

**TOWN OF OLD ORCHARD BEACH  
REGULAR TOWN COUNCIL MEETING  
TUESDAY, FEBRUARY 19, 2008 – 7:00 P.M.  
TOWN HALL CHAMBERS  
AGENDA**

A regular Town Council Meeting was called to order by Chairman James Long at 7:00 p.m.

Pledge to the Flag  
Roll Call -

Councilors present were:           Chairman James Long  
  Vice Chair Shawn O’Neill  
  Councilor Roxanne Frenette  
  Councilor Sharri MacDonald

Councilor Robin Dayton had an excused absence.

**ACKNOWLEDGEMENTS:**   Presentation by the Public Works Director Mary Ann Conroy and Mike Perrone to Roger Stevens for 25 years of dedicated service to the Old Orchard Beach Public Works Department, starting there January 6, 1983. Mike thanked Roger for his “institutional memory” and stated he will be missed. Roger then thanked his family, friends and co-workers.

**ACCEPTANCE OF MINUTES:** Town Council Minutes of February 5, 2008 and Special Town Council Minutes of February 5, 2008 - motion was made by O’Neill and seconded by Frenette and approved by 4-0 vote. Special Town Council minutes of February 6 and 7, 2008 - motion by O’Neill and seconded by Frenette and approved by 4-0 vote. Special Town Council Meeting of February 12, 2008 – motion by Frenette and seconded by MacDonald and approved by 3-0-1 vote with O’Neill abstaining.

**PUBLIC HEARING:**           Shall We Amend the Code of Ordinances, Article IV, Town Beach, regulating motorized vehicles on the beach?

George Kerr repeatedly asked why this ordinance change was taking place. A resident from Ocean Park said he would approve this ordinance change to keep all watercraft off the beach. Bill Danton stated the business community is working to expand, the Pier used to have boat rentals, and it is not a good idea to take licensing for amphibious vehicles out of the hands of the Council and just make it prohibited by ordinance. Maury Parker, representing Pine Point Vista condo owners said she supports the ordinance change and does not want amphibious vehicles allowed on the beach.

Chairman Long read from a letter received about an amphibious vehicles business. He also spoke about protecting the beach and read Ordinance sections #42-141 and 42-144.

George Kerr spoke again and stated the Council now has business licensing control with the existing ordinance and can mandate conditions on that business license.

Councilor Frenette agreed with Mr. Kerr and stated the town used to have a duck boat and that police department ATV's regularly patrol the beach during the summer. She also stated the underscore and strikeout format is missing in the proposed ordinance text.

Councilor MacDonald stated she would like more information and a legal clarification on this issue.

Chairman Long stated the town attorney wrote the proposed ordinance changes and that he (Mr. Long) would like this passed. He stated the ordinance could be changed in the future if another Council chose to do so.

The public hearing was closed at 7:26 pm

**BUSINESS LICENSES:**     M. A. Thurston (323-14-1), 31 Colby Avenue, one seasonal Rental; Cynthia B. Locke (104-2-13), 125 Portland Avenue, Unit 28, one year round rental; Frederick Hoffmeister Downtown Area Violinist, Personal Service, request to waive the fee; and Chad & Tricia Morin (205-19-30), 36 Foote Street, one year round rental.

A motion was made by Frenette and seconded by O'Neill and the business licenses were approved by a 4-0 vote.

**NEW BUSINESS:**

# 3081   **Discussion with Action:** A Resolution in Support of LD 2188 – An Act to Amend the Municipal Boundary between the Town of Old Orchard Beach and the City of Saco sponsored by Representative George Hogan. Rep. George Hogan made some very brief comments and stated this bill has a public hearing scheduled for February 25 2008 at 1 pm before the Legislative State and Local Government Committee.

Councilor O'Neill thanked Mr. Hogan for his efforts and approves of LD 2188. Chairman Long then read a resolution of support for LD 2188. A motion to approve this resolution was made by Frenette and seconded by O'Neill and the motion was approved by a 4-0 vote.

# 3082   **Discussion with Action:** Accept with regret the resignation of Kenneth J. Shupe as Code Enforcement Officer, Plumbing Inspector and Electrical Inspector, effective March 7, 2008.

Councilor Frenette stated she thought not keeping Mr. Shupe as an alternate plumbing inspector would leave the town without any plumbing inspector. Councilor O'Neill stated we still can use Bill Southwick as an electrical inspector. Councilor O'Neill moved to accept the resignation which was seconded by Councilor MacDonald and the motion passed by a 4-0 vote.

# 3083   **Discussion with Action:** Approve the Chamber of Commerce's 2008 Calendar of Events.

**Motion made by Councilor Frenette and seconded by Councilor O'Neill and motion passed 4-0.**

**# 3084 Discussion with Action: Authorize the Interim Town Manager to negotiate the annual Cumberland County Soil and Water Conservation District Interlocal Stormwater Work Group (ISWG) Agreement in the amount of \$6,538 from Account Number 20102 – 50300 – Professional/Engineering Services, with a balance of \$ 10,124.43, required for the Town of Old Orchard Beach to rejoin in the regional group and receive the permit benefits of the group's work over the past year.**

**Motion made by Councilor Frenette and seconded by MacDonald and motion passed 4-0.**

**# 3085 Discussion with Action: Authorize the Interim Town Manager to negotiate the contract by and between Wright-Pierce Engineers and the Town of Old Orchard Beach for an amount not to exceed \$22,500 from Account Number 21003 – 50800 – Designated Fund for MS4, with a balance of \$25,000 for engineering services to proceed efficiently into the next five year compliance with the MS4 Stormwater Program.**

