

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
TUESDAY, FEBRUARY 20, 2007
TOWN HALL CHAMBERS**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, February 20, 2007. Chairman Joseph Kline opened the meeting at 7:03 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 O'NEILL: I want to congratulate the Public Works Department on the excellent response to the snow this past week. There have been many excellent comments from citizens and we express our thanks to the staff.

ACCEPTANCE OF MINUTES: Special Town Council Minutes of February 1, 2007; and Town Council Minutes of February 6, 2007.

MOTION: Councilor Frenette motioned and Councilor Long seconded to approve the Special Town Council Minutes of February 1, 2007.

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

MOTION: Councilor long motioned and Councilor Frenette seconded to approve the Town Council Minutes of February 6, 2007.

VOTE: Unanimous.

SECOND PUBLIC HEARING: Shall We Adopt the Proposed Ordinance Entitled "Old Orchard Beach Ordinance Prohibiting Operation of Chem-Free Dances in Drinking Establishments?"

CHAIRMAN KLINE: On December 19, 2006 a Council workshop was held regarding a proposal to ban underage chem.-free nights at local drinking establishments. Councilors and members of the community voiced concerns about 13 year old young people socializing with 20 year olds and young people leaving the establishment at 1:00 a.m. when the local bars are getting out as well. This is the second public hearing with suggested changes made from the last Public Hearing. I call this Public Hearing at 7:07 p.m. I will outline those changes as noted in the Ordinance below. The major changes include the separation of the ages of the major changes included separation of the ages of the youth; closing at 11:00 p.m., and the note that any signs or alcohol must be removed from the area where the chem.-free is being held. I believe what we have come up with is a good compromise to the issues that were raised. It is no longer prohibition; it's now a regulatory provision.

**OLD ORCHARD BEACH ORDINANCE
PROHIBITING OPERATION OF CHEM-FREE DANCES
IN DRINKING ESTABLISHMENTS**

WHEREAS, the Town Council of the Town of Old Orchard Beach finds that it has become an increasingly common practice for certain drinking establishments, as defined in the Old Orchard Beach Zoning Ordinance, to suspend the sale, service and consumption of alcoholic beverages for specified periods of time and to operate so-called "chem-free" dances during those times; and

WHEREAS, such chem-free dances are promoted to attract and do attract attendance by persons under the age of 21, who are not allowed to consume alcoholic beverages under Maine law; and

WHEREAS, such chem-free dances cause young people under the age of 21 to congregate and socialize on premises which are designed, arranged, configured and decorated for the purpose of selling and serving alcoholic beverages and which are ordinarily used for the consumption of alcoholic beverages; and

WHEREAS, such young persons under the age of 21 are not allowed to be present in such drinking establishments without a parent or guardian whenever alcoholic beverages are being served in such establishments; and

WHEREAS, such young persons between the ages of 13 and 16 are not allowed to be present in such drinking establishments during such times as those of ages 17 to 20 are permitted to be present in such drinking establishments; and

WHEREAS, allowing young persons under the legal drinking age to congregate and socialize in an establishment which is ordinarily used for the consumption of alcoholic beverages may have the effect of encouraging such persons under the age of 21 to mimic or imitate the behavior which normally occurs in drinking establishments and may thereby encourage underage drinking;

WHEREAS, such drinking establishments are not allowed to have alcoholic beverages on said premises; and

WHEREAS, such chem. free drinking establishments are not allowed to conduct business after 11:00 p.m. on any given day of the week.

NOW, THEREFORE, be it hereby ordained by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, as follows:

Definitions.

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

- A. *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.**
- B. *Drinking establishment* has the same meaning as in Section 78-1 of Chapter 78 of the Code of Ordinances, Town of Old Orchard Beach, Maine¹ and includes, but is not limited to, Class A lounges and taverns, both as defined at 28-A M.R.S.A. § 2.**

~~I. Chem-free dances in drinking establishments prohibited.~~

~~No person, including an owner or lessee of the premises in 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.~~

~~I. H. Violations, penalties, remedies.~~

~~Any person who violates Section II of this Ordinance commits a civil violation punishable by a civil penalty of no less than \$500 and no greater than \$_____ for each violation. Each chem-free dance held in violation of this Ordinance 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 Ordinance.~~

Enforcement.

