimately if we want to do a referendum. I think that Chief Kelley and I are agreed on is that if we are going to keep it here we need to do it right. It has not been manned properly.

JOSEPH THORNTON: I am one of the dispatchers. Why was the Union informed that this was done and asked to drop their law suit? Why is it being brought up now? We were informed Dispatch would stay and now this is coming up again.

TOWN MANAGER: I am not going to go into specific. Mr. Churchill was asked to do certain things last September and we did what we said we would do and the Unfair Labor Practice was dismissed.

JOSEPH THORNTON: It was not dismissed; it was withdrawn at the request of the Town Attorney.

CHAIRMAN KLINE: That discussion is not relevant to this matter.

BRAD GARAND: In regards to the agenda you have suggested this is to get a price of what it is going to go to Scarborough and to stay here, dispatchers have indicated that if we go to Scarborough – we have no longer equipment to dispatch here – and Scarborough will know that we don't have that equipment. – Scarborough has the option to charge anything that they want because we are in the position of not being able to dispatch. Take it with a grain of salt so that whatever Scarborough decides to do we will be at their disposal.

CHAIRMAN KLINE: That is why we need to bring this back with the information. This is even a proposed short term. I support having dispatch space in the new building should we build one. This would be a short term thing, could possibly be a short term.

COUNCILOR LONG: The 911 issue has nothing to do with dispatch. They are not connected. Given the Charter and the Town Manager's contract agreement he can speak to anyone or any other community. If the Town Manager wants to develop a proposal that is in the best interest of the citizens, that is what he should do. The last time we did this it was badly mismanaged and the Administration even admitted that it was not handled well. To indicate that he has taken all legal steps is language that is a burden. I oppose this language knowing that the Town Manager can go ahead and discuss this with Scarborough. The last time we saw the contract it was hands down against the betterment of our citizens; it was definitely not a partnership. We were going to put ourselves at a large disadvantage and that is why in the past I opposed it in the past and still do. The cost savings do not justify the human service that is provided here. I oppose this. Again if the Manager wants to speak to this issue it is his responsibility.

COUNCILOR FRENETTEE: The Town Manager was dammed when we asked him to do it; and then when he did it he was dammed again. We did criticize him even though it was the Council that instructed him to look into consolidation of dispatch.

COUNCILOR LONG: The town Manager has the right to go out and suggest a contract but the last time he did it without presenting it before the Council and it was totally mismanaged.

CHAIRMAN KLINE: There are a couple ways of governing and I am governing different than before and I will take responsibility for discussion on administrative issues that are business plans that are carried out on a day to day operations. My judgment I will use when the day to day operations will be on the agenda. You are going to see and continue to see agenda items where it is clearly an administrative issue but I feel that it needs to be on the agenda. This item needs to be acted on because we need to make a decision. It doesn't take a rocket scientist approach to figure out these costs. These items are influencing people's live. I am asking the Council to make a motion one way or the other. It is not our decision it is the decision of the Council.

COUNCILOR O'NEILL: There is no definitive action required on this motion. There is no "Discussion with Action" so we could not make a decision anyway.

CHAIRMAN KLINE: It should have stated Discussion with Action therefore all this dialogue is mute; all the emotion you have expended means nothing. It is needed to be addressed at the next meeting.

MIKE TOUSIGNANT: In the proposal that we paid \$5,000 for already we have heard a \$4.6 million is to build a new facility. What is the raw number to repair what we have – to repair the whole building – but what you never told us was the three plans?

CHAIRMAN KLINE: We will give that to you. Good and Welfare does not permit discussion.

MIKE TOUSIGNANT: I know what Good and Welfare permits, Joe. Option 1, 2 3 = are they cheaper than to build a new facility? My other question is the \$4.6 million dollar issue. Is that in the bond that you are suggesting? Joey, thank you for your time. People wanted to make comments and were not given an opportunity under the agenda item.

COLLMAN ROACH: Given I travel on business – can the town publish those on web site – transparency – people who can't attend will half the opportunity on the web site.

COUNCILOR FRENETTE: The workshop has been put on at night.

COUNCILOR DAYTON: I talked to Jason – put on the agenda.

PAT HOLLANDS: I am not here on these other issues but I would like remind people about the pet food recall.

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 twenty-three (23) is a true copy of the original Minutes of the Town Council Meeting of April 3, 2007.

V. Louise Reid