

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
TUESDAY, DECEMBER 18, 2007  
TOWN HALL CHAMBERS**

A scheduled Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, December 18, 2007. Chairman James Long opened the meeting at 7:00 p.m.

**Pledge of Allegiance and Roll Call:**

**Present were:**

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

**ACKNOWLEDGEMENTS:**

**COUNCILOR FRENETTE:** Our thanks to all those responsible for bringing "Wreath's Across America" this past week to Old Orchard Beach and to all the students at our school, the Loranger Band, the teachers, and citizens alike. This cooperative venture between students and veterans benefited our students' education by creating an awareness of those who serve our country and the sacrifices of our veterans without which there would be no opportunity to enjoy our freedom. My thanks to Mrs. Roy and Jason Webber for their efforts on our behalf.

**TOWN MANAGER:** It is with a great pleasure that I pay tribute this evening to Roy Bryan for his service to our community during the past few years in delivering to us our town Christmas tree. Casco Bay Transportation is his own firm and he has contributed to this community with great enthusiasm and providing a service that has been unmatched in efforts to bring each year a bigger Christmas tree than the last to our citizens. It is my privilege to present to him this plaque. My thanks also to the Saco and Biddeford Police Department and to Central Maine Power for their assistance as well as members of our Police, Fire and Public Works Department.

**ACCEPTANCE OF MINUTES:** Special Town Council Meeting Minutes of December 4, 2007; and Town Council Meeting Minutes of December 4, 2007.

**MOTION:** Councilor Frenette motioned and Councilor O'Neill seconded to approved the Special Town Council Meeting Minutes of December 4, 2007 and the Town Council Meeting Minutes of December 4, 2007.

**VOTE:** Unanimous.

**PUBLIC HEARING:** Shall We Amend Chapter 6, Article IV of the Code of Ordinances of the Town of Old Orchard Beach, Maine – Operation of Chem-Free Drinking Establishments?

**TOWN MANAGER:** This comes to the Council as a result of the Town of Old Orchard Beach/Mimi Vattes d/b/a the Galaxy – Docket No. CV-07-210. The above item has been stayed until the Town Council can enact an ordinance amendment to finalize the parties' settlement agreement.

**CHAIRMAN LONG:** I open this Public Hearing at 7:07 p.m.

**EXHIBIT: 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 December 18, 2007, at 7:00 p.m. to consider the following:

**AMENDMENT TO ORDINANCE ON OPERATION OF  
CHEM-FREE DRINKING ESTABLISHMENTS**

Be it hereby ordained by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that Chapter 6, Article IV of the Code of Ordinances of the Town of Old Orchard Beach, Maine is amended by adding the underscored material and deleting the material in strikeover type, as shown below:

**ARTICLE IV. ~~PROHIBITING~~ REGULATING OPERATION OF CHEM-FREE  
DANCES IN DRINKING ESTABLISHMENTS\***

**Sec. 6-156. Definitions.**

As used in this article, the following terms have the following meanings:

*Chem-free dance* means a dance, concert, party or other social event at which no alcoholic beverages are served and which is open to persons under the age of 21.

*Drinking establishment* has the same meaning as in section 78-1 of the Code of Ordinances, Town of Old Orchard Beach, Maine 1 and includes, but is not limited to, class A lounges and taverns, both as defined at 28-A M.R.S.A. § 2.

1 Section 78-1 of Chapter 78 of the Code provides as follows: Drinking establishment means any establishment which is licensed by the state to serve alcoholic beverages for on-premises consumption, unless the establishment (i) is equipped with a separate and complete kitchen and with dining room equipment; (ii) has the capacity to prepare and serve full course meals; and (iii) is primarily and regularly used for the purpose of providing full course meals. The term "full course meals" means meals consisting of a diversified selection of food which ordinarily cannot be consumed without tableware and cannot be conveniently consumed while standing or walking. The term "drinking

establishment" does not include an establishment licensed under 28-A M.R.S.A § 1061 et seq. as a hotel, bed and breakfast, golf course or club.

**Sec. 6-157. Chem-free dances in drinking establishments restricted.**

No person, including an owner or lessee of the property on which a drinking establishment is located and any operator or manager of a drinking establishment, shall operate or permit the operation of a chem-free dance in a drinking establishment, unless the following restrictions are observed.

