

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
TUESDAY, FEBRUARY 6, 2007
TOWN HALL CHAMBERS**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, February 6, 2007. Chairman Joseph Kline opened the meeting at 7:05 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:

CHAIRMAN KLINE: I wish to acknowledge this evening, Senior Vice Commander, Richard P. Giroux, Veterans of Foreign Wars, District 11, Department of Maine, who is representing Robert Pettengill of the Old Orchard Beach Veteran's of Foreign Wars who is ill. A presentation is being made this evening in connection with the visit of the Vietnam Memorial Wall in May. Senior Vice Commander Giroux, we thank you and all your members for their sensitive and caring consideration to the citizens of the Town of Old Orchard Beach in bringing the Wall to our community.

SENIOR VICE COMMANDER GIROUX: It is my privilege on behalf of the Old Orchard Beach Veteran's of Foreign Wars to present a check in the amount of \$1,000 to be used in bringing the Viet Nam Memorial Wall to our beautiful community this coming Memorial Day weekend. We trust that all citizens will recognize the sacredness of this event and share in our thanks to all those who have served, given so much to their country, and to those who gave the ultimate gift of life.

CHAIRMAN KLINE: Nancy Kelley and Jason Webber could not be here this evening but on their behalf and that of the Town of Old Orchard Beach, our sincere thanks.

COUNCILOR DAYTON: The Old Orchard Beach United Methodist Church is the home of the Old Orchard Beach Food Pantry and Clothes Closet. They do wonderful work here in outreach to the needs of the community. Friends have donated their time and efforts and donation of goods by Deering Lumber and others, to enhance the location of the food pantry and the clothes closet. They have extended an invitation to all to attend a grand re-opening and ribbon-cutting ceremony for the food pantry on February 14, 2007 at 11:30 a.m. at the Church located on Washington Avenue. There will be an opportunity to tour the facility at that time. Come one, come all.

COUNCILOR O'NEILL: Congratulations to our Public Works Department for their excellent work on the Skating Rink at Memorial Park. It has been used by a large number of families of the past few weeks and the Assistant Town Manager has received severable calls from citizens thanking the Town for the Rink.

COUNCILOR FRENETTE: Congratulations to the Oceanside Grill upon receiving the Sandcastle Award presented last Wednesday evening and to the Recreation Department for planning this important event. This award is given in loving memory of Terry Steller for which our community is very grateful. Also, attention business owners, on Thursday, February 22, 2007 at 6:00 p.m. in the Town Council Chambers the Planning Department is conducting a meeting to get your ideas, views, concerns, and hopes for the Town of Old Orchard Beach. Please come and participate.

ACCEPTANCE OF MINUTES: Town Council Minutes of August 2, 2005; Town Council Minutes of January 16, 2007; Town Council Workshop of January 23, 2007; and Special Town Council Meeting of January 30, 2007.

CHAIRMAN KLINE: The need to have the Chairman sign an updated Zoning Map, per Sec. 78-457 of the Zoning Ordinance brought to light that there was an error in the August 2, 2005 Minutes in one of the motions. In reviewing the television tape the Planner, Town Manager and Assistant Town Manager verified that the motion was approved as indicated below.

MOTION: Councilor Long moved and Councilor Frenette seconded to Revise the August 2, 2005 Minutes, Item 732 to read: Approve revising the existing Beachfront Resort (BRD) District. Said revision removes a portion of the properties that lie within the BRD, and creates a new zoning district to be named Residential Beachfront District (RBD). Proposed new RBD shall extend from the entirety of Parcher Avenue (all properties facing Parcher Avenue) to the Old Orchard Beach/Scarborough town line, the Guilford Line Railroad right-of-way and the Atlantic Ocean.

VOTE: Yea: Councilors Long, Frenette, O'Neill and Chairman Kline.

MOTION: Councilor Long motioned and Councilor Dayton seconded to accept the Minutes of January 16, 2007; and the Town Councilor Workshop of January 23, 2007.

VOTE: Unanimous

MOTION: Councilor Frenette motioned and Councilor Long seconded to accept the Minutes of the Special Town Council Minutes of January 30, 2007.

