

**TOWN OF OLD ORCHARD BEACH
SPECIAL TOWN COUNCIL MEETING
WEDNESDAY, AUGUST 25, 2010 – 7:00 P.M.
TOWN HALL CHAMBERS
AGENDA**

A Special Town Council meeting of the Old Orchard Beach Town Council was held on Wednesday, August 25, 2010 at 7:00 p.m. in the Town Hall Chamber. Chair MacDonald opened the meeting at 7:09 p.m.

Present:
Chair Sharri MacDonald
Vice Chair Michael Tousignant
Councilor Robin Dayton
Councilor Shawn O'Neill
Councilor Laura Bolduc
Town Manager Jack Turcotte
Assistant Town Manager V. Louise Reid

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open the Public Hearing at 7:10 p.m.

Christina M. Poulin (306-1-2-AA), 1 East Grand Avenue, Suite A, Massage Therapist at RE Salon.

CHAIR: I close the Public Hearing at 7:11 p.m.

MOTION: Councilor Dayton motioned and Councilor Bolduc seconded to approve the business license as read.

VOTE: Unanimous.

CHAIR: I open the Public Hearing at 7:11 p.m.

PUBLIC HEARING SPECIAL AMUSEMENT PERMIT AND APPROVAL:

V. F. W. Memorial Post 7997 (312-14-2-X), 76 Atlantic Avenue, Occasional DJ – 7:00 p.m. to 11:00 p.m., inside.

CHAIR: I close the Public Hearing at 7:12 p.m.

MOTION: Councilor Bolduc motioned and Councilor Dayton seconded to approve the Special Amusement Permit as read.

VOTE: Unanimous.

TABLED ITEM COMMENTARY NUMBER 5545

Discussion with Action: Amend Chapter 2, Division 8 – Ballpark Commission – Section 2-401.

This item was tabled at the last meeting and brought forward again for approval.

TOWN MANAGER: He explained why this action was necessary based on the fact that the Ballpark Commission cannot do everything and therefore there is the need to have volunteers accept responsibilities and as such be “commission’s agents for carrying out the Commission’s responsibilities. There is this slight adjustment to the prior wording. This is the recommendation of the Town Attorney. It should not be unexpected for this document to come up for adjustment as the Ballpark activities grow. He reiterated that the challenge of the busy schedule of the Commissioners necessitated the need to ask other qualified volunteers to accept responsibilities that needed to be indicated in the Ballpark Commission Ordinance in the area of “commission’s agents.” During the discussion the question was also discussed about the need to hire individuals to care for the fields next year in line with the number of events that are already scheduled

Councilor O’Neill alluded to the insurance issue, again asking why the Town insurance would be used for OOB365 events and not for all events. This he said would afford everyone the same opportunity to use the Town insurance rather than just one group. The Town Manager explained that the OOB365 group now has their own insurance. Councilor O’Neill then suggested that a perhaps a workshop on special event permits and in particular the insurance issue be a consideration in the coming weeks. Councilor Bolduc said that she saw no need for such a workshop for obviously the issue has corrected itself. Councilor Tousignant said he hadn’t seen the Special Event permits but he was reminded that they were being sent via e-mail from the Town Clerk’s office. The Town Manager explained that the one time that the Town insurance was especially used was during the Balloon Festival which was definitely a combined event by both OOB 365 and the Town and the extent and magnitude of the event justified the use of the Town’s insurance and some participation by departments. The Chair again indicated that the OOB365 group’s mission was to bring events to the Town during the fall, winter and spring seasons. When the question was asked by Councilor Dayton and Councilor O’Neill about the cost for town involvement the Town Manager indicated that those type of records and figures have not been kept. He indicated it would be mostly involvement by public works, police and fire.

Explanation for the reasoning for it was provided on several occasions by the Town Manager. Sec. 2-401. Authority to appoint agents. The Commission may, with the consent of the Town Manager and the vote of the Town Council, designate one or more of ~~its~~ the members or other volunteers to serve as the commission's agents for carrying out the commission's responsibilities. Such agents may not, however, bind the town to any contractual or financial commitments unless expressly authorized to do so by the town council. (Ord. of 3-16-2010, § 7)

MOTION: Vice Chair Tousignant motioned and Councilor Bolduc seconded to Amend Chapter 2, Division 8 – Ballpark Commission – Section 2-401.