- (1) No alcoholic beverages shall be served, sold or consumed on the property occupied by the drinking establishment during the time a chem-free dance is in progress and during the one-half hour periods preceding and following the chem-free dance.
- (2) Attendance at any chem-free dance shall be restricted to one of two age groups, either ages 13 through 16 or ages 17 through 20, and at no time shall attendees from both age groups be present during a chem-free dance. This paragraph does not apply to persons employed in connection with the operation of the chem-free dance or to parents of attendees.
- (3) All chem-free dances must end and all attendees must leave the property, including exterior portions of the property, no later than 11:00 p.m. ~~and any public street, sidewalk or parking area adjacent to the property~~ if the chem-free dance is for 13- through 16-year-olds and no later than midnight if the chem-free dance is for 17- through 20-year-olds.
- (4) All signage, displays or artwork advertising or depicting alcoholic beverages or the consumption of alcoholic beverages, including labels and packaging materials, shall be fully covered or removed from the property so as not to be visible at any time during the chem-free dance and during the one-half hour periods preceding and following the chem-free dance.
- (5) All alcoholic beverages shall be removed from any portion of the property where persons under the age of 21 are permitted to be present during the chem-free dance and during the one-half hour periods preceding and following the chem-free dance.
- (6) The person operating the chem-free dance shall provide police protection ~~both indoors and outdoors~~ on the property during the chem-free dance and during the one-half hour periods preceding and following the chem-free dance at that person's expense. The police protection may be an officer of the Old Orchard Beach Police Department or another police officer or security officer approved in advance by the Chief of the Old Orchard Beach Police Department. One officer is required. The person operating the chem-free dance may elect to employ additional officers.

**Sec. 6-158. Violations, penalties, remedies.**

Any person who violates section 6-157 of this article commits a civil violation punishable by a civil penalty of no less than \$500.00 and no greater than \$1,000 for each violation. Each chem-free dance held in violation of this article is a separate offense and each person who operates or permits the operation of a chem-free dance is separately liable for the penalties set forth in this section. In addition, the town may enjoin the operation of any chem-free dance planned or proposed in violation of this article.

**Sec. 6-159. Enforcement.**

This article shall be enforced by the Police Department of the Town of Old Orchard Beach.

**Sec. 6-160. Purpose.**

The purpose of this article is not to control the sale, service or consumption of alcoholic beverages, but to regulate conduct in drinking establishments only during those times when the establishments are not serving alcoholic beverages.

**Sec. 6-161. Applicability.**

Upon enactment, this article shall apply to all drinking establishments, existing or proposed.

**CHAIRMAN LONG:** I close this Public Hearing at 7:09 p.m.

**BUSINESS LICENSES:** Parul Y. Patel & Yogesh Patel dba/Potvin's Market  
(211-9-12) 211 Saco Avenue, Grocery Store.

**MOTION:** Councilor O'Neill motioned and Councilor Dayton seconded to approve the Business License as read.

**VOTE:** Unanimous.

**SPECIAL AMUSEMENT PERMIT** Pamela A. Given dba/Ocean Pizza (210-2-51), 2 Ocean Park Road, Entertaining & Dancing.

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

**Vote:** Unanimous.

**NEW BUSINESS:**

# 3055 Discussion with Action: Amend the Code of Ordinances, Section 54-113 – Square on Old Orchard Street.

**CHAIRMAN LONG:** Section 54-113 currently reads:

**Sec. 54-113. Square on Old Orchard Street.**

(a) As used in this section, the term "square" means the Old Orchard Street Square which is that portion of Old Orchard Street between East Grand Avenue and West Grand Avenue and the beach.

(b) The square shall be closed to all vehicle traffic during the following periods:

(1) Memorial Day weekend from 6:00 p.m. Friday evening until 2:00 a.m. Monday morning; and

(2) From 6:00 p.m. on July 1 until 2:00 a.m. on Labor Day, daily.

(c) The police chief may open the square to vehicle traffic when he finds that the interest of public safety will not be harmed with the square open, and the police chief may close the square at any time that he finds that the interest of public safety will be met by taking this action.

(d) Notwithstanding subsection (b) of this section, business delivery vehicles shall be permitted to load and unload within the square area, between the hours of 2:00 a.m. and 6:00 p.m., prevailing time.

(Ord. of 6-13-1961, § 5-183; Ord. of 7-8-1974; Ord. of 7-14-1976; Ord. of 8-2-1978; Ord. of 6-18-1980; Ord. of 7-21-1982; Ord. of 4-2-1985; Ord. of 5-20-1986; Ord. of 8-17-1993; Ord. of 9-16-1997)

**EXHIBIT:**

**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 December 4, 2007 at 7:00 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the Code of Ordinances, Section 54-113, Square on Old Orchard Street, by adding the following language:

There shall be one designated handicap parking space, allowing parking for no longer than 30 minutes; three ten-minute parking spaces; and two authorized vehicles only spaces, located at the bottom of the square, for use when the Square is open.

**MOTION:** Councilor Frenette motioned and Councilor O'Neill seconded to Amend the Code of Ordinances, Section 54-113 – Square on Old Orchard Street.

