

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
TUESDAY, DECEMBER 4, 2007  
TOWN HALL CHAMBERS**

**A scheduled Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, December 4, 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:** We want to express our appreciation for the three beautiful Christmas trees that adorn our Tall Hall Chambers this year. They are the result of the work and planning of the fourth grade classes of Ms. Paige, Ms. Allen and Ms. Poirier's classes. Congratulations to all the students and to Jason Webber and the Recreation Department for sponsoring this great project.

**COUNCILOR DAYTON:** Thanks to the Chamber of Commerce members, Bud Harmon, Director, and all the groups that participated in the excellent Celebration by the Sea. Thanks to the Town Manager for our beautiful town tree and special thanks to all those who made the arrangements to see the tree brought into Town and adorning our square for the holiday season.

**ACCEPTANCE OF MINUTES:** Certification & Canvass Election Results Meeting Minutes of November 19, 2007; Inauguration Meeting Minutes of November 19, 2007; Town Council Minutes of November 20, 2007; and Town Council Workshop Minutes of November 27, 2007.

**MOTION:** Councilor Frenette motioned and Councilor O'Neill seconded to accept the Certification & Canvass Election Results Meeting Minutes of November 19, 2007; Inauguration Meeting Minutes of November 19, 2007; Town Council Minutes of November 20, 2007; and Town Council Workshop Minutes of November 27, 2007.

**VOTE:** Unanimous.

**PUBLIC HEARING NUMBER ONE: Shall we Amend the Code of Ordinances,  
Section 54-113- Square on Old Orchard  
Street?**

**CHAIRMAN LONG:** I open this Public Hearing at 7:10 p.m.

**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.

COUNCILOR LONG: I close this Public Hearing at 7:12p.m.

I open this Public Hearing at 7:13 p.m.

**PUBLIC HEARING NUMBER TW0:** Shall we 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.

CHAIRMAN LONG: I close this Public Hearing at 7:14 p.m.

BUSINESS LICENSES: Beverly Lavigne (311-23-1), 54 Evergreen Avenue, one year round rental; and David Fosgate (312-13-6), 65 Atlantic Avenue, one year round rental.

MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to approve the business licenses as read.

VOTE: Unanimous.

**NEW BUSINESS:**

# 3046 Presentation of the Fiscal Year 2007 Audit Report by Roger Lebreux from Runyan, Kersteen & Ouellette.

**ROGER LEBREUX:** This is the annual Audit Report presented to the Town Council under U.S. Generally Accepted Auditing Standards and OMB Circular A-133.

He pointed out that despite the nationwide financial downturn that has adversely affected the State of Maine and many municipalities, the Town's financial results were strong and the outlook continued to be very positive beyond the end of the fiscal year. General Fund Revenues and Transfers exceeded estimates by \$740,179. General Fund Expenditures and Transfers Out were more than budgeted by \$382,057. General Fund Surplus was \$258,122. Copies of the Audit are available through the Finance Department. In the opinion of the Auditor, the Town of Old Orchard Beach complied in all material respects, with the requirements applicable to all major federal programs. The audit states that they encountered no significant difficulties in dealing with management in the performance of the audit. In detailing the significant changes he indicated that cash and investments has decreased over last year by approximately \$198k; outstanding taxes and liens receivable have increased despite the collection rate remaining unchanged; and inventory remained relatively flat with last year and consisted mostly of fuel and trash bags which are held for resale. On General Fund Liabilities significant changes included accounts payable, which represents amounts due to others at year end decreased as a result of timing differences; deferred taxes represents taxes still unpaid 60 days after the end of the year (these amounts are not recognized as revenues in the current year;) and accrued wages and expenses decreased \$35k in 2007 (this amount represents payroll earned in June of 2007 but paid in July or August 2007. Under General Fund Balances significant changes included reserved fund balance consists primarily of amounts reserved for education; designated fund balance includes unspent capital improvement projects (details found on page 39 of the Financial Statements;) and undesignated fund balance decreased from \$4,988,706 in 2006 to \$4,949,578 in 2007 (this amount includes \$153,185 for the school.) Significant changes related to General Fund Revenues included license and permits exceeded budget in business licenses, building/electrical permits and parking fees and fines but came in under budget in other permits and fees; all significantly exceeded expectations were due to an increase in activity and in some cases increases in fees; other permits and fees came in under budget due to a decrease in commercial tonnage being taken to MERC; property taxes appears to have exceeded budget due to overlay of \$562k which is not budgeted as well as an unfavorable change in deferred taxes of (\$106k); State revenue sharing is under budget due to State cut backs; budget was calculated on historical amounts; interest exceeded budget due to an increase in the average rate of return. 4.28% in 2006 versus 7.23% in 2007; and other revenue exceeded budget due to a change in the rate for MSRS calculation. Under General Fund Expenditures significant changes included capital outlays appear to be over budget. These represent large on-going projects with the remaining balances being designated at year end. These also represent amounts being spent from designated fund balance. A detail of the individual projects are listed on page 48 of the financial statements. General government is under budget due to unspent contingencies of approximately \$30k, savings on workers compensation and general insurance premiums and less than expected need for legal services. Sanitation came in under budget due to less being spent on solid waste tipping fees which is consistent with the decrease in revenue noted above. Property Tax Collection rates remained consistent for the past four years. The collection rates are at the highest point within the last ten years. The Town's property tax rates decreased substantially in 2003 and 2006 due to reevaluation. In discussing the Town's Collection rates compared to surrounding communities it was observed that the Town's FY07 collection rate of 97.11% has improved over the last ten years and remains consistent with the surround and similar size communities. The Undesignated Fund Balance compared to other communities as a percent of budget compared Saco, Cape Elizabeth, Old Orchard Beach, Cumberland, Biddeford and Gorham indicates that the balances vary widely across the State. Old Orchard Beach is carrying a little less than 3 months of expenditures in the undesignated fund balance and its policy calls for 1 ½ months of expenditures. A discussion of the Tax commitment, total fund balance, Undesignated Fund balance as a % of budget, and pie charts of the 2007