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

III. Purpose.

The purpose of this Ordinance 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.

Applicability.

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.

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

HELENE WHITTAKER: I found it interesting that at the last Public Hearing most of the people were from outside Old Orchard Beach. Why are we cognizant of the responses that come from outside our community and yet those here tonight represent our community and those considerations are not given any credence?

CHAIRMAN KLINE: I agree with your observations.

CHIEF DANA KELLEY: I did speak with Mr. Sisson and he did not agree with the changes and said that he felt this would restrict his business.

COUNCILOR DAYTON: Given the low turn out are we allowed to consider comments that are given at that time before the vote? The only piece that I am concerned about is the 13 to 16 year olds and I was hoping that we would start at 17 rather than 13. My preference would be 17.

COUNCILOR LONG: I have a couple of comments. There will be no alcohol beverages on the premises at all? The way it is written it is sort of a legal question. What if it is locked up outside the dance hall? – I don't believe what I am reading here what this really infers. So I would like a clarification of that. Two other points – chem-free isn't a significant consideration to the use of alcohol. A chem.-free dance is a supervised event to develop social skills. I find this a healthier environment than them being in another unsupervised situation. So I don't believe that chem.-free dances are adding to young people drinking. They are well documented to the use of alcohol from other sources. The people that came last time are the basis of our whole tourist industry. Maybe we are proposing to get rid of all the downtown bars. I don't believe that in the world we live in that that is possible. I believe the Police Department does a good job. I would rather have the kids in the chem.-free environment. I had thought we were going to have a Workshop on this issue and I am disappointed that a mutual agreement was reached and I would rather have a workshop on this issue. We all know that the high school dances the kids don't go to; church hall dances the same thing. Where we have an environment where there is supervision I don't believe alcohol is the issue. Now after when they get out on the street after the chem.-free closes – and I am aware how hard the police work on this – the real problem is when the kids are outside the facility. Those are the issues that we need to address. I would like to see us address that part of the issue. What I am hearing from the business people is that the issues are outside the building not inside.

CHAIRMAN KLINE: One of the issues not addressed in the ordinance was the wrist band and once a young person leaves they would not be able to re-enter. The bureaucracy of workshops takes a long time. I felt this was the way to go as a Public Hearing has more input than a Workshop. You have to look at the big picture and that is what this is addressing. Drinking establishments are places that adults enter. There is always that pretension. Think of the rudest, most obnoxious bar that you can think of that could potentially be here, do you want 15 year-olds in that environment?

COUNCILOR FRENETTE: I appreciate you have taken the concerns of all those who spoke but I thought that we would workshop this. I also realize that there is a problem when these people get out of the gatherings. My daughter went to a birthday establishment at 11:00 p.m.

at the chem-free and there were three police cars there – but I believe this is an issue that the business establishment needs to address. The ages of the kids were restricted but the same kids that go to school together came out and had a fight. They have a year round chem.-free in Ocean Park and they don't have the problems that we have and I think we need to work on these issues. I have a concern about the violence happening outside the club.

CHAIRMAN KLINE: If you have something like this to start with you have something to build on then at least there is something to fall back on. If we wait till we have a workshop then this will go unaddressed through the summer. We do have a good compromise and we could work on it I would like to have the clarification made.

COUNCILOR DAYTON: I appreciate the process you outlined and I am in favor of 11:00 p.m. I appreciate you trying to move this forward and I will support your effort.

COUNCILOR LONG: We have the administrative review process and we have the ability to address these individuals and businesses. They can be addressed immediately and a special administrative hearing can be held and we can suspend the license. There is a mechanism here. I don't believe my concerns have been addressed. Prohibition doesn't work. We depend on visitors to sustain our economy. I think young people deserve it and we can find modifications that will service that population but I still think we are ignoring the fact that as far as I know there were no complaints filed with our review board. The complaints are about what happened on the streets outside of the business. That is a police matter or use the laws to address these issues on the street. That is why I don't see us rising to the issue as it is being expressed. I would rather do this right. It needs to have a schedule and that was my impression when this was before us before. I think making changes and then tinkering with it again is not the way to handle this.