**VOTE:** Unanimous.

# 3056 Discussion with Action: Amend the Code of Ordinances, Section 54-187- Imperial Street.

**COUNCILOR LONG:** Is there any discussion on this issue.

**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 December 4, 2007 at 7:00 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the Code of Ordinances, Section 54-187, Restrictions and Prohibitions, by adding the underscored language and deleting the strikethrough language:

Imperial Street. No parking shall be allowed on the ~~left~~ right side (facing the ocean) of Imperial Street from Portland Avenue to Milliken ~~Hoffman~~ Street ~~and from Francis Street to Milliken Street~~. Parking shall be allowed on the right ~~left~~ side (facing the ocean) of Imperial Street only from Veteran's Square to ~~Milliken~~ Francis Street.

**MOTION:** Councilor Dayton motioned and Councilor Frenette seconded to Amend the Code of Ordinances, Section 54-187- Imperial Street.

**VOTE:** Unanimous.

**# 3057 Discussion with Action:** Approve the Liquor License Renewal for Pamela A. Given dba/Ocean Pizza (210-2-51), 2 Ocean Park Road, s-m-v in a Restaurant.

**MOTION:** Councilor O'Neill motioned and Councilor Dayton seconded to approve the Liquor License Renewal as read.

**VOTE:** Unanimous.

**# 3058 Discussion with Action:** Appoint Gary Lamb as Secretary to the Town Council, term to expire March 31, 2008.

**MOTION:** Councilor Frenette motioned and Councilor O'Neill seconded to appoint Gary Lamb as Secretary to the Town Council, term to expire March 31, 2008.

**VOTE:** Unanimous.

**# 3059 Discussion with Action:** Acceptance of Wild Dunes Way from the Clubhouse back to Ross Road, Map 105-A.

**CHAIRMAN LONG:** Over the past year, developers have been finishing the construction of the remaining section of Wild Dunes Way. The first phase of construction of this roadway was previously accepted as a public roadway, from Ross Road to the clubhouse. The second phase of construction of Wild Dunes Way, from the clubhouse back to Ross Road, is now complete and up to the town standards for a public roadway. The survey monuments are in place, street lighting is activated, paving is complete and a final deed will be available by the council meeting.

The Department of Public Works (DPW) is recommending acceptance of this section of the roadway with the following conditions:

1. The road and improvements be accepted but the approval will be subject to the Town not being responsible for the maintenance of the sidewalk, mowing, and general clean up of the grassed areas within the right-of-way, including the ditch lines.
2. DPW will clear any major obstructions or debris caused from a failed culvert.
3. DPW does not feel it is necessary to retain easements for the sidewalks outside the right-of-way since the Town will not be responsible for the maintenance of the walkways.
4. We also note that the maintenance of the sidewalk, mowing, and general clean up of the grassed areas within the right-of-way, including ditch lines, will be maintained by the neighboring association and shall be clearly noted in the condominium documents as agreed to by the developers and town officials.

***CORRECTIVE RELEASE DEED***

**(Wild Dunes Way)**

**KNOW ALL PERSONS BY THESE PRESENTS, that BARBARA A. BOUTET, INC., a Maine corporation having a principal place of business and mailing address of 200 Wild Dunes Way, Old Orchard Beach, Maine 04064, DUNEGRASS, LLC, a Maryland limited liability company having a principal place of business and mailing address of 5300 Dorsey Hall Drive, Suite 200, Ellicott City, Maryland 21042 and PINE RIDGE REALTY CORPORATION, a Maine corporation having a principal place of business and mailing address of 200 Wild Dunes Way, Old Orchard Beach, Maine 04064 (the “Grantors”)**

**for consideration paid, releases to**

**THE TOWN OF OLD ORCHARD BEACH, a Maine municipal corporation having a mailing address of Old Orchard Beach Town Hall, 1 Portland Avenue, Old Orchard Beach, ME 04064 (the “Grantee”),**

**A portion of that certain roadway, commonly known as Wild Dunes Way, beginning at the two monuments set on either side of Wild Dunes Way at or near Lot J 54 and running through Dunegrass, so-called, to its intersection with the southwesterly sideline of Ross Road (the “Roadway”), said Roadway being fifty feet (50’) wide at the beginning monuments and expanding to eighty-six and ten one-hundredths feet (86.10’) wide as it approaches and intersects the southwesterly sideline of Ross Road, and is more particularly depicted as “Wild Dunes Way” on Survey entitled “Sections A,B,C,H, & I, and a portion of Wild Dunes Way, Dunegrass” by Titcomb Associates dated November 17, 2005, revised October \_\_\_\_, 2007 and recorded in the York County Registry of Deeds at Plan Book \_\_\_\_, Page \_\_\_\_ (the “Plan”), which metes and bounds description of that portion of “Wild Dunes Way” depicted on the Plan is incorporated herein by reference and made a part hereof, together with any and all storm or sanitary sewer mains, pipes, conduits and appurtenant apparatus located within the**

Roadway, but excluding any and all domestic water lines, pipes and appurtenant apparatus, lateral building sewer connections and any installation of public utilities.

