

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
TUESDAY, JULY 17, 2007
TOWN HALL CHAMBERS**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, July 17, 2007. Chairman Joseph Kline opened the meeting at 7:07 p.m.

Pledge of Allegiance and Roll Call:

Present were:

**Councilor Robin Dayton
Councilor Roxanne Frenette
Councilor James Long
Chairman Joseph Kline
Vice Chairman Shawn O'Neill**

ACKNOWLEDGEMENTS:

COUNCILOR FRENETTE: I would like to congratulate my mother who is 55. I would like to thank the American Legion for last evening. Congratulations to Chief Glass and the Fire Department for obtaining again another grant of \$1,000 for Fire Equipment from Sam's Club Foundation. Thanks to Don and Cathy Pelletier (Sam's employees) for their assistance in obtaining the grant.

COUNCILOR DAYTON: We remind everyone of the concerts in the Park and Movie Night in the Park. For information call the Recreation Department at 934-0860. Congratulations to Jason Webber and his staff for an excellent schedule of summer programs in Memorial Park.

COUNCILOR O'NEILL: The American Red Cross has a vital need for blood. They will be doing a community blood drive on Monday, July 23, 2007 from 2:00 to 7:00 p.m. at St. Margaret's Church Hall, 6 Saco Avenue, Old Orchard Beach, We encourage everyone to attend and participate. The need is great and the gift is life.

CHAIRMAN KLINE: Nance and Bob Kelley wish to thank all those who participated in the Third Annual Christopher Cash Memorial Family Race. Memories of the race can be seen on their web site – www.runforcashoob5K.com. There were 457 participants and \$8,462 was raised for scholarships in Christopher's memory. Thanks to all those who participated.

ACCEPTANCE OF MINUTES: Town Council Special Council Minutes of July 9, 2007.

MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to accept the Special Town Council Minutes of July 9, 2007.

VOTE: Unanimous.

BUSINESS LICENSES: Tracey Chambers dba/RE Salon & Spa (306-1-2-A), 1 East Grand Avenue, Massage Establishment, to be added to current license; James A. Miller (306-1-2-A), Massage Therapist @ RE Salon & Spa; Timothy Lyle (206-6-6), 10 Balsam Lane, one year round rental; John & Kristy Kempton (206-26-3), 10 Balsam Lane, one seasonal rental; Vicki & David Keene (321-15-3), 15 Oceana Avenue, one seasonal rental; Elizabeth Langlois (305-3-9), 5 Boisvert Street, # 102, one seasonal rental; Bruce Thurston (323-14-1), 31 Colby Avenue, one seasonal rental; Kim P. Moore (324-12-7), 14 Weymouth Avenue, one seasonal rental; Cynthia Murfey (205-7-7), 16 Imperial Street, six year round rentals; Mad Hatter Associates, Inc. dba/Mad Hatter Tattoo Studio (205-3-4), 50 Old Orchard Street, Tattoo Parlor, Sign, Vending Machine; Ali Ismeil dba/Ali's Rice Necklaces & Sports Collectibles (307-2-1), Palace Playland, Novelty Store; Abdelali Chouhad (316-13-12), 12 Union Avenue, three year round rentals; Monica Maria Vallee dba/Monica's Bed & Breakfast (206-24-35), 28 Saco Avenue, four year round rentals; Diane Zabich & Rand Ekman (323-13-1), 70 Temple Avenue, one seasonal rental; Lena Knight dba/Lena's Child Care (211-11-4), 13 Harmon Avenue, Daycare; and Cynthia Huff (306-1-2-A), Massage Therapist @ RE Salon & Spa.

MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to approve the Business Licenses as read.

VOTE: Unanimous.