VOTE: Unanimous.

NEW BUSINESS:

5554 Discussion with Action: Approve the Special Event Permit application for Pier Patio Pub Inc. to hold their 11th Annual Bike Fest, to benefit the Warrior Legacy Foundation on Saturday, September 11, 2010, from 11:00 a.m. to 1:00 a.m.; request for a banner in the Square from September 7th through the 12th, to be coordinated with the New England Parkinson's Ride and the Chamber of Commerce, who received prior permission from the Council for banners.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to approve the Special Event Permit application as read.

VOTE: Unanimous.

5555 Discussion with Action: Approve the Special Event Permit application for OOB365 to hold their 2nd Annual Woofstock at the Ballpark on Sunday, October 24, 2010, from 7:00 a.m. to 5:00 p.m., including setup/take down; all dogs to be leashed at all times except within designated event areas.

MOTION: Councilor Bolduc motioned and Councilor Dayton seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

5556 Discussion with Action: Approve the contract with Weston & Sampson in the amount of \$12,500 for the Phase II – Ross Road Project – DEP Filing & Analysis, from Account Number 20203-50506 – Public Works Road Maintenance/Improvements, with a balance of \$449,760.

MOTION: Vice Chair Tousignant motioned and Councilor O'Neill seconded to Approve the contract with Weston & Sampson in the amount of \$12,500 for the Phase II – Ross Road Project – DEP Filing & Analysis, from Account Number 20203- 50506 – Public Works Road Maintenance/Improvements, with a balance of \$449,760.

VOTE: Unanimous.

5557 Discussion with Action: Accept, with regret, William Farley's resignation from the Recycling Committee.

MOTION: Councilor O'Neill motioned and Vice Chair Tousignant seconded to accept, with regret, William Farley's resignation from the Recycling Committee.

VOTE: Unanimous.

5558 Discussion with Action: Waive any and all fees for RSU 23 – Installation of new Sign; Old Orchard Beach High School; such fees include, but not limited to, Electrical permit fees (\$45.)

MOTION: Vice Chair Tousignant motioned and Councilor O'Neill seconded to Waive any and all fees for RSU 23 – Installation of new Sign; Old Orchard Beach High School; such fees include, but not limited to, Electrical permit fees (\$45).

VOTE: Unanimous.

5559 Discussion with Action: Approve the Liquor License Renewal of V.F.W. Memorial Post 7997 (312-14-2-X), 76 Atlantic Avenue, s-m-v in a Club.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to approve the Liquor License Renewal as read.

VOTE: Unanimous.

5560 Discussion with Action: Authorize the Town Manager to enter into an Agreement with BBI Waste, Ind., for accepting Old Orchard Beach Municipal Solid Waste at the BBI Facility on Vallee Lane in the amount of \$50,000 from Account Number 20163-50340 – Solid Waste Contract, with a balance of \$258,072.66, to include closing the Old Orchard Beach Transfer Station for acceptance of solid waste.

MOTION: Councilor O'Neill motioned and Vice Chair Tousignant seconded to Remove Without Prejudice Agenda Item 4450 to Authorize the Town Manager to enter into an Agreement with BBI Waste, Ind., for accepting Old Orchard Beach Municipal Solid Waste at the BBI Facility on Vallee Lane in the amount of \$50,000 from Account Number 20163-50340 – Solid Waste Contract, with a balance of \$258,072.66, to include closing the Old Orchard Beach Transfer Station or acceptance of solid waste.

VOTE: Unanimous.

ADJOURNMENT

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Adjourn the Special Town Council Meeting of August 25, 2010.

VOTE: Unanimous.

Respectfully Submitted,

**V. Louise Reid
Town Council Secretary**

I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of four (4) pages is a true copy of the original Special Town Council Minutes of August 25, 2010.

V. Louise Reid