This deed is given to correct the metes and bounds description of the Roadway in a previous Release Deed from Barbara A. Boutet, Inc. to the Town of Old Orchard Beach dated October 31, 2005 and recorded in the York County Registry of Deeds at Book 14686, Page 515, which deed referenced the Plan entitled "Dunegrass" dated October 25, 1987, last revised July 12, 1988 and recorded in the York County Registry of Deeds at Plan Book 170, Pages 28, 29 and 30 for the description of the Roadway. Dunegrass, LLC joins in this deed to convey any and all right, title and interest it may have acquired in and to the Roadway under a deed from Pine Ridge Realty Corporation to Dunegrass, LLC dated December 2, 2005 and recorded in the York County Registry of Deeds at Book 14693, Page 973, and/or under a deed from Barbara A. Boutet, Inc. to Dunegrass, LLC dated December 2, 2005 and recorded in the York County Registry of Deeds at Book 14693, Page 979. Pine Ridge Realty Corporation also joins in this conveyance to convey any and all right, title and interest it may have in and to said Roadway as the same has been relocated and constructed, including the deviation in the curve of said Roadway from the original layout for said Roadway as contemplated on Plan entitled "Dunegrass" dated October 25, 1987, last revised July 12, 1988 and recorded in the York County Registry of Deeds at Plan Book 170, Pages 28, 29 and 30.

RESERVING, however, to the Grantors, their successors and assigns an easement for the purposes of installing, maintaining and replacing utilities and utility connections within the Roadway to the same extent, in the same manner and subject to the same permitting and approval requirements as a public utility locating facilities in a public way under Title 35-A of the Maine Revised Statutes, except that no openings shall be made within the paved portion of the Roadway, other than to effect emergency repairs, for five years after the date of this deed.

RESERVING, further, to the Grantors, their successors and assigns a non-exclusive easement for the purpose of maintaining sidewalks, esplanades and drainage areas within the Roadway. In granting this deed, Grantors agree and acknowledge that they or their successors or assigns will be responsible for the general maintenance of the sidewalks, esplanades and drainage areas located within the Roadway, not to include paving, replacement or plowing, and that the Town of Old Orchard Beach will have no duty or obligation to maintain, pave, replace, plow or repair such sidewalks, esplanades and drainage areas, but may undertake work within the area of the sidewalks, esplanades and drainage areas to the extent the Town considers such work necessary or advisable in order to maintain the traveled way in a condition that is safe and convenient for travelers with motor vehicles.

For title of the herein Grantors, reference is hereby made to the following deeds: (1) from Sealand Development Company, Inc. to Pine Ridge Realty Corporation dated May 28, 1993 and recorded in the York County Registry of Deeds at Book 6555, Page 102; (2) from Sealand Development Company, Inc. to Pine Ridge Realty Corporation and Barbara A. Boutet dated November 6, 1997 and recorded in said Registry of Deeds at Book 8538, Page 26; (3) from Pine Ridge Realty Corporation to Barbara A. Boutet dated May 20, 1998 and recorded in said Registry of Deeds at Book 8824, Page 42; (4) from Barbara A. Boutet to Barbara A. Boutet, Inc. dated August 23, 2001 and recorded in the York County Registry of Deeds at Book 10905, Page 183; (5) from the Pine Ridge Realty Corporation to Dunegrass, LLC dated December 2, 2005 and recorded in the York County Registry of Deeds in Book 14693, Page 973; and (6) from Barbara A. Boutet, Inc. to Dunegrass, LLC dated December 2, 2005 and recorded in said Registry of Deeds at Book 14693, Page 979.



IN WITNESS WHEREOF, Barbara A. Boutet, Inc. has caused this instrument to be executed by Ronald A. Boutet, its Treasurer, duly authorized, this \_\_\_\_ day of \_\_\_\_\_, 2007.

BARBARA A. BOUTET, INC.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By: Ronald A. Boutet  
Its: Treasurer

STATE OF MAINE  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_, 2007

Personally appeared the above-named Ronald A. Boutet, Treasurer of Barbara A. Boutet, Inc., and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Barbara A. Boutet, Inc.,

Before me, \_\_\_\_\_  
*Attorney at Law/Notary Public*

Print or Type Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

IN WITNESS WHEREOF, Dunegrass, LLC has caused this instrument to be executed by JTS Corp., it's Managing Member, by J. Thomas Scrivener, its President, duly authorized, this \_\_\_\_ day of \_\_\_\_\_, 2007.