TABLED ITEM: # 2068 Discussion with Action: Approve a Maine Department of Transportation (MDOT) grant for the study of the downtown vehicular/pedestrian traffic flows. The point of study is from Walnut Street to Heath Street, from East and West Grand Avenues to First Street and Milliken Street, which will consider all movement from outlying points. PACTS will provide 80% of the costs and the Town 20% with the Town's 20% funded from Account Number 10013-30100 – Undesignated Fund Balance, with a balance of \$4,094,525.83.

COUNCILOR O'NEILL: This was really focused on the holiday weekend and that has passed so I would move to have this removed without prejudice.

CHAIRMAN FRENETTE: I would suggest that we pass this and put it on the agenda for next year so that we do not lose the PACTS grant. It is about pedestrian patterns, what we can do to get rid of the congestion.

EILEEN PAYETTE: I understood that this was to turn East and West Grand Avenue into one way streets and the majority of the people who attended the business meeting and I would like to know why it was put on the agenda and why. As a business owner and one who has talked to other business owners we are opposed to turning East and West Grand Avenue into one way street. I think that the solution is to have more police officers on the street. Police officers can handle the congestion. I think there is a very simple solution to a six week problem. I would like to know who put that on the agenda.

COUNCILOR FRENETTE: It is the department head's responsibility to look for grants and Sandra Mowery was made aware of this grant and applied for it. PACTS have no desire for this to be one way. It was the Town Manager at the request of the Planner just as she had sought out grants for other areas.

EILEEN PAYETTE: So this has nothing to do with the meeting in the Spring? I just feel that it went back to that other meeting and I am totally opposed to having East and West Grand Avenue one way and I would like to go on record. Unless there is a reason which is a short period of time, it is a lot of work for no reason.

COUNCILOR FRENETTE: No she did not do it specifically for one way travel. Are you opposed to other streets? It was coincidental.

TOWN MANAGER: I appreciate your comments and we spent 1 ½ hours this last time. The Chamber Executive Director made it clear that the Chamber is not interested in this type of study and I would suggest it be removed without prejudice.

MOTION: Councilor Long motioned and Councilor O'Neill seconded to remove without prejudice a Maine Department of Transportation (MDOT) grant to Fay, Spofford & Thorndike in the amount of \$58,100 for the study of the downtown vehicular/pedestrian traffic flows. The point of study is from Walnut Street to Heath Street, from East and West Grand Avenues to First Street and Milliken Street, which will consider all movement from outlying points. PACTS will provide 80% of the costs in the amount of \$46,480 and the Town 20% in the amount of \$11,620 with the Town's 20% funded from Account Number 10013-30100 – Undesignated Fund Balance, with a balance of \$4,094,525.83.

VOTE: Unanimous.

NEW BUSINESS:

2072 Discussion with Action: Accept the Milone & Macbroom Draft Report on Little River/Jones Creek Flood Abatement Analysis.

TOWN MANAGER: Old Orchard Beach is a coastal beach community and is prone to flooding from both precipitation events and tidal surges. The eastern section of the Town is located on a barrier sand beach. Houses, condominiums, motels and restaurants line East Grand Avenue and in the summer months a significant population of tourists resides in the area while during the winter months there are approximately 9,000 residents. In recent years flooding has become an increasing concern for residents particularly those living in the low lying area between Foote and Walnut Streets. This includes single family residences, condominium complexes such as Tidewater Loft on Milliken Street, Davenport Condominiums on Walnut Street, and businesses located on Milliken Street. Street Flooding is reported to occur frequently and many property owners have also reported an increase in saturation levels in lawn area that were once dry. The area in question is densely developed as are some portions of the contributing watershed area. Outlying areas of the watershed have experienced less historic development, but development pressure is increasing in these

outlying areas. Despite the fact that the flood prone areas are located at the north end of Old Orchard these problems are inextricably linked to the hydraulics of the marsh area between Walnut Street and Route 9. To develop a comprehensive evaluation of the flooding problems the dynamics of this system must be understood. Milone & MacBroom, Inc. was contracted by the Town of Old Orchard Beach to evaluate flooding conditions in selected areas through the Town and identify potential solutions. As such this presentation this evening is the report on those findings.