CHAIRMAN KLINE: Yes if there are three legitimate complaints. Upon our legal counsel indication this is only possible during the license time review. The issues outside the business establishment – if there is no alcohol in a chem-free then how can they be drunk outside the establishment? I know that when I was in High School – where did you find alcohol – sure enough the chem-free establishment. As government officials we need to make sure our establishments are safe.

TODD BASSETT: I moved here ten months ago. I worked with young people for twelve years and I have been a teacher. I am well acquainted with bars because of the work that I have done. Atmosphere creates action. The aura creates something and I don't think that can be deniable from my standpoint. If I were a bar owner I would commend the owner for the step he is taken – a clientele is being developed for the future. If I am a business owner I want to bring business and this is a good way to start people toward a habit. We need to establish something that will enhance our youngsters – and I don't believe this is the way to do it.

COUNCILOR LONG: I am older than the Chair and I can remember when I was in High School I used to go to the church dance. – big hall – this was well supervised. There are things that young people do that they will do in all places but we pointed out this last time when we sponsored a chem.-free dance and we know that failed. I don't believe this takes into consideration the pressures our young people are under. We have means to effectively pull a license if we have reasons to address that issue. I know it is not a popular stance but this is not a bar. If we are concerned about the impact on our town – let's make this a no alcohol town. I asked the Chief himself where the complaints that have gone to administrative review

and the answer was “we don’t have any.” The problem is outside this establishment and if the Chair knows that young people are doing what he says – it is our fault that we don’t do something about it. That is why we have the police but to say that if we shut down the chem-free dance this will stop this kind of activity is ridiculous - the facts don’t support this. Let’s crack down on the drug dealers and if this business is not acting in accordance with our policies then let us shut it down. This man is following the rules and if we don’t like the rules then we have to change the rules. A workshop is how this Council works on this issue.

CHIEF DANA KELLEY: I have to disagree with you in that it is our responsibility to monitor that area and we are a small police department and to put all our efforts on one business is not sensible. It is difficult to bring these forward because the problems are outside but they are a result of the young people coming from the business. Until we have a way to address this issue the problem will continue. This is just an effort to control the issues that pose the problems. I believe we are doing all we can.

CHAIRMAN KLINE: Prohibition is not working. I am not getting the support to make chem.-free bars illegal so we are attempting to establish rules.

COUNCILOR O’NEILL: It is a behavioral concern more than governmental matter. The downtown would be shut down if we moved forward on these kind of issues. We are attempting to minimize the issues that have been raised. It is difficult for any enforcement agency. I think this should move forward and I would agree that we could have a workshop on the business license ordinance as well.

LINDA JENKINS: I came to listen tonight. I have a ten year old that will soon be in the position of a 14 year old. When we had the church dances we still knew where to get the alcohol or the drugs. We did have police monitoring the parking lots and I think that these are our kids and we need to monitor and protect them. We need rules and regulations but they need somewhere to go and unless we have something to replace it with it is up to us and the police department. I know we have a small police department but they are our kids.

CHAIRMAN KLINE: I move to close the Public Hearing at 7:51 p.m.

CHAIRMAN KLINE: I open this Public hearing at 7:52 p.m.

ARTICLE VI. BOARDING UP OF SEASONAL FACILITIES

Sec. 38-236. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boarding up permit means a Permit issued to allow the installation of security panels in compliance with this article.

Boarding up plan means a written proposal, which may include drawings, photographs, diagrams, and samples of materials explaining how proposed security panels will meet the design criteria of section 38-241.

Building means any enclosed structure offering support, shelter, or enclosure to persons, animals, or property of any kind.

Dwelling means a building or portion thereof used exclusively for residential occupancy, including one-family, two-family and multifamily dwellings, but not including hotels, motels, lodging houses or boarding houses.

Not occupied means not in use because the building is closed for a season or for some similar extended period of time. A building will be presumed to be not occupied if it is closed for three or more consecutive weeks.