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

BUSINESS LICENSES: David Dubois (103-3-5), 5 B Arnold Road, one year round rental; Dawna Weinbeck (302-7-1-7), 152 East Grand Avenue, #7, one year round rental; Chris Bolduc (206-31-8-B), 39 Old Orchard Street, eight year round rentals; Michael & Maria Russo (302-7-12), 5 Bakam Street, one seasonal rental; Mark

Villenseaue (302-6-12), 30 Puffin Street, one seasonal rental; Robert Morrissey & Josepha Manchester (205-19-18-12), 47 Milliken Street, one year round rental; Craig & Coleen Clark (104-3-5-D7), 26 Walnut Street, D-7, one year round rental; and Matzi Ben-Eui & Elizabeth O'Donnell dba/More for Your Dollar (205-15-1-F), 2 Cascade Road, Suite 9, Novelty Store, no guns or knives.

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

VOTE: Unanimous.

NEW BUSINESS:

1070 Presentation by Richardson & Associates on Veteran's Memorial Park including Memorial Areas Design Development in Progress and Future Plan Development.

CHAIRMAN KLINE: The Memorial Park is the "glory" of Old Orchard Beach and the next phase is being presented this evening for the review of the Council. The recently installed ice skating rink has brought rave reviews from so many citizens, the Executive Director of the Chamber of Commerce, and a host of citizens that have used it over the past few weeks. We will have a presentation this evening on the next project of the Park. I will introduce Andrea Berlin who introduce our presenter this evening.

ANDREA BERLIN: We did a great job getting the Phase I, II and III and I wish to thank Tim Swenson who has been with us through this entire project and advising and assisting in so many ways. He has had a part in every phase of this effort and we will be honoring him in the days ahead. I have invited Todd Richardson of Richardson Associates in Saco and he will be making a presentation at this time on the Memorial Park. We have had an enormous amount of input by many people and he will indicate the ideas that have been projected by so many.

TODD RICHARDSON: Thank you – I thank you for the opportunity to speak to this evening. It has been exciting to see the changes in the part and I am pleased to present the Memorial District. The development of Memorial Park has been a work in progress for the past ten years with many volunteers working towards the development of the green space. With the recent installation of an ice rink the park has become a place for residents to enjoy year round. Plans are now being developed for a memorial district honoring veterans, a move that would mark the completion of the Memorial Park. I have been working with the Memorial Park Committee, an advisory committee to the Council, since June. The group gathered ideas from the community and came up with a proposed plan. The proposed phase four of the park would create a pathway honoring veterans and would be the final stage of development. The start of the walkway would be marked with flags and would wind up past already existing memorials to a lookout spot on the knoll. The current memorials would be dispersed throughout the area. The inclining walk would work with the natural topography of the park and would be line with memorial walls. The walls would be metal with words etched out, integrating light and text. In the evenings the illumination of the text would reflect the personal sentiments of veterans. At the top of the walkway would be a reflection pool and

a memorial wall which would be transcribed with a broader and more universal sentiment to the sacrifices made by veterans. Visitors to this area could look into the reflection pool or beyond to a greater view of the Town and the ocean. The escalating pathway would be handicapped accessible and the memorial district would work into the overall landscape of the park. There is still a lot of opportunity for feedback. Some of the goals and objectives of the Memorial Park was to achieve accessibility; create individual memorials/moments of memory; create connections between individual spaces – “big ideas”; provide a resting/reflection space; find a way to highlight natural topography/view; find a way to use water as feature/theme; and integration memorial district and large park. The schematic design – the library is connected with paths, so in addition to the walkway we have modified we have added a walkway that leads up the hill to the top. You will also see benches, flag plaza, gateway, memory walls, and existing memorials. An attachment to these Minutes includes the presentation that is being made this evening. These are just drawings to give you an understanding of what we have considered before. We continue to meet with the Veterans groups; integration of comments/development of details; marketing materials development and an exhibition at Memorial Day Observances.

VETERANS MEMORIAL PARK – MEMORIAL DISTRICT OUTLINE

CHAIRMAN KLINE: We are pleased that we have come to this point and there is a lot of hard work and we appreciate this very much. Thank you for the presentation.

COUNCILOR LONG: What is the range of costs that we are anticipating at this time? Are you planning on coming to the Town for funds?

ANDREA BERLIN: We have not finalized are plan and once we do that we will have a budgetary consideration and then we will go out and market. We plan to raise the money for the final phase. Mr. Richardson will help us come up with a marketing plan to pursue fundraising efforts. The previous phases of the project received funding from the Town but I hope to get enough people behind the project so it could fund the final phase itself.

COUNCILOR LONG: As a Veteran I wish you the best of luck and support your efforts on our behalf.

1071 Discussion with Action: Appoint William Farley as a Regular member of the Finance Committee, term to expire 12/31/08; Cady Koenigs as the Student Member of the Recreation Committee, term to expire 12/31/07; Winthrop Winch as a Regular Member of the Planning Board, term to expire 12/31/08; Lucien Huot as a Regular Member of the Board of Assessment Review, term to expire 12/31/09; and Paul Kirvan as a Regular Member of the Board of Assessment Review, term to expire 12/31/08.

CHAIRMAN KLINE: The service on these various committees are relevant to the success of our community and we appreciate the time, effort and talent that they expend.

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

VOTE: Unanimous.

1072 Discussion with Action: Sign the Dog Warrant.

CHAIRMAN KLINE: This is a housekeeping item. Out of over 762 registered dog owners, only 69 have not come in for their renewals and we assume that some of those have moved.

MOTION: Councilor Long motioned and Councilor Frenette seconded to sign the dog warrant.

VOTE: Unanimous.

1073 Discussion with Action: Approve the pole permit request from Verizon to install a telephone pole on Cascade Road, approximately 401 feet southeasterly of Garden Street.

MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to Approve the pole Permit request from Verizon to install a telephone pole on Cascade Road, approximately 401 feet southeasterly of Garden Street.

VOTE: Unanimous.

1074 Discussion with Action: Request the signature of the Chairman of the Town Council to sign updated Zoning Map, per Sec. 78-457 of the Zoning Ordinance, the following information to be included on the official Zoning Map: "On September 7, 2004, by official action of the Town Council, the following change(s) were made in the Official

Zoning Map: establishment of Contract Zone 1." "On August 2, 2005, by official action of the Town Council, the following change(s) were made in the official Zoning Map: establishment of the Residential Beachfront District.

CHAIRMAN KLINE: Ordinance section 78-457 (c) *Changes*

When changes are made to district boundaries, such changes shall be entered upon such a map and shall be signed by the Chairman of the Town Council and attested by the Town Clerk. The following information is now a part of the official Zoning Map:

"On September 7, 2004, by official action of the Town Council, the following change(s) were made in the Official Zoning Map: establishment of Contract Zone 1."

"On August 2, 2005, by official action of the Town Council, the following change(s) were made in the official Zoning Map: establishment of the Residential Beachfront District.

Woodard and Curran have updated the map through GIS. Though the information is now accessible electronically, the official zoning map, must have the Chairman's signature and be filed in the Town Clerk's office.

MOTION: Councilor Frenette motioned and Councilor Long seconded to Request the signature of the Chairman of the Town Council to sign updated Zoning Map, per Sec. 78-457 of the Zoning Ordinance, the following information to be included on the official Zoning Map: *"On September 7, 2004, by official action of the Town*

Council, the following change(s) were made in the Official Zoning Map: establishment of Contract Zone 1.” “On August 2, 2005, by official action of the Town Council, the following change(s) were made in the official Zoning Map: establishment of the Residential Beachfront District.”

VOTE: Unanimous.

1075 Discussion with Action: Repeal Town Council Policy 05-02, Parking Permits.

CHAIRMAN KLINE: A Workshop was recently held with input from the citizens, department heads and the Council and the request for the Repeal of the Policy 05-02 – Parking Permits be repealed.

EXHIBIT:

**Current
TOWN OF OLD ORCHARD BEACH
Town Council Policy 05-02
Parking Permits**

The Town Council has established the following policy for the issuance of and charges for Municipal Parking permits.

Resident Parking Permits: Permits for parking in Municipal Parking lots may be issued only to Town residents. The cost for a Municipal Parking Permit for the Milliken Street Municipal Lot will cost \$25.00 per permit. The cost for a Municipal Parking Permit for Memorial Park will cost an additional \$25.00 per permit. The Memorial Park permits cannot be purchased separately. There will be a limit of two (2) Municipal Parking Permits per Household.

Resident Eligibility: Only the following shall be considered residents who are eligible for Municipal Parking permits:

- (1) Individuals who register their car in Old Orchard Beach, who presently live in Town.
- (2) Individuals who register their car in Old Orchard Beach and who pay real estate taxes.
- (3) Individuals who pay real estate taxes, and who live in their homes for the summer season.

Employee and Staff Permits: Staff permits may be issued, at no cost, to Town employees, Staff and Town Councilors for parking in the Employees parking area and Veterans Square area.

Visitor Parking: No permit will be required for parking in the upper Town Hall Parking lot. Temporary permits for parking in Veterans Square may be issued by the Town Manager’s office.

Permits: Permits shall be in the form of hang tags to be affixed to the rear view mirror. All stickers for which a fee is charged shall be issued by the Town Clerk’s Office. The Municipal

Parking Permits are valid through September 6, 2005. There shall be two separate Municipal Parking Permits—one for the Municipal Lot on Milliken Street and one that includes the Milliken Street Parking Lot and the Memorial Park Parking Lot. Colors of the stickers are to be determined by the Town Clerk. Stickers shall be numbered consecutively. Staff parking stickers shall be issued by the Town Manager's office and shall be valid only while the individual is employed.

General Information: Stickers/permits do not allow overnight parking in any location.

Adopted: May 17, 2005

MOTION: Councilor Long motioned and Councilor O'Neill seconded to repeal the Town Council Policy 05-02, Parking Permits.

VOTE: Yea: Councilor Long, Councilor O'Neill and Chairman Kline
Nea: Councilor Dayton and Councilor Frenette

1076 Discussion with Action: Adopt Town Council Policy 07-01, Parking Permits.

CHAIRMAN KLINE: The following are changes that were discussed at a recent Workshop.

EXHIBIT:

Suggested Policy
TOWN OF OLD ORCHARD BEACH
Town Council Policy ~~05-02~~ 07-01
Parking Permits

The Town Council has established the following policy for the issuance of and charges for Municipal Parking permits.

Resident Parking Permits: Permits for parking in Municipal Parking lots may be issued only to Town residents. The cost for a Municipal Parking Permit for the Milliken Street and Memorial Park Municipal Lots, inclusive, Municipal Lot will cost ~~\$25.00~~ **\$50.00** per permit. ~~The cost for a Municipal Parking Permit for Memorial Park will cost an additional \$25.00 per permit. The Memorial Park permits cannot be purchased separately.~~ There will be a limit of two (2) Municipal Parking Permits per Household. Permits for individual lots may not be purchased separately.

Resident Eligibility: Only the following shall be considered residents who are eligible for Municipal Parking permits:

- (4) Individuals who register their car in Old Orchard Beach, who presently live in Town.
- (5) Individuals who register their car in Old Orchard Beach and who pay real estate taxes.
- (6) Individuals who pay real estate taxes, and who live in their homes for the summer season.

Non-Resident Parking Permits: All Individuals who do not qualify for a municipal resident parking permit may purchase a non-resident parking permit for \$300.

Employee and Staff Permits: Staff permits may be issued, at no cost, to Town employees, Staff and Town Councilors for parking in the Employees parking area and Veterans Square area.

Visitor Parking: No permit will be required for parking in the upper Town Hall Parking lot. Temporary permits for parking in Veterans Square may be issued by the Town Manager's office.

Permits; Permits shall be in the form of hang tags to be affixed to the rear view mirror. All stickers for which a fee is charged shall be issued by the Town Clerk's Office. The Municipal Parking Permits and Non-Resident Parking Permits are valid through ~~September 6, 2005. Labor Day of each year.~~ ~~There shall be two separate Municipal Parking Permits—one for the Municipal Lot on Milliken Street and one that includes the Milliken Street Parking Lot and the Memorial Park Parking Lot.~~ Colors of the stickers are to be determined by the Town Clerk. Stickers shall be numbered consecutively. Staff parking stickers shall be issued by the Town Manager's office and shall be valid only while the individual is employed.

General Information: Stickers/permits do not allow overnight parking in any location.

Adopted: ~~May 17, 2005~~ _____

**TOWN OF OLD ORCHARD BEACH
Town Council Policy 07-01
Parking Permits**

The Town Council has established the following policy for the issuance of and charges for Municipal Parking permits.

Resident Parking Permits: Permits for parking in Municipal Parking lots may be issued only to Town residents. The cost for a Municipal Parking Permit for the Milliken Street and Memorial Park Municipal Lots, inclusive, will cost \$50.00 per permit. There will be a limit of two (2) Municipal Parking Permits per Household. Permits for individual lots may not be purchased separately.

Resident Eligibility: Only the following shall be considered residents who are eligible for Municipal Parking permits:

- (7) Individuals who register their car in Old Orchard Beach, who presently live in Town.
- (8) Individuals who register their car in Old Orchard Beach and who pay real estate taxes.
- (9) Individuals who pay real estate taxes, and who live in their homes for the summer season.

Non-Resident Parking Permits: All individuals who do not qualify for a municipal resident parking permit may purchase a non-resident parking permit for \$300.

Employee and Staff Permits: Staff permits may be issued, at no cost, to Town employees, Staff and Town Councilors for parking in the Employees parking area and Veterans Square area.

Visitor Parking: No permit will be required for parking in the upper Town Hall Parking lot. Temporary permits for parking in Veterans Square may be issued by the Town Manager's office.

Permits: Permits shall be in the form of hang tags to be affixed to the rear view mirror. All stickers for which a fee is charged shall be issued by the Town Clerk's Office. The Municipal Parking Permits and Non-Resident Parking Permits are valid through Labor Day of each year. Colors of the stickers are to be determined by the Town Clerk. Stickers shall be numbered consecutively. Staff parking stickers shall be issued by the Town Manager's office and shall be valid only while the individual is employed.

General Information: Stickers/permits do not allow overnight parking in any location.

Adopted: _____

MOTION: Councilor O'Neill motioned and Councilor Long seconded to Adopt the Town Council Policy 07-01, Parking Permits.

COUNCILOR DAYTON: I just would like the citizens to know that I found the Workshop that we had on the parking permits very difficult to say the least and that I feel that the \$50 cost to residents is excessive.

COUNCILOR FRENETTE: I also have a problem with the \$50 cost and that it is too excessive. I also think that the \$300 cost to non residents is excessive.

CHAIRMAN KLINE: I think that citizens have the opportunity now to weigh whether they want to take the permit at all based on their own needs.

COUNCILOR O'NEILL: I believe that this is an opportunity for the Town to cover the costs of the use of the parking lots and at the same time provide an opportunity for non residents to pay their fair share if they want to use the parking lots all summer long.

HELEN WHITIKER: I have a problem with the permit parking because if the non residents pay the \$300 and there is only \$50 for the residents who will be taking over the parking spots? I think the charges are outrageous. Have you thought about parking permits throughout the town?.

CHAIRMAN KLINE: Yes we did discuss this but we felt what was being proposed was a better option. I do support what Councilor O'Neill suggested – subsidized parking for our citizens. There are new amenities at Milliken Street Parking Lot and the Memorial Park as well. I still feel that \$50 or \$300 is not excessive. I understand what you say about non residents.

HELENE WHITIKER: I still disagree and feel we should not be paying for parking.

CARTER WHITIKER: I heard earlier private parking lots charging \$15 or \$20 a day. I would come to Old Orchard and look at the prices. The vast majority, with the exception of July 4th and really sunny day – the prices will average \$6, \$8, \$10 and \$12.

VOTE: **Yea:** Councilor Long, Councilor O’Neill and Chairman Kline
 Nea: Councilor Dayton and Councilor Frenette

1077 Discussion with Action: Approve the Special Event Permit Application from the Old Orchard Beach Recreation Department to hold the O.O.B. Easter Egg Stravaganza in Memorial Park on March 31, 2007 from 11:00 a.m. to 12:30 p.m.

CHAIRMAN KLINE: Last year the Recreation Department came up with the wonderful idea of an Easter Egg-Stravaganza in Memorial Park which was attended by a large number of citizens, many participating in the parade itself. The Recreation Director is not available this evening as he is making a presentation to another group on the visit of the Viet Nam Memorial Wall but he is asking for those interested in participating and volunteering to contact him at 934-0860.

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to approve the Special Event Permit as read.

COUNCILOR FRENETTE: For all those who marched up the street last year, we will be going down this year.

VOTE: Unanimous.

GOOD AND WELFARE:

LUCIEN HUOT: I would like to thank the Council for appointment to the Board of Assessment Review for me and Paul. For a person that was in Town for the purchase of Memorial Park for \$27,000 – I am looking forward to seeing the progress of the Memorial Park as it comes along. I was always under the impression that the income from the municipal parking lot was to shrink the parking area and make the memorial park a park. It has happened and I am grateful for what the park is today and will be in the days ahead. I was here when it cost \$1 to park all day – today they have to make sure they have insurance, costs for hiring individuals – so naturally the cost is greater. It has been a while since I have been up here and I look forward to serving the community.

COUNCILOR LONG: I would like to thank Mr. Mark Menduca, the High School Band Director, and Brandon Johnson who did an outstanding job playing taps at the funeral of Larry Lapierre. We will miss Larry and thank all those who came out to pay respect to him and his family.

ASSISTANT TOWN MANAGER: I would like to thank Councilors Long and Frenette for their assistance with the Junior Achievement Shadowing Day and to the Loranger 5th grade students for their participation in a very successful event.

ADJOURNMENT:

MOTION; Councilor Long 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 eleven (11) pages is a true copy of the original Minutes of the Town Council Meeting of February 6, 2007.

V. Louise Reid