NICOLE BURNAM, JAMES MCBROOM and DAVID BROOM from Milone & Macbroom are here to make a presentation this evening. They were reporting on a Flood Abatement Evaluation of the Little River/Jones Creek Watershed. Their agenda including an overview of problem areas/project goals; technical background; hydrologic analysis; hydraulic analysis and alternatives. The controlling elevations for flooding were studied on Walnut Street, Foote Street, Tidewater Loft First Floor Unit 14, #15 Foote Street and 3 Willow Cove Lane – First Floor. Project Goals included protect properties at low elevations against rising sea level; alleviate flooding at Walnut Street to ensure adequate emergency evacuation route; alleviate flooding at Milliken Street (Foote Street)/Francis Street/Bradbury Street Neighborhood; evaluate potential changes in Groundwater elevation, particularly upstream from Walnut Street; and develop Master Plan of Improvements to address flooding/groundwater problems. Some of the contributing factors in Old orchard Beach flooding include sea level rise, changing precipitation trends, freshwater runoff, historic channel manipulation and hydraulic modifications. They continued by showing charts and a timeline of the Marsh manipulation. They explained about freshwater runoff and the existing conditions including undersized Depot Street and route 9 Culvert. Other existing conditions included undersized culvert at railroad tracks, tidal marsh hydraulic changes through tide cycle. Some of the tidal hydraulic issues including flow obstructions (bridges, culverts, tide gates; tide range/tidal prism, salinity/vegetation, sediment transport, scour, storm water runoff and flooding. In speaking about the alternative evaluation suggestions included replacing/relocate Depot Street Culvert (with and without the tidal gate); replace/relocate Depot Street Culvert, bypass Culvert at Railroad (with and without tidal gate), Replacement of Tide Gate (no culvert replacement), Restore Little River Direct Outlet to Ocean, Channel Dredging/Enlargement, and Dam Removal.

In presenting the recommended plan the following was suggested:

Improvement	Opinion of Cost 2007 \$
Tide Gate at Ex 5' by 5'	\$ 176,000
Depot Street/Route 9 Bypass	2,042,000
Railroad Culvert Overflow	1752,000
Walnut Street Culvert Replacement	834,000
Total	\$ 4,804,000

Restoration of Outlet to Saco Bay - \$2,711,000

Conclusions were:

No single solution to solve all problems; course of action depends on Town priorities, i.e., Coastal flooding versus Freshwater Flooding versus Rising Groundwater; solution will require cooperative effort of Town of Old Orchard Beach, Town of Scarborough, Maine, Department of Inland Fisheries, and Private Property Owners, consider long term flood protection measures for buildings and roadways, and provide upstream detention of floodwater wherever possible. A synopsis of the Preliminary Opinion of Probably Cost was presented as well.

KATHY WILLIAMS: My first thought is the manipulation of the Bailey Dam – lowers it in the summer. I have seen that manipulation. Our unit sits right in front of the water. It went down 1 ½ to 2 feet. He manipulates it now. It should be taken down as it is affecting many business owners and home owners. The easiest way to solve our problem is to remove the dam. Our lots and our area will not be as water soaked as it has in the past and that would work with the removal of the dam. When we moved in there were no issues and the dam has made the issue.

MARGARET GOODYEAR: I used to be able to sit on my deck and see birds and other live fowl. The marsh is coming up in the back – our driveway is wet all the time. This is what is new over the last four years. You need to look at the marsh. I urge you to look at the study and put into place as soon as you can. The unit we purchased was 15 feet from the marsh; it is now 10 feet. The marsh vegetation remove/channel excavation has helped in the past. These are our homes and it is our major acquisitions.