Security panel means any materials attached to cover the openings of a building when it is not occupied, and which are placed over or attached in place of the permanent windows, doors or other working coverings regularly utilized when the building is occupied. The term "security panel" includes permanently installed overhead doors, sliding gates, shutters and similar fixtures which close over the regularly utilized doors and windows.

(Ord. of 5-6-2003, § 3)

Cross references: Definitions generally, § 1-2.

Sec. 38-237. Purpose.

The town has numerous seasonal facilities, which must secure their buildings during the off-season months to protect against vandalism and the elements. The purpose of this article is to regulate the methods of boarding up buildings to promote consistency in design, materials, and installations, so as to avoid the appearance of economic depression, social blight, and to protect surrounding property values.

(Ord. of 5-6-2003, § 1)

Sec. 38-238. Applicability.

This article shall apply to all buildings, other than dwellings and their accessory structures, located in the general business districts 1 and 2 (GB-1, GB-2), the downtown design districts 1 and 2 (DD-1, DD-2), the beachfront resort district (BRD), the amusement overlay district (AO), neighborhood commercial districts 1 and 2 (NC-1, NC-2), and that portion of residential district 3 (R-3) situated between the Atlantic Ocean and West Grand Avenue, including all property with road frontage on West Grand Avenue as delineated on the official zoning map and described in chapter 78, zoning. Ord. of 5-6-2003, § 2)

Sec. 38-239. Enforcement.

The town code enforcement officer shall enforce the requirements of this article. If a property violates any portion of this article, the code enforcement officer shall notify the property owner of the violation by certified mail or hand delivery. Failure to correct the violation cited within ~~30~~ 7 days from the date notification was mailed or 5 days from the date notification was hand delivered shall subject the property owner to all penalties and legal remedies available to the town under section 38-244.

(Ord. of 5-6-2003, § 8)

Sec. 38-240. Permit required.

- (a) No person shall install or cause to be installed any security panel on any building subject to this article without first obtaining a boarding up permit from the town design review committee or a renewal permit from the code enforcement officer.**
- (b) No person who owns a building subject to this article shall permit the installation of any security panel on that building without first obtaining a boarding up permit from the town design review committee or a renewal permit from the code enforcement officer.**
- (c) In case of any emergency need to secure a building because of fire, storm or other sudden damage, the code enforcement officer may issue a temporary boarding up permit without review under subsection (a) or (b) of this section, such permit to expire no later than 60 days after issuance.**
- (d) This article shall not apply to any action taken by the town under statute, code or ordinance to protect health or safety by securing a vacant structure against unauthorized entry.**
(Ord. of 5-6-2003, § 4)

Sec. 38-241. Design criteria.

- (a) Security panels shall be consistent in design, texture and color with the appearance of the building to which they are attached, shall be securely installed so as to prevent removal by vandalism or dislocation by action of the elements and shall be attached so as to present a neat and orderly appearance.**
- (b) Oriented strand board (OSB), particleboard, homesote, or similar glue and fiber building products shall be prohibited as a suitable material for security panels.**
(Ord. of 5-6-2003, § 5)

Sec. 38-242. Permit process.

- (a) Submission. All applications for an initial boarding up permit shall be submitted to the code enforcement officer on forms provided by the building department at least ten days prior to the next regularly-scheduled meeting of the design review committee. An application for a permit under this article shall be accompanied by a nonrefundable fee as specified in the schedule of license, permit and application fees in Appendix A of this Code.**
- (b) Site walk. The design review committee may, at its discretion, conduct a public site walk of the property to acquaint members with the subject property and investigate the compliance of the proposed boarding up scheme with this article.**
- (c) Decision. Within 30 days of receiving a boarding up application, the design review committee shall render a decision to grant or deny the boarding up permit. Failure by the committee to render a decision within the 30-day review period shall represent a denial of the application by default.**

(d) **Renewals.** Annual renewals of boarding up permits shall be issued by the code enforcement officer under the conditions of section 38-243.

(Ord. of 5-6-2003, § 6)

Sec. 38-243. Duration of boarding up permits.

(a) All boarding up permits shall be valid for a period of one year from the date of issuance.

(b) Permits may be renewed on a yearly basis by the code enforcement officer and without review by the design review committee under section 38-242, provided that all of the following conditions are fulfilled:

(1) The color, texture, or design of the security panels or the building facade has not been substantially altered during the permit period.

(2) The security panels remain in good structural, physical, and visual condition as originally approved by the design review committee, and there is no evidence of peeled, faded, or flaking paint, damage to support and structural elements of the panel, or deterioration of the panel fastens.

(3) The applicant has submitted a completed boarding up permit renewal application on forms available from the building department, prior to the expiration date of the boarding up permit.

(c) Expired boarding up permits and all applicants that have failed to submit renewal applications before the expiration period shall be required to submit new permit applications to the design review committee in accordance with section 38-242.

(Ord. of 5-6-2003, § 7)

(d) Security panels shall not be installed before November 1st and must be removed no later than April 1st each year.

Sec. 38-244. Penalties.

Any person who violates any provision of this article commits a civil violation punishable by a civil penalty of \$100.00 for each day the violation continues after notice, and the expiration of the 30-day correction period as set forth in section 38-243. In addition, the town may pursue all remedies and relief available at law or in equity, including without limitation the remedies and relief provided in 30-A M.R.S.A. § 4452.

(Ord. of 5-6-2003, § 9)

Any person who violates any provision of this Article and any person who owns a building which is boarded up in violation of this Article commits a civil violation punishable as provided in 30-A M.R.S.A. section 4452.

Sec. 38-245. Appeals.

Appeals of the decision of the code enforcement officer in enforcement of this article shall be made to the design review committee on forms provided by the building department. Appeals

from the decisions and actions of the design review committee shall be made to the York County Superior Court pursuant to rule 80E of the section.
(Ord. of 5-6-2003, § 10)

Secs. 38-246--38-270. Reserved.

COUNCILOR LONG: It was my understanding that we were going to have a Workshop on this and I believe that a subject like this we need to have a Workshop as there is more input that is necessary. I think it is too much to be dealt with at a Public Hearing which is when the public has the ability to tell us what they want. We need to bring up the people that will be involved and we would get a better outcome.

CHAIRMAN KLINE: This is not town wide. The time changes need to be done quickly otherwise there would be an adverse effect on businesses that are opening up in May. We can workshop this later. So I would concur that we move this ahead and change the date. We need to look alive in May.

TOWN MANAGER: The last update to the Ordinance was done on May 6, 2003 – just before I arrived in August. The wishes in August 2004 – when Chairman O’Neill was Chair – were complicated and we put it on the back burner. The majority of the Council said we needed to enforce what is on the books now. We have informed businesses that they need to appear before the DRC. The minor recommendation that you have made is workable and acceptable.

COUNCILOR O’NEILL: We have problems with the timing of workshops so that those who don’t live here but own businesses can attend. It makes it awkward for Council to take the input of few businesses and not hear from all those affected and it becomes difficult to implement these things. If we had had a workshop immediately after the last Public Hearing then that would have been a good idea. I say move it ahead with the change of the dates.

CHAIRMAN KLINE: Repealing the ordinance meant that when they came down in the spring – it seemed the cleanest way to do it but the Council did not agree. We get the boards removed April 1st and have a couple of workshops during the summer and get the summer business owners here and have a further comprehensive understanding of what is needed and what is agreed to and this would be the best idea of a Workshop.

COUNCILOR O’NEILL: How will those businesses be notified?

CHAIRMAN KLINE: We have discussed with Planner that we will indicate through the mail with a courtesy notification, direct mailing or telephone calls.

GEORGE KERR: I hear what you are saying about boarding up but there is a lot of us in the community that want the season extended and have made noted investments in this town. The rental of the business section of the Grand Victorian has been very difficult because of the boarding up in the Town. I would only hope some time soon this Council will choose to take the boards down at least on Old Orchard Street. There is no reason for boards to be up on Old Orchard Street. We are alive and we are trying to give the idea of a four season community. Grand Victorian has made a big difference in our community. This has been a gain to the community. That area used to bring in about \$13,000 in taxes and now it brings in \$26,000 on the same parcel of land. I don’t believe we are going to over burden our police

department with that kind of business. The tax payer should not be paying for what goes on out on the street. The people that visit our community are having these considerations made for them and we are forgetting our own citizens who live in this community. Move this along. We can always move it forward and made changes later.

TOWN MANAGER: Mr. Kerr has made a good point but I just need to correct the figures he gave. Taxes received before the construction of the Grand Victorian was \$27,000 but the full value now will be in excel of \$450,000 in property taxes. I concur that property values will go up in the downtown community.

GEORG KERR: People within this community have made the changes. We internally have made the changes because we want better and we demand better. Please stop procrastinating and move this forward.

COUNCILOR FRENETTE: It has been my hope that we enforce the ordinance which is on the books. I am concerned about April 1st because I thought business licenses went out in April and I would prefer May 1st. I would like to discuss at a Workshop no boarding up.

CHAIRMAN KLINE: I wanted to repeal this before but could not get consensus. I think May 1st if workable and would ask that change be made.

CHAIRMAN KLINE: I close this Public Hearing at 8:14 p.m.

SECOND PUBLIC HEARING: “Shall We Amend Article VI, Section 38-236 through 245 – Boarding Up of Seasonal Facilities?”

SPECIAL AMUSEMENT PERMIT: Gina L. Presterone & John A. Martinez (307-3-1-B), 8B West Grand Avenue, Entertainment & Dancing.

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

VOTE: Unanimous.

BUSINESS LICENSES: John B. Giarold (319-13-4), 4 Pavia Avenue, one year round rental; Eric Bratt – Trustee (210-4-10), 6 Oregon Avenue, sixteen year round rentals; and Sarto Sasseville (318-8-6-58), 146 West Grand Avenue, Unit 58, one year round rental.

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

VOTE: Unanimous.

NEW BUSINESS:

1078 Discussion with Action: Approve Liquor License Renewal for Gina L. Presterone & John A. Martinez (307-3-1-B), 8B West Grand Avenue, malt, spirituous & vinous in a Class A Lounge.

MOTION: Councilor Frenette motioned and Councilor Long seconded to approve the liquor license as read.

VOTE: Unanimous.

1079 Discussion with Action: Approve the Special Event Permit Application of Peace Action/Old Orchard Beach to hold an event called "From Every Village Green" on March 17, 2007 from 1:00 to 3:00 p.m. at the bottom of Old Orchard Street and kite flying on the beach with a request to waive the fee.

TOWN MANAGER: From Every Village Green is asking for a Special Event Permit for Peace/Action Old Orchard Beach to hold an event called "From Every Village Green" on March 17, 2007.

PHIL WEYNBURG: This is an event being planned around Maine with about sixty communities. Vigils and rallies, to bring attention to the war in Iraq. Dissatisfaction with how things are going on. The Public Works said that we can use the electrical outlets if the Council agrees. We might possibly have some music. We are not expecting a large crowd as this is more for the people in our community.

COUNCILOR LONG: Are you a registered non-profit? I am concerned with anti-war rallies that we don't repeat what happened in the 1960's – I would implore – criticize the politicians, the think tanks – but honor the soldiers.

PHIL WEYNBURG: We will honor the soldiers. The past is the past and that is ancient history. We do want to help these soldiers and we have to get them out of harm's way. They aren't being helped when they get back to this country and they are in harms way today.

COUNCILOR LONG: It is painful for me.

CHAIRMAN KLINE: We understand that this will be a respectful event.

COUNCILOR DAYTON: This is a peace effort. I may not be as senior as some councilors but from my perspective – no one should be against a peace effort – a celebration of peace. I want to make sure our citizens understand that.

MOTION: Councilor O'Neill motioned and Councilor Frenette seconded to approve the Special Event Permit Application of Peace Action/Old Orchard Beach to hold an event called "From Every Village Green" on March 17, 2007 from 1:00 to 3:00 p.m. at the bottom of Old Orchard Street and kite flying on the beach with a request to waive the fee.

VOTE: Unanimous.

1080 Discussion with Action: Accept with regret the resignation of Mary Ann Conroy as Deputy Emergency Management Director and Approve the appointment of Normand Gendron as Deputy Emergency Management Director for the Town of Old Orchard Beach.

TOWN MANAGER: Public Works Mary Ann Conroy has served as the Deputy Emergency Management Director under Emergency Management Director Chief John Glass. Due to the expansion of her responsibilities Deputy Fire Chief Normand Gendron has agreed, with the permission of the Council to serve as Deputy Emergency Management Director for the Town of Old Orchard Beach.

MOTION: Councilor Long motioned and Councilor Frenette seconded to Accept with regret the resignation of Mary Ann Conroy as Deputy Emergency Management Director and Approve the appointment of Normand Gendron as Deputy Emergency Management Director for the Town of Old Orchard Beach.

VOTE: Unanimous.

1081 Discussion with Action: Authorize The Town Manager to close Town Hall only on Monday, December 24, 2007 with Town Hall Employees taking either ½ vacation day or ½ floating holiday.

MOTION: Councilor Long motioned and Councilor Frenette seconded to Authorize the Town Manager to close Town Hall on Monday December 24, 2007 with Town Hall Employees taking either ½ vacation day or ½ floating Holiday.

VOTE: Unanimous.

GOOD AND WELFARE:

SHARRI MACDONALD: I am here to tonight as a member of the School Board asking that the Council consider the request of the School Board for a meeting. I would hope that we could sit together and all together as a group and discuss issues that are important to us and our children. We have instructed the Superintendent to ask the Council for this meeting so that we can all be on the same page. I never had to beg for some meeting with you all but we need this meeting – we are not separate – we are all one. There should not be a need for a hard time in getting a meeting scheduled and there are many issues that affect our children that the Council should be interested in and address. We were talking about consolidation long before the Governor came up with it. I didn't run for School Board to be in politics. We need to meet with you before the budget process. The School Board meets the second Thursday of every month.

CHAIRMAN KLINE: I had discussions with the Superintendent about this and gave him my response and time. Usually we do not have a dialogue at this time and the budget time line has not started. I don't know who is raising or where this negative energy is coming from.

COUNCILOR FRENETTE: We need to meet with the School Board. The issue of the Jameson School – the rug having to be ripped out – unfunded – we had this discussion last budget process and we did not give them money but said we would assist when an emergency arose and this was an emergency. We weren't putting money in the capital account – year to year not able to be carried – we did promise that we would address these issues. They did come to us and it wasn't addressed. It is not a misconception. Since the leaking issues the bleachers have been condemned and they can't come to us because we didn't address the first issue and as a Councilor I would like to meet with them. I find a problem here that we are not willing to sit down with the School Board and I have always believed that we should do this. We have not addressed this issue.

COUNCILOR O'NEILL: I believe we need to have an update for the Council. – understand the direction the town is going to take. I have a concern and I would like to address that issue. Citizens have indicated their concern to me and I also feel we should have addressed this issue.

COUNCILOR DAYTON: I though was addressed the issue and approved the money?

COUNCILOR FRENETTE: We tabled it.

COUNCILOR KLINE: The Assistant Town Manager and Mr. Long have attended these consolidation meetings and the e-mails have been received.

COUNCILOR FRENETTE: It was Councilor Long, the Town Manager and myself that attended the Consolidation meetings but the invitation was sent to all the Council.

COUNCILOR LONG: It is important to note that those repairs were made at the school – the leak and the carpets. The Charter indicates that the School Board is responsible to maintain those buildings. In terms of the reorganization that is before us – the Governor and the State will decide on that. There is a bond program specifically for schools and I have had direct conversation with the Superintendent. I just find it unbelievable when the school administration knows about this that they haven't even applied for it. I am stunned when I discovered that program and brought it to his attention. Here is the State offering us 0 percent interest and 20% forgiveness – I find it puzzling that we have not even applied. I find it unbelievable that these funds have not been sought out by the School Board and Superintendent.

SHARRI MACDONALD: I didn't want this to become confrontational. We used the allocated money from the State. The State low balled us and therefore this additional money was used for the repairs.

CHAIRMAN KLINE: The Superintendent has received information from me on a meeting.

ADJOURNMENT:

MOTION; Councilor Long 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 fifteen (15) pages is a true copy of the original Minutes of the Town Council Meeting of February 20, 2007.

V. Louise Reid