DUNEGRESS, LLC  
By: JTS Corp.  
Its: Managing Member

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By: J. Thomas Scrivener  
Its: President

STATE OF MAINE  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_, 2007

Personally appeared the above-named J. Thomas Scrivener, President of JTS Corp., Managing Member of Dunegrass, LLC, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Dunegrass, LLC,

Before me, \_\_\_\_\_  
*Attorney at Law/Notary Public*

Print or Type Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

IN WITNESS WHEREOF, Pine Ridge Realty Corporation has caused this instrument to be executed by Ronald A. Boutet, its President, duly authorized, this \_\_\_\_ day of \_\_\_\_\_, 2007.

**PINE RIDGE REALTY CORPORATION**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By: Ronald A. Boutet  
Its: President

STATE OF MAINE

COUNTY OF \_\_\_\_\_, 2007

Personally appeared the above-named Ronald A. Boutet, President of Pine Ridge Realty Corporation, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Pine Ridge Realty Corporation,

Before me, \_\_\_\_\_  
*Attorney at Law/Notary Public*

Print or Type Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**MOTION:** Councilor Frenette motioned and Councilor Dayton seconded to Accept Wild Dunes Way as described in the *CORRECTED RELEASE DEED conditional upon receipt of an executed deed agreed upon by legal counsel.*

**VOTE:** Unanimous.

# 3060 Discussion with Action: Appoint a 125<sup>th</sup> Town Anniversary Committee to include Dan Blaney, Gary Curtis, Kathy Smith, Carol Kingsbury, Jessica Wagner, Cheryl Poulopolus, and James Harmon.

**COUNCILOR DAYTON:** I would like to add the addition of Linda Jenkins to the Committee as I feel she can make a real contribution.

**MOTION:** Councilor Frenette motioned and Councilor O'Neill seconded to appoint a 125<sup>th</sup> Town Anniversary Committee to include Dan Blaney, Gary Curtis, Kathy Smith, Carol Kingsbury, Jessica Wagner, Cheryl Poulopolus, James Harmon and Linda Jenkins.

**VOTE:** Unanimous.

# 3061 Discussion with Action: Accept bids received for Public Works Vehicle Surplus.

**CHAIRMAN LONG:** The list of surplus vehicles from the Public Works which were put up for bid is a fleet of old, outdated and many in need of repair. The following advertisement was placed:

**TOWN OF OLD ORCHARD BEACH, MAINE**

The Town of Old Orchard Beach is soliciting bids for the following Public Works Surplus Vehicle List. Bids must be submitted in a sealed envelope marked “Public Works Vehicle Surplus – and then the name of the item on which you are bidding.” Bids will be accepted and postmarked by 2:00 p.m. on Friday, December 7, at the

V. Louise Reid, Assistant Town Manager, 1 Portland Avenue, OOB, ME 04064

There will be a public opening of all bids received at that time. Questions may be directed to and a list of items requested by calling Mike Perrone at 207-934-2250; or e-mailing lreid@oobmaine.com; or at 103 Smithwheel Road; and items may be viewed at the Town Ballpark. The Town of Old Orchard Beach reserves the right to accept or reject any or all bids, or negotiate with particular bidders following the opening without right or recourse by bidders, if it is in the best interest of the Town to do so. The Town of Old Orchard Beach is Sales Tax Exempt.

1989	Caterpillar Backhoe 416 4 x 4	93,454 hrs.	Min. \$800
	<u>Caroline Bussieres</u>		<u>\$ 5,006</u> - 2 <sup>nd</sup> bid
	John Allen		5,005 - 2 <sup>nd</sup> bid
	Caroline Bussieres		5,005 - 1 <sup>st</sup> bid
	John Allen		5,005 - 1 <sup>st</sup> bid
	Pat Poirier		3,522
	Brett Jones		1,136
	Ace's Auto – Kirby		1,597

1977	Clark Loader 55B	Min. \$1,000
	<u>Pat Poirier</u>	<u>\$ 3,600.00</u>
	Richard Cail	2,795.99
	Ace's Auto – Kirby	1,147.00

1973	Ford Tractor 7700 with Rear Mounted Sickle Bar Mower	964 hrs. Min. \$1,000
	<u>Pat Poirier</u>	<u>\$ 3,522</u>
	Ace's Auto – Kirby	1,147

1980	Ford F700 Truck and FMC and Sewer Cleaner Unit	35,035 mi. Min. \$500
	<u>John Allen</u>	<u>\$ 552</u>
	Ace's Auto – Kirby	507

1993	Chev. Kodiak Dump Truck	36,368 mi. Min. \$1,000
	John Allen	\$ 8,008 – withdrew his offer
	Brett Jones	1,563
	Ace's Auto – Kirby	1,000
	<u>Caroline Bussieres</u>	<u>6,006</u>

1991 Chev. Kodiak Dump Truck 53,728 mi. Min. \$1000  
with Plow and Sander

<u>Pat Poirier</u>	\$	<u>4,105</u>
Brett Jones		1,563
John Allen		1,055
Ace's Auto – Kirby		1,127

1980 Morbark Chipper Min. \$300

<u>Pat Poirier</u>	\$	<u>1,205</u>
John Allen		652
Chris Pope		150
Brett Jones		550
Ace's Auto – Kirby		397

1980 20 Ton Beaver Tail Trailer Min. \$300

Pat Poirier	\$	350 – 1 <sup>st</sup> bid
<u>Pat Poirier</u>		<u>556 – 2<sup>nd</sup> bid</u>
John Allen		355- 2 <sup>nd</sup> bid
Brett Jones		300
John Allen		350 -1 <sup>st</sup> bid

1970 Tow Behind Sweeper M-B-6 Min. \$300

Pat Poirier	\$	<u>350.00</u>
Ace's Auto – Kirby		300.01
<u>Caroline Brussiers</u>		<u>404.00</u>

1965 Town Behind York Rake Min. \$300

<u>John Allen</u>	\$	<u>300.50</u>
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Flail Mower H-88 Min. \$100

Pat Poirier	\$	105
Brett Jones		110
<u>Ace's Auto – Kirby</u>		<u>147</u>

1995 Sitrex Finish Mower Deck Min. \$100

<u>Brett Jones</u>	\$	<u>110.00</u>
Ace's Auto – Kirby		100.01

1988 Chev. 2500 Service Truck 79,343 mi. Min. \$400

<u>Pat Poirier</u>	\$	<u>1,205</u>
John Allen		558
Ace's Auto – Kirby		497

1983 John Deere 5 Wheeler

Min. \$50

<i>Dennis Poisson</i>	\$	57
<i>Alan Borg</i>		58
<i>John Allen</i>		<u>208</u>
<i>Ace's Auto – Kirby</i>		97

**MOTION:** Councilor Frenette motioned and Councilor Dayton seconded to accept the Highest bid as indicated in bid documentation.

**VOTE:** Unanimous.

**# 3062 Discussion with Action:** Approve the Special Event Permit application for the Special Olympics of Maine to hold their Annual Lobster Dip on the beach in front of the Brunswick Hotel on January 1, 2008; request to use fire pit; and a request to waive the fee.

**MOTION:** Councilor O’Neill motioned and Councilor Frenette seconded to approve the Special Event Permit application as read.

**VOTE:** Unanimous.

**# 3063 Discussion with Action:** Approve the Special Event Permit Application for The Salvation Army to hold a Community Family Fest on Friday, August 8, 2008 in Memorial Park; request to place a banner in Memorial Park and the Town Square; and a request to waive the fee.

**MOTION:** Councilor Frenette motioned and Councilor O’Neill seconded to approve the Special Event Permit as read.

**VOTE:** Unanimous.

**# 3064 Discussion with Action:** Award a contract to Superior Crushing for the amount of \$5.50 CY not to exceed a total of \$55,000 to be paid from the FY08 Capital Account - Road Maintenance Account Number 20203-50506, leaving a remaining balance of \$530,434.

**TOWN MANAGER:** The Department of Public Works (DPW) has approximately 10,000 CY of road construction debris that needs to be recycled into usable material. Our priority is to get this material crushed and ground down to ¾ reclaim to be used for road shoulders, pathways and the top 3 inches layer under new pavement. We currently pay \$10-16 CY. Public works has received the following pricing from only one company who could provide this service:

Superior Crushing	\$5.50 CY
Gorham Sand & Gravel	Could not provide the service
Commercial Paving	Could not provide the service
Shaw Brothers	Could not provide the service

Public Works is recommended the awarding of the contract to Superior Crushing.

**MOTION:** Councilor Frenette motioned and Councilor Dayton seconded to award the Contract to Superior Crushing for the amount of \$5.50 CY not to exceed a total of \$55,000 to be paid from the FY08 Capital Account - Road Maintenance Account Number 20203-50506, leaving a remaining balance of \$530,434.

**VOTE:** Unanimous.

**# 3065 Discussion with Action:** Approve the bid from Weirs Motor Sales in the amount of \$38,140 for the purchase of a 2007 GMC 1 Ton Plow Truck from the Vehicle Capital Account Number 20203-50835, leaving a balance of \$62,745.

**TOWN MANAGER:** Up to this winter season, Public Works had a total of 8 large plow trucks (1 ton or larger). Due to the large crack in the frame and the 14 years of hard service, Truck #15 can no longer be used for any operations in Public Works. Truck #20, a 2000 International vehicle, has recently been renovated to become the new vehicle maintenance truck (due to the Council reconsidering a truck purchase for DPW this past August). This new 1 ton would replace one of the older trucks listed above. These decisions leave DPW with two less vehicles than last snow season. Currently, we have 6 larger vehicles, 2 loaders, and 2 pick up trucks responding to the plowing needs of the town. During the first few storms, our crews tried to adjust our plow routes to compensate for two less vehicles; however, it has not been effective or efficient. Currently this route is plowed with an older, back-up pick-up, Truck #3 – 1984 Chevrolet, and Loader 4; both of these pieces of equipment will still be used for back up. I have enclosed a plow route map with each piece of equipment listed in the legend for your reference (again, LD4 and TK3 are the routes we are looking at improving upon). The quote from Rowe-Ford does not include a truck body, which is estimated at an additional \$10-12,000. DPW compared the sander and v-blade cost and found Weirs to be a better overall price. DPW also prefers to stay with the same GMC model as our other 1 ton truck.

Quotes were received from the following companies:

- |                             |                    |
|-----------------------------|--------------------|
| 1. Weirs Motor Sales-New 07 | \$38,140.00        |
| 2. Rowe-Ford-New            | \$28,478.20        |
|                             | (incomplete quote) |
| 3. O'Connor GMC             | Did not respond    |

**COUNCILOR MACDONALD:** I would appreciate if this item could be tabled so that I have more of an understanding of our vehicle needs; the present inventory; the requested inventory; a comparison with our municipalities. I have not had the opportunity to study this and would like that opportunity to be given. It appears that we have 18 trucks and 13 employees.

**COUNCILOR DAYTON:** I concur with Councilor MacDonald and would ask that this be tabled until the next meeting.

**COUNCILOR O'NEILL:** I believe it is important that the rotation process be continued and that our vehicles not be brought to the position of being run into the ground.

**COUNCILOR FRENETTE:** I believe that the explanation provided to us in our packet is sufficient and this was a designated and approved request in the last budget process.

**MOTION:** Councilor Frenette motioned and Councilor O'Neill seconded to Approve the bid from Weirs Motor Sales in the amount of \$38,140 for the purchase of a 2007 GMC 1 Ton Plow Truck from the Vehicle Capital Account Number 20203-50835, leaving a balance of \$62,745.

**VOTE:** Yea: Councilors Frenette, O'Neill and Chairman O'Neill.  
Nea: Councilors MacDonald and Dayton.

**# 3066 Discussion with Action:** Approve the Emergency Repair of the Trash Compactor at the Transfer Station by Blow Brothers for a total of \$33,784.55 from the Undesignated Fund Account Number 10013/30100 leaving a balance of \$4,798,819.51.

**TOWN MANAGER:** This past October the trash compactor at the Transfer Station went down and was out of operation. We were fortunate enough to have the experience of Ken Blow to assist us in the necessary repair/replacement review. The quote we received for a new trash compactor was for a total of \$177,000 (an updated estimate is attached for your review). We did not have this budgeted; therefore we went with the repair option using the contractors used by BBI for this type of repair. It was uncertain to how many hours the repair would require or the total cost until we received the attached invoice from Blow Bros., In. a few weeks ago. DPW reviewed the billing and confirmed the hours spent on the repair to be accurate. The repair was successful and the compactor has experienced no problems since the repair; however, we do need to look at the long-term replacement of this unit in our future capital program.

As this was an emergency repair, DPW is asking the Council to consider approving the payment of the attached invoice to Blow Bros, Inc. for a total of \$34,467.45 from the Undesignated Fund balance. The Council determined it would be taken from the Contingency Account as indicated below.

**MOTION:** Councilor Frenette motioned and Councilor O'Neill seconded to Approve the Emergency Repair of the Trash Compactor at the Transfer Station by Blow Brothers for a total of \$33,784.55 from the Contingency Account, Account Number 20118/50350 leaving a balance of \$1,305.66.

**VOTE:** Unanimous.

**# 3067 Discussion with Action:** Set a Public Hearing date of January 15, 2008 to Amend the Code of Ordinances, Article IV, Division 4, Memorial Park Advisory Committee.

**CHAIRMAN LONG:** We are now requesting the Agenda Item reflect:

**Discussion with Action:** Set a Public Hearing Date of January 15, 2008 to Repeal the Code of Ordinances, Article IV, Division 4, Memorial Park Advisory Committee.

At a recent Workshop discussing the responsibilities of the Conservation Commission and also the alignment of the Memorial Park Committee to that Commission, needed interpretation and process was requested to define the current charter notation that responsibility for the parks is in the hands of the Conservation Commission. As a result we are requesting the ordinance to be repealed.

#### **DIVISION 4. MEMORIAL PARK ADVISORY COMMITTEE\***

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\*Cross references: Parks and recreation, ch. 42.

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##### **Sec. 2-291. Purpose.**

The purpose of this division shall be to establish a committee whose principle function is to advise the town council as to the design, programming, use, operation, and maintenance of Memorial Park. The Memorial Park Advisory Committee shall know the desires and needs of the citizens of the community with regard to Memorial Park; and shall advise the town council how to plan and promote the use of Memorial Park for the good of the community. (Ord. of 3-4-2003)

##### **Sec. 2-292. Number and terms of members.**

(a) The Memorial Park Advisory Committee shall be comprised of seven regular members and four alternate members appointed by the town council. In an effort to represent the interests of the various demographic and user groups in the community, membership preference shall be granted to two veterans of the United States armed services, one citizen 55 years of age or older, and one representative from the school department or recreation committee. The terms shall be staggered and shall expire on December 31 of the appropriate year. Each member and alternate shall be appointed for a three-year term except for initial appointment to the committee, which shall be as follows:

- (1) One member and one alternate for a one-year term to expire December 31, 2003;
  - (2) Two members and one alternate for a two-year term to expire December 31, 2004;
  - (3) Four members and two alternates for a three-year term to expire December 31, 2005.
- (b) Any vacancy on the committee shall be filled for the remainder of the term vacated.

(Ord. of 3-4-2003, § 2)

##### **Sec. 2-293. Responsibilities.**

(a) The Memorial Park Advisory Committee shall be responsible for the development and periodic amendment of a master plan for the rehabilitation and/or redevelopment of Memorial Park as a passive and active recreational resource for the community. Such amended plans shall be submitted to the town council for consideration and implementation.

(b) In addition to capital improvement planning, the committee shall also advise the town council on the programming of events, uses, concessions and user fees, parking, and all other activities occurring in or related to the operation of Memorial Park.

(c) The committee shall from time to time, no less than twice a year, report to the town council and keep the town council apprised as to what is being considered for the park and monument.

(d) The committee shall have the authority to solicit volunteer, corporate, and/or governmental assistance either as in-kind services, grants, or cash donations for development



and/or maintenance of the park. All monetary donations and grants must be approved by the town council, and funds shall be administered through the town administration.

(Ord. of 3-4-2003, § 4)

**Sec. 2-294. Meetings and procedures.**

The Memorial Park Advisory Committee shall conduct public meetings on a regular basis and shall conduct such meetings in compliance with the provisions of the town of ordinance governing advisory boards and committees and the town Charter.

(Ord. of 3-4-2003, § 5)

**Sec. 2-295. Expenditures.**

All expenditures of the Memorial Park Advisory Committee shall be approved through the budget process by the town council and the committee shall not expend nor approve any contracts unless approved by the town council.

(Ord. of 3-4-2003, § 6)

**MOTION:** Councilor Frenette motioned and Councilor O'Neill seconded to Set a Public Hearing date of January 15, 2008 to Repeal the Code of Ordinances, Article IV, Division 4, Memorial Park Advisory Committee.

**VOTE:** Unanimous.

**# 3068 Discussion with Action:** Approve the transfer of the Defendant in Rem, or any portion thereof, pursuant to 15 M.R.S.A., Section 5824(3) and Section 5826(6) and accept the seizure money should it be awarded to the Courts.

**CHAIRMAN LONG:** The Town Council has to have a formal vote to accept seizure money if the Court awards it. Before any forfeitable item may be transferred to a State Agency, County or Municipality, the legislative body (Town Council) of that entity (Municipality) must publicly vote to accept the item(s) if subsequently ordered forfeited by the Court.

**MOTION:** Councilor Dayton motioned and Councilor Frenette seconded to Approve the transfer of the Defendant in Rem. or any portion thereof, pursuant to 15 M.R.S.A., Section 5824 (3) and Section 5826 (6) and accept the seizure money should it be awarded to the Courts.

**VOTE:** Unanimous.

**GOOD AND WELFARE:**

**COUNCILOR DAYTON:** I wish all citizens a happy and safe holiday and my thanks for the opportunity to serve.

**COUNCILOR O'NEILL:** I would like to take this opportunity to bid farewell to our Town Manager, James Thomas, and wish him and his family much happiness and success in his new endeavors. Although we did not always agree on issues I have appreciated the opportunity to work with him and believe we have accomplished a lot for the citizens of the community.

**COUNCILOR FRENETTE: I wish to thank the Public Works employees for their hard work during the past snow storm and wish each of you a happy holiday season.**

**CHAIRMAN LONG: My thanks also for the efforts of the Public Works Department during the recent storm. I also appreciate the opportunity of working with the Council and look forward to the new year and important progress for the community.**

**ADJOURNMENT**

**MOTION: Councilor O'Neill motioned and Councilor Frenette seconded to adjourn the meeting.**

**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 eighteen (18) pages is a true copy of the original Minutes of the Town Council Meeting of December 18, 2007.**

**V. Louise Reid**