JACK SARNO: As a resident we are getting flooded and I am concerned. I represent move the dam committee. I would like to acknowledge what the Town Council, the Town Administration and Milone & Macbroom Engineering have done. We appreciate this but we still have concerns. In referencing the study, well detailed, well done as it concerns the water shed. I would like to show you one of the maps in the study. Here is salt water but the rest is not salt water. All the other areas shown are fresh water. The water shed is becoming fresh water because it is impacted by fresh water. I am concerned the marsh is supposed to be a salt water marsh and it is a fresh water marsh. I would like to show you the map prepared by Milone & MacBroom Engineering (Map Figure 26). Notice the marsh transition zone is in blue. This is salt water. Notice all other areas shown. This is fresh water. The study clearly details the reason the water shed is becoming fresh water. I would like to read two articles. I would like to read from the Maine Audubon Society, dated June 1999, and from Management Plan for the Scarborough Wildlife Management area, dated June 1991. “It is likely that all of the large seasonally-tidal freshwater wetland south of the Scarborough town line in Old Orchard Beach was salt marsh at one time with a tidal inlet through the beach somewhere near Surfside. This inlet has been blocked and all freshwater draining the northern half of Old orchard Beach now runs through a ditch connecting the Old Orchard marsh complex to Jones Creek and hence into the Scarborough River. The additional freshwater input to this area likely reduces the salinity of the Jones Creek marsh below the level that might be expected due to this relatively severe restriction. In 1988 a dam was installed on Jones Creek by the Maine Department of Inland Fisheries and Wildlife approximately ½ mile south of Pine Point Road to create a freshwater impoundment. This area is now dominated by uniform growth of Broad-leaf Cattail. Restriction # 1 – Jones Creek, Pine Point Road. The Jones Creek restriction at Pine Point

was rated one of the most severe. At this point a narrow (7 foot) concrete box culvert constricts a creek that has a natural channel width of about 34 feet. Significant pooling was observed, and the vegetation is much different on either side of the restriction. Undisturbed low and high salt marsh dominated by Smooth Cord grass and Salt Meadow Hay is located seaward of the restriction. Inland of the restriction the marsh is poorly drained and dominated by a short form of Smooth Cordgrass. For many years tidal flow to this section of the marsh was blocked by a tide gate. The tide gate was removed approximately 10 to 16 years ago to allow alewives access to spawning areas. After the gate was removed, salt water killed some of the freshwater vegetation that had invaded the marsh west of Pine Point Road during the time the tide gate was in place. While the short form of Smooth Cord grass occurs naturally in poorly drained areas of high marsh, its dominance in the Jones Creek marsh indicates that years of freshwater influence likely caused the original salt marsh peat to decay. Although salt water has returned, Salt Meadow Hay, the typical high marsh grass, has been unable to re-occupy the site. Compartment 5 is located northwest of Route 9 and is made up of shallow and deep fresh marsh along with associated wetland and upland types. During 1988 a permanent dam was constructed on Jones Creek. This structure replaced a beaver dam and created a stable water level on approximately 450 acres. The project was completed in cooperation with Ducks Unlimited and Fred Bayley of Scarborough. This structure will provide a stable water level and will maintain nesting and brook-rearing habitat for waterfowl, as well as habitat for other species of wildlife. The Jones Creek Dam was designed to include a fish way and cooperative efforts with the Department of Marine Resources have established an alewife run of approximately 3,000 fish annually. Boundary lines will be maintained as time permits. "I would like to read from the Minutes of the Meeting with the Town Administration dated February 8, 2007. "S. Linsley indicated that Bailey Dam was installed in 1986 to manage the upstream wetland area for waterfowl production. The dam was intended to maintain water elevations created by a beaver dam that had been on that location but breached in the early 1980's. There is no desire to restore the area between Walnut Street and Bailey Dam to salt marsh, but some flexibility in dam operations may be possible. The goal is to maintain waterfowl habitat during the spring to maintain this significant production area. In late spring and into summer, a constant water level is needed, but in August water levels are not as critical. In the fall migratory season (September to mid-October, water level needs to be maintained. Ownership of the marsh was discussed and it was believed that the State of Maine owns the majority of the area." Now for the scary part. Look at the Picture. I was told it was taken in 1980's (possibly 1985-1986). What do you see? I believe the dam which was constructed in 1988 by the Department of Inland Fish and Wildlife and Mr. Bailey caused what we face today. I ask the Town Council to join together and support a drive to remove the dam. The homeowners and businesses who are being impacted are reaching out for your help. Show us your support. I thank the Town Council, the Town Administration, Residents in the hall and members of Move the Dam/Water Committee.