**Motion made by Councilor Frenette and seconded by MacDonald and motion passed 4-0.**

**# 3086 Discussion with Action: Town Council support for the York County Regional Street Opening Management Program at no cost to the municipality.**

**Motion made by Councilor Frenette and seconded by MacDonald and motion passed 4-0.**

**# 3087 Discussion with Action: Authorize the Interim Town Manager to negotiate the C City/State Agreements Required to authorize the contract with Pike Industries to pave Old Orchard Road (Pin # 13098) at a cost of \$207,000 with Old Orchard Beach's portion to be 15% or \$31,050 and Temple Avenue (Pin # 13099) at a cost of \$211,081.34 with Old Orchard Beach's portion to be 20% or \$42,216.25 for a total of for a total cost of \$418,081.34 with Old Orchard Beach's portion to be a total of \$73,266.26 from Account Number 20203-50506 – DPW FY08 CIP – Road Maintenance with a balance of \$609,597.50.**

**Motion made by Councilor Frenette and seconded by MacDonald and motion passed 4-0.**

**# 3088 Discussion with Action: Authorize the Interim Town Manager to negotiate the contract by and between the Town of Old Orchard Beach and GIS Mapping & Analysis, not to exceed \$55,000 from Account Number 20201-50809 GIS Program Expense - with a remaining balance of \$65,983.11.**

**Since this contract language is not complete, a motion was made by Councilor Frenette and seconded by MacDonald to remove this agenda item without prejudice. Motion passed by a 4-0 vote.**

**# 3089 Discussion with Action: Approve the purchase a new pump from ITT Flygt for the East Grand Pump Station, and a new pump for the Milliken Street Pump Station, both part of the regular equipment replacement program, in the amount of \$6,075 each, for a**

total of \$12,150 from Account Number 20204-50846 – WWTP Capital with an existing balance of \$167,875.21.

Motion made by Councilor O'Neill and seconded by Frenette and motion passed 4-0.

**# 3090 Discussion with Action: Approve the Renewal of the Agreement to an indefinite term between the Town of Sanford, Maine and the Town of Old Orchard Beach, Maine, for provision of services to Old Orchard Beach Assessor, George Greene, to the Town of Sanford, Maine, as Assessor, with George Greene remaining as an Employee and the Assessor of Old Orchard Beach at a rate of \$3,608.68 a month as its share of wages, employee benefits, indirect costs and retroactive travel allowance and this amount may be changed annually beginning on July 1, 2008 by mutual agreement of the Town Councils of Old Orchard Beach and Sanford, Maine.**

Motion made by Councilor Frenette and seconded by MacDonald and motion passed 4-0.

**# 3091 Discussion with Action: Appoint Ken MacAuley as alternate member of the Planning Board, term to expire 12/31/2009.**

Motion made by Councilor Frenette and seconded by O'Neill and motion passed 4-0.

**# 3092 Discussion with Action: Sign the Dog Warrant.**

Motion made by Councilor O'Neill and seconded by Frenette and motion passed 4-0.

**# 3093 Discussion with Action: Approve the Democrat and Republican ballot clerks, terms to expire 2/19/2010.**

Motion made by Councilor MacDonald and seconded by O'Neill and motion passed 4-0.

**# 3094 Discussion with Action: Emergency Ordinance Concerning the Provision of Police Protection at Chem-Free Establishments.**

Chief Dana Kelley described the language confusion on this issue of when a private security firm can be used in lieu of a sworn law enforcement officer. Councilor O'Neill strongly objected to the emergency nature of this agenda item since the town just recently changed this ordinance language. Councilor Frenette supports the ordinance change but not as an emergency measure. Chairman Long stated appropriate security is not in place at the Galaxy and protection of citizens was the reason for the emergency nature of the ordinance change. Councilor O'Neill stated Council presently has the authority to add security detail language to licensing agreements. He then made a motion to remove this agenda item without prejudice. Motion was seconded by Frenette and the motion passed by a 4-0 vote.

**# 3095 Discussion with Action: Appoint Joseph Knorr as the democrat regular member to the Registration Appeals Board, and Alexis Muskie as the alternate democrat member, terms to expire 12/31/2010. Appoint Bethany Anderson as the republican regular member to the Registration Appeals Board, and Jennifer Bureau as the alternate republican**

member, terms to expire 12/31/2010. Appoint Jayne Flaherty as the Town Clerk nominee to the registration appeals board, term to expire 12/31/2011.

Motion made by Councilor Frenette and seconded by O'Neill and motion passed 4-0.

# 3096 Discussion with Action: Appoint Andrea Berlin as a regular member of the Conservation Commission, term to expire 12/31/2010.

Motion made by Councilor Frenette and seconded by MacDonald and motion passed 4-0.

## **GOOD AND WELFARE**

Helene Whitaker gave a handout to the Council and then spoke of Community Watch Council duties and activities and how they work closely and meet monthly with the Police Department. She stated they are sponsoring a March 15 fundraising dance.

Bill Danton stated documents relating to Spartan Bay Marina were given to Councilors and he then spoke briefly about LD 2188 and the Spartan Bay lease with Saco.

George Kerr stated he will make a donation to the Community Watch Council.

Councilor MacDonald announced the upcoming alumni basketball game.

Chairman Long stated the 125<sup>th</sup> Anniversary banquet has sold all 275 tickets.

**ADJOURNMENT** - motion by Councilor Frenette and seconded by Councilor O'Neill to adjourn and meeting was adjourned at 8:04 pm

Respectfully submitted

**Gary Lamb**  
Interim Town Council Secretary

**I, Gary Lamb, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of five (5) pages is a true copy of the original Minutes of the Town Council Meeting of February 19, 2008.**

**Gary Lamb**