**Revenues and Expenditures in the general fund and components of net asses and the capital assets infrastructure were presented and included in the audit. Recording fixed assets net of accumulated depreciation; eliminating inter fund balances; eliminating deferred revenue and recording long-term debt, landfill liability and accrued vacation/sick time was discussed. He concluded his presentation by indicating that this presentation was intended as a tool to assist the Town Council and management in understanding its financial operating results; the information contained in this publication should be read in conjunction with the audited financial statements and related disclosures and should not be used for any other purposes.**

**Discussions continued on the need for accountability in the keeping of cell phone records, personal versus business expense.**

**CHAIRMAN LONG:** I congratulate the Town Manager and the Administration for this report which ensures the financial fiscal responsibility that has been the aim of this and past Councils.

**# 3047 Discussion with Action: Amend the Code of Ordinances, Section 54-187, Restrictions and Prohibitions, by designating Cliff Avenue as a one way Street.**

**MARY ANN CONROY:** Public Works has rebuild Cliff Avenue from Grove Street to Ivy Street. The entire existing road width was reclaimed, reshaped and paved. The maximum width achieved for the road was twelve feet, paved, with a one foot gravel shoulder on either side. This roadway does not safely accommodate two-way traffic. Public Works has spoken with the majority of homeowners affected by our recommendation to make this roadway a one way traffic flow – from Grove to Ivy. They are in agreement with this change and the direction of flow. Public Works recommends updating the traffic ordinance to reflect a one-way traffic flow for Cliff Avenue from Grove Street to Ivy Street.

**MOTION:** Councilor Frenette motioned and Councilor O'Neill seconded to Amend the Code of Ordinances, Section 54-187, Restrictions and Prohibitions, by designating Cliff Avenue as a one way Street.

**VOTE:** Unanimous.

**# 3048 Discussion with Action: Amend the General Assistance Ordinance.**

**CHAIRMAN LONG:** Each year the State updates the General Assistance requirements for the giving of assistance to individuals. This is a yearly housekeeping item.

**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 November 20, 2007 at 7:00 p.m. to consider the following:

**Shall the Town Council of the Town of Old Orchard Beach amend the General Assistance Ordinance by changing the dollar amounts allowed for Basic Necessities; Maximum levels of assistance, adopting the underscored amounts, as follows:**

**Amend Section 6.8 Basic necessities; Overall maximum levels of assistance**

No. in Household	CURRENT WEEKLY	<u>PROPOSED</u> <u>WEEKLY</u>	CURRENT MONTHLY	<u>PROPOSED</u> <u>MONTHLY</u>
1	\$163.00	<u>\$185.00</u>	\$702.00	<u>\$740.00</u>
2	\$194.00	<u>\$220.00</u>	\$833.00	<u>\$880.00</u>
3	\$251.00	<u>\$285.00</u>	\$1079.00	<u>\$1140.00</u>
4	\$316.00	<u>\$359.00</u>	\$1360.00	<u>\$1436.00</u>
5	\$339.00	<u>\$385.00</u>	\$1456.00	<u>\$1539.00</u>

**Amend Section 6.8 a) Food**

No. of Household	CURRENT WEEKLY	<u>PROPOSED</u> <u>WEEKLY</u>	CURRENT MONTHLY	<u>PROPOSED</u> <u>MONTHLY</u>
1	\$36.05	<u>\$37.67</u>	\$155.00	<u>\$162.00</u>
2	\$66.05	<u>\$69.30</u>	\$284.00	<u>\$298.00</u>
3	\$94.88	<u>\$99.07</u>	\$408.00	<u>\$426.00</u>
4	\$120.47	<u>\$126.05</u>	\$518.00	<u>\$542.00</u>
5	\$143.02	<u>\$149.53</u>	\$615.00	<u>\$643.00</u>
6	\$171.63	<u>\$179.53</u>	\$738.00	<u>\$772.00</u>
7	\$189.77	<u>\$198.37</u>	\$816.00	<u>\$853.00</u>
8	\$216.74	<u>\$226.74</u>	\$932.00	<u>\$975.00</u>

**Increase Additional persons from \$117.00 to \$122.00 per month.**

**Amend Appendix E, Personal Care & Household Supplies**

No. in Household	CURRENT WEEKLY	<u>PROPOSED</u> <u>WEEKLY</u>	CURRENT MONTHLY	<u>PROPOSED</u> <u>MONTHLY</u>
1-2	\$8.20	<u>\$10.50</u>	\$35.00	<u>\$45.00</u>
3-4	\$9.30	<u>\$11.60</u>	\$40.00	<u>\$50.00</u>
5-6	\$10.50	<u>\$12.80</u>	\$45.00	<u>\$55.00</u>
7-8	\$11.60	<u>\$14.00</u>	\$50.00	<u>\$60.00</u>

**For each additional person add \$1.25 per week or \$5.00 per month.**

**Supplement for Households with Children under 5.**

No. of Children	CURRENT WEEKLY	<u>PROPOSED</u> <u>WEEKLY</u>	CURRENT MONTHLY	<u>PROPOSED</u> <u>MONTHLY</u>
1	\$10.50	<u>\$12.80</u>	\$45.00	<u>\$55.00</u>

<b>2</b>	<b>\$15.10</b>	<b><u>\$17.40</u></b>	<b>\$65.00</b>	<b><u>\$75.00</u></b>
<b>3</b>	<b>\$20.90</b>	<b><u>\$23.30</u></b>	<b>\$90.00</b>	<b><u>\$100.00</u></b>
<b>4</b>	<b>\$25.60</b>	<b><u>\$27.90</u></b>	<b>\$110.00</b>	<b><u>\$120.00</u></b>

**MOTION:** Councilor O'Neill motioned and Councilor Dayton seconded to Amend the General Assistance Ordinance.

**VOTE:** Unanimous.

**# 3049 Discussion with Action:** Award to A&D Giroux Heating a Contract for updating Oil Furnace Heating System at the Public Works Building in the amount of \$5,876 from Account Number 20203-50826 - FY08 Capital Account Facility Improvements, with a remaining balance of \$64,125.

**MARY ANN CONROY:** The Public Works Building is in need of an updated heating system. Our facility is heated with a furnace run off oil and a furnace run off used motor oil, called waste oil. Both systems need to be replaced. The existing heating system was installed with the original building construction. Public Works has received the following pricing from two companies for the oil furnace:

A & D Giroux Heating	\$5,875.00
Dead River Company	\$5,887.00

Public Works recommends awarding the contract to A & D Giroux Heating for the amount of \$5,875.00 to be paid from the FY08 Capital Account Facility Improvements #20203-50826, leaving a remaining balance of \$64,125.00.

**MOTION:** Councilor Frenette motioned and Councilor O'Neill seconded to Award to A&D Giroux Heating a Contract for updating Oil Furnace Heating System at the Public Works Building in the amount of \$5,876 from Account Number 20203-50826 - FY08 Capital Account Facility Improvements, with a remaining balance of \$64,125.

**VOTE:** Unanimous.

**# 3050 Discussion with Action:** Award to Dirigo Waste Oil a Contract for updating the Waste Oil Furnace at the Public Works Building in the amount of \$5,609.42 from Account Number 20203-50826 – FY08 Capital Account Facility improvements, with a remaining balance of \$58,515.58.

**MARY ANN CONROY:** The Public Works Building is in need of an updated heating system. Our facility is heated with a furnace run off oil and a furnace run off used motor oil, called waste oil. Both systems need to be replaced. Public Works has received the following pricing from three companies for the waste oil furnace:

Dirigo Waste Oil	\$5,609.42
Orino Waste Oil Heaters	\$6,084.00
AR Sandri, Inc.	\$6,495.00

**Public Works recommends awarding the contract to Dirigo Waste Oil for the amount of \$5,609.42 to be paid from the FY08 Capital Account Facility Improvements #20203-50826, leaving a remaining balance of \$58,515.58.**

**MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to Award to Dirigo Waste Oil a Contract for updating the Waste Oil Furnace at the Public Works Building in the amount of \$5,609.42 from Account Number 20203-50826 – FY08 Capital Account Facility Improvements, with a remaining balance of \$58,515.58.**

**VOTE: Unanimous.**

**# 3051 Discussion with Action: Award to Faulkner Building Company a Contract for Upgrading of the Transfer Station Building in the amount of \$13,687 from Account Number 20203-50826 – FY08 Capital Account Facility Improvements, with a remaining balance of \$44,830.58.**

**MARY ANN CONROY:** The Public Works Transfer Station Building is in need of an enclosure for the front of the building. Currently the small office and a small storage shed have flat rubber roofs inside a larger structure that is an open steel frame. The high ceiling lighting is antiqued, the compactor is open to the public at all times, the steel has begun rusting and the office and storage areas are too small. In our review of the most cost effective improvements for this facility, we have outlined the following scope of work:

**Scope of Work:**

Estimate for the labor and materials to enclose the open end of the Transfer Station and to extend the office and storage closet to meet the new wall. Estimate is broken into three categories:

- 1. Framing**
  - a. Frame 2 x 6 wall necessary to enclose the open end of the building
  - b. Wall to attached to the inside of the steel girders and to the concrete slab
  - c. Remove office and closet wall, extend office and storage closet to the newly constructed exterior wall
  - d. Install plywood to the outside of these walls
- 2. Siding**
  - a. Install T-111 siding
  - b. Install all necessary exterior trim, including large soffit panels from the steel girders to the outside of the building
  - c. Paint the siding to match the rest of the building
- 3. Doors and Windows**
  - a. Install exterior entry doors to the office and storage closet
  - b. Install two 36" x 36" windows in the office
  - c. Install a 14' x 14' garage door in the center

Public Works has received the following pricing from three companies for the building renovation project:

Faulkner Building Company	\$13,685.00
Gleason Construction	\$15,499.33
Paul Provencher Builder	\$19,360.00

Public Works recommends awarding the contract to Faulkner Building Company for the amount of \$13,685.00 to be paid from the FY08 Capital Account Facility Improvements #20203-50826, leaving a remaining balance of \$44,830.58.

**MOTION:** Councilor Frenette motioned and Councilor O'Neill seconded to Award to Faulkner Building Company a Contract for Upgrading of the Transfer Station Building in the amount of \$13,687 from Account Number 20203-50826 – FY08 Capital Account Facility Improvements, with a remaining balance of \$44,830.58.

**VOTE:** Unanimous.

**# 3052 Discussion with Action:** Set a Public Hearing date of December 18, 2007 to 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.

**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.

**MOTION:** Councilor Frenette motioned and Councilor O'Neill seconded to Set a Public Hearing date of December 18, 2007 to Amend Chapter 6, Article IV of the Code of Ordinances of the Town of Old Orchard Beach, Maine – Operation of Chem-Free Drinking Establishments.

**VOTE:** Unanimous.

# 3053 Discussion with Action: Appoint William Watson as Health officer, term to expire 12/31/08.

**CHAIRMAN LONG:** This is a yearly appointment and we appreciate the services of William Watson in this regard.

**MOTION:** Councilor Frenette motioned and Councilor Dayton seconded to appoint William Watson as Health Officer, term to expire 12/31/08.

**VOTE:** Unanimous.

**# 3054 Discussion with Action:** Appoint 2008 annual appointments as follows: General Assistance Director – Patricia Saunders; Tax Collector – Deborah Mulherin; Finance Director/Treasurer – Jill Eastman; Code Enforcement Officer – Kenneth Shupe; Deputy Code Enforcement officer – Alan Borg; Plumbing Inspector – Kenneth Shupe; Electrical Inspector – Kenneth Shupe; Alternate Electrical Inspector – William Southwick; Animal Control Officer – William Watson; and Lifeguard Captain – Keith Willett.

**CHAIRMAN LONG:** These are yearly appointments. Again we appreciate the excellent service provided by employees of the municipality.

**MOTION:** Councilor Frenette motioned and Councilor Dayton seconded to Appoint 2008 annual appointments as follows: General Assistance Director – Patricia Saunders; Tax Collector – Deborah Mulherin; Finance Director/Treasurer – Jill Eastman; Code Enforcement Officer – Kenneth Shupe; Deputy Code Enforcement Officer – Alan Borg; Plumbing Inspector – Kenneth Shupe; Electrical Inspector – Kenneth Shupe; Alternate Electrical Inspector – William Southwick; Animal Control Officer – William Watson; and Lifeguard Captain – Keith Willett.

**VOTE:** Unanimous.

#### **GOOD AND WELFARE:**

**CHAIRMAN LONG:** I wish to extend my thanks to the Police, Fire and Emergency Rescue and also to the Public Works and Waste Water Facility for their outstanding work during the recent snow emergency.

#### **ADJOURNMENT**

**MOTION:** Councilor Frenette motioned and Councilor Dayton 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 thirteen (13) pages is a true copy of the original Minutes of the Town Council Meeting of December 4, 2007.**

**V. Louise Reid**