COUNCILOR DAYTON: This has been a difficult discussion and I appreciate the work that has been done. I have to say in reading it and particularly reading the alternative analysis that the conclusions would not talk about the removal of the dam and I see nothing to suggest that the removal of the dam would not bring effective control of the water. I don't consider the report complete until more information is included. I think the report is not complete. The removal of the dam has to be included. I would suggest that we have that data provided to us, we owe it to the citizens to include it in the report. I don't understand why anyone would support causing a flood issue and depriving business and land owners of

a place to live. I strongly encourage that before we take any action that this option be presented. If this land was dry ten years ago then we ought to consider removing the dam.

TOWN MANAGER: I think there were expectations (from neighbors) of ‘What’s the silver bullet?’ “There is no silver bullet.” It is overly simplistic to assume the dam’s removal will solve the problems. The Town commissioned the \$92,000, nine-month study last fall. There was a tidal gate - the sea has been rising over the next 50 years over 2 feet. It is not a silver bullet. You built your project in low land that now is flooded. To put all your eggs in one basket. The State, the Federal government, Scarborough, Town of Old Orchard and the residents – we are all going to need to get involved. To point a finger at Mr. Bailey is not practical. Scarborough paid \$7,000 and Bayley contributed \$5,000 towards this project.

COUNCILOR FRENETTE: We have a map like this of Camp Ellis and it looks very different today. There are homes on the Goose brook that have had to be jacked up because of flooding. What I am suggesting is that these folks did a good job – the Town of Old Orchard does not have any control over that and this is our problem and we have to solve our problem ourselves. I don’t know what kind of committee I could join to get Mr. Bailey to remove his dam.

CHAIRMAN KLINE: Putting a gate was a suggestion that was made several years ago and that would be one way to starting a solution. It is going to take a number of things to make this workable.

COUNCILOR DAYTON: I did not say anything about a silver bullet. The Town Manager is right, we need to keep an open mind to include the removal of the dam. It is clear that there is no one solution but not including the dam in the data, that I know McBroom already has, doesn’t make sense. I suggest it be included in this report. The report would gain a lot of integrity by the addition of that.

JACK SARNO: When the dam is functioning without raising the level up and when they put the boards up to raise the level to 2 feet – we are waiting for the problem to happen. If the boards they put up to retain the water were not put up what would happen then? Those are issues that are related with the dam. I got involved in the past few years because of the impact it is having on the neighbors. The dam is holding water into that whole area. What would be the difference if the dam were there and the dam were not there?

COUNCILOR LONG: I think it is clear that the level of the dam is manipulated and it affects the report. We have heard a lot about the rising ocean and that certainly something we will all have to deal with. We learned the Patriot’s Day store that the problem was fresh water, not the ocean, fresh water not getting out. We had salt water coming into town so it needs to be appreciated that in the Walnut/Milliken Street area there was fresh water. There are some things that are pretty strong – page 2-19 – same report – Everything above the dam is fresh water marsh. It is impounding water behind it. The Inland and Fisheries support the care of water foul. The suffering that these folks are enduring is fresh water not being able to leave. Reading 2-27 – based on study the water held behind the dam is 1.3 feet higher – it is 1 1/3 feet and that is significant. We are not going to repair Route 9 – we have enough to repair in this community but the removal of the dam is not a big project. I just think that is the starting point that we can’t ignore.

JAMES MCBROOM: The purpose of our firm was to pinpoint causes and determine solutions for flooding in parts of the Little River-Jones Creek Watershed which encompasses parts of Old Orchard Beach and Scarborough.

TOWN MANAGER: For years the residents of the Davenport and Tidewater Loft condominium development have been inundated with water when Jones Creek has backed up at high tide, especially during storms. The Town has run into problems on Walnut Street which is a major evacuation route and other roads which need to be closed when flooding occurs.

JAMES MACBROOM: The study points to three broad causes for the flooding; a rise in sea level, increasing precipitation and modification of the marsh behind the Old orchard Beach neighborhood. Sea levels are continuing to rise, so flooding will only get worse without fixes. Residents have suspected the Bayley Dam in Scarborough as a major cause of the flooding. The water level in Jones Creek above the small dam, on the side of the condominiums, is about a foot higher than on the other side during normal conditions. During 50 and 200 year storms storm water flows over the dam, and so has little effect on flood levels.

COUNCILOR DAYTON: Mr. MacBroom, was the Patriots Day storms a 50 year storm or a 100 year storm?

JAMES MACBROOM: The Patriots Day storm was a 25 year storm.

COUNCILOR DAYTON: So the removal of the dam would have helped stop the flooding during most storms.

JAMES MACBROOM: Yes.

MOTION: Councilor Frenette motioned and Councilor Long seconded to Accept the Milone & Macbroom Draft Report on Little River/Jones Creek Flood Abatement Analysis.

COUNCILOR O'NEILL: We have committed the time and the money to this project report and we must not let it go by the ways. We have to act on this study and move it forward.

VOTE: Unanimous.

2073 Discussion with Action: Be it Ordered the Police Chief is designated as the contact person authorized to accept forfeited property and take delivery of related transfer documents and/or money under the Federal Comprehensive Crime Control Act of 1984 (York County Superior Court Docket #06-361 and #06-2368).

CHAIRMAN KLINE: Periodically the Town's legal council is going to be asked to certify to the U.S. Department of Justice that the Police Chief has the authority to accept forfeited property and documentation for such forfeited property. Since the Charter and the Town's Ordinances do not cover this specifically, legal counsel would

like to have a standing order from the Town Council giving the Police Chief that authority. No public hearing is required.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded Be It Ordered the Police Chief is designated as the Contact Person authorized to accept forfeited property and take delivery of related transfer documents and/or money under the Federal Comprehensive Crime Control Act of 1984.

VOTE: Unanimous.

2074 Discussion with Action: Appoint Carol (Cris) Hudson as a Regular Member of the Recycling Committee, term to expire June 30, 2008.

MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to appoint Carol (Cris) Hudson as a Regular Member of the Recycling Committee, term to Expires June 30, 2008.

VOTE: Unanimous.

2075 Discussion with Action: Authorize the Request for a Temporary Sign by the New England Baptist Youth Council, per Code of Ordinances, Section 78-1627(4), to be placed on the lawn at Royal Street, near Temple Avenue from July 22-28, 2007.

MOTION: Councilor Frenette motioned and Councilor Long seconded to Authorize the Request for a Temporary Sign by the New England Baptist Youth Council, per Code of Ordinances, Section 78-1627(4), to be placed on the lawn at Royal Street, near Temple Avenue from July 22-28, 2007.

VOTE: Unanimous.

2076 Discussion with Action: Approve the Special Event Permit Application of Nancy Kelley to Hold the Fourth Annual Captain Christopher S. Cash 5K Run on June 21, 2008; request for a Banner in the Square from June 12 through June 21, 2008; and a request to waive the fee.

MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to approve the Special Event Permit Application as read.

VOTE: Unanimous.

2077 Discussion with Action: Approve the Special Event Permit Application for Maine for One to hold a free musical show in Memorial Park on Saturday, August 25, 2007; and a request to waive the fee.

MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to approve the Special Event Permit Application as read.

VOTE: Unanimous.

2078 Discussion with Action: Approve the Special Event Permit Application for Inca Son to perform their musical instruments in the Square by the water fountain on July 21, July 29, August 11, August 25, September 1 and September 16, 2007.

MOTION: Councilor Dayton motioned and Councilor Frenette seconded to approve the Special Event Permit Application for Inca Son to perform their musical instruments in the Square by the water fountain on July 19 (pending permission of the Chamber of Commerce), July 21, eliminating July 29th, on August 11, August 25, September 1 and September 16, 2007.”

VOTE: Unanimous.

2079 Discussion with Action: Approve the Special Event Permit Application of Sandra and Doug Lawson to hold a 25th Anniversary Celebration on the beach at the end of Randall Avenue on August 10 and 11, 2007, with a bonfire the evening of August 11th.

MOTION: Councilor Frenette motioned and Councilor O’Neill seconded to approve The Special Event Permit Application as read.

VOTE: Unanimous.

2080 Discussion with Action: Accept bids submitted in connection with the Sale of Surplus Goods.

CHAIRMAN KLINE: The Assistant Town Manager went out to bid for the sale of Surplus Goods as approved by the Town Council several weeks ago.

**Town of Old Orchard Beach, Maine
SALE OF SURPLUS GOOD**

The Town of Old Orchard Beach has several items out for bid. All items on display at different departments are sold as, where is. For a listing of the surplus goods, contact the Assistant Town Manager, Louise Reid, at 207-934-5714 (X 226) or via e-mail – lreid@oobmaine.com

Sealed Bids will be Accepted until 3:00 p.m. on Friday, June 29, 2007, by Hand Delivery only to Louise Reid, Assistant Town Manager, at 1 Portland Avenue, Old Orchard Beach, Maine. Include your name, address, telephone number, item on which you are bidding, and the amount of the bid. The final bids will be provided to the Town Council for their approval at the July 17th meeting.

The Town of Old Orchard Beach reserves the right to accept or reject any or all bids, in the best interest of the Town.

SALE OF SURPLUS GOODS

Number 1: Planning Department – For information call Will Watson – 934-5714 X 236. Items on display at 1 Portland Avenue Old Orchard Beach, Maine

2000 Chevy Impala, mileage 112,723; car has rear end damage of approximately \$1,000 but all lights and truck locks are still operational. Car is a retired Police Cruiser, white in color and equipment with a driver's side spot light; there are plugged holes on the roof and the trunk from the removal of police equipment. Minimum Bid - \$800.

MOTION: “MOVE TO ACCEPT THE BID FROM DAVID PERKINS IN THE AMOUNT OF \$1,212.12 FOR THE 2000 Chevy Impala, mileage 112,723; car has rear end damage of approximately \$1,000 but all lights and truck locks are still operational. Car is a retired Police Cruiser, white in color and equipment with a driver's side spot light; there are plugged holes on the roof and the trunk from the removal of police equipment.”

David Perkins
Post Office Box 295
Old Orchard Beach, Maine 04064
934-4362
Bid - \$1,212.12

J. Boutet, Inc.
3 Ross Road
Old Orchard Beach, ME 04064

Bid – 1,159.00

Number Two – Recreation Department – For information call Jason Webber, Recreation Director – 934-0860. Items can be seen at 148 Recreation Department – 148 Saco Avenue, Old Orchard Beach, Maine

1984 Blue School Bus – VIN – 1GBJ6P1B1EV137443 – Mileage - 95,464 – Minimum Bid - \$200 with no guarantee that it will pass inspection.

MOTION: “MOVE TO REMOVE WITHOUT PREJUDICE AS THE RECREATION DIRECTOR HAS GONE OUT FOR BIDS BY POSSