

**TOWN OF OLD ORCHARD BEACH
SPECIAL TOWN COUNCIL MEETING
Town Council Chambers Tuesday, January 8, 2008**

A scheduled Special Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, January 8, 2008. Chairman James Long opened the meeting at 6:30 p.m. Chairman Long explained this Special Town Council meeting was called to review and discuss the final report of Little River/Jones Creek Flood Abatement Analysis.

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

Chairman Long introduced Senator Barry Hobbins, Representative George Hogan, Maine Department of Inland Fish and Wildlife (IFW) Deputy Commissioner Paul Jacques, IFW Regional Wildlife Biologist Scott Lindsay, IFW Engineer Ron Taylor and IFW Biologist Norman Forbes.

Mr. Long spoke briefly about the Milone and MacBroom report and the June 2007 draft, September 14 interim report and November 20 final version of the report.

Jack Sarno spoke as a representative of the Move the Dam/Water Committee (see attached testimony). Mr. Sarno is an 18 year owner of a Tidewater Loft condo. He spoke of the details of Tidewater Loft assessed value, taxes the owners pay and storm damage repairs the owners have made in recent years. He mentioned the Milone and MacBroom study where it states the water level above the Bayley Dam would be lowered 1.3 feet if the dam was removed. He briefly read from pages 2-25, 2-26 and 5-4 of the report. Jack briefly discussed the kite track land purchased by IFW and showed the Council and guests photos of the kite track before the installation of Bayley Dam. He asked what permits and environmental impact studies (EIS) were done for the Bayley Dam installation. Scott Lindsay replied by saying DEP was consulted at the time and the new dam would be doing the same job as the washed out beaver dam that had existed in the same general area. Consequently, no formal permits or studies were done at that time as far as Scott knows. Jack then asked the same permit and EIS question for the 1996 Bayley Dam reconstruction. Paul Jacques stated this project would have been considered maintenance since the work was less than 50% of new construction costs. In this situation, no additional permits or EIS would be required by DEP.

Tidewater Loft owner E.J. Wilson spoke (see attached testimony). He detailed flooding issues and resulting damage that he and others have endured over the years.

Davenport Condominium owner Paula Dupuis spoke (see attached testimony). She spoke about the assessed value of Davenport, taxes paid to the town by owners and water damage repairs owners have made over the years. She also showed some photos to Council members and IFW guests.

Jack Sarno spoke again and passed out Patriots Day storm photos to Council and IFW guests. Councilor Long added the Bayley Dam removal is not a 100% solution to all flooding problems but a 1.3 foot reduction in the marsh water level would help somewhat and is justified.

Councilor Dayton thanked guests and resident for attending. She asked why no environmental impact study was done for the Bayley Dam. She asked if beaver were introduced by IFW personnel

and Scott Lindsay said they were. Scott also said this is a common management practice and beaver are very effective in this situation. He said beaver have come and gone from the marsh since the 1900's as the food supply changes and this is a normal occurrence. He said he has not seen any fresh beaver sign lately. Councilor Dayton stated the marsh has had artificial manipulation for over 100 years. She read from Milone and MacBroom report page 1-6 stating, "There is a direct link between land use and flood management." She asked if original dam designs are available and Scott said he would look for them. She then referred to report pages 2-25 through 2-28 and referred to marsh water storage figures from Councilor MacDonald (see attached handout).

Jack Sarno spoke about the kite track area and beavers prior to Bayley Dam installation.

Councilor Frenette asked why there is no interest in trying to bring back the saltmarsh above the dam. Scott Lindsay said even without the dam, the saltwater influence probably would not extend much upstream of the dam site.

Councilor Long said wildlife habitat is necessary and the OOB portion of Scarborough marsh has a long history of water manipulation. He referred to an April 04-05 IFW report done for LD 173 that then State Senator David Lamoine was involved with. Councilor Long stated the recent Milone and MacBroom report seems to contradict the assertions of this IFW report that says the Bayley Dam does not affect Walnut Street are water levels. He stated there was a disregard (perhaps unintentional) of what the Bayley Dam would do upstream. He stated OOB residents could never afford the 6.2 million dollars for flooding improvements needed in Scarborough for a water problem in OOB....and we need IFW help on this matter.

Walnut Street resident Kathy Williams spoke and asked IFW to please help the affected OOB residents .

Paul Jacques said he has many questions to ask state and federal authorities about the Bayley Dam issue. He stated the solution is never as simple as the obvious, especially when dealing with coastal wetlands. He will investigate and supply OOB with answers as best he can.

Good and Welfare portion of the meeting was not specifically called for and no motions were made by the Town Council. The meeting was adjourned at 7:39 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 two (2) typed pages of minutes and twelve (12) pages of attached testimony is a true copy of the original Minutes of the Special Town Council Meeting of January 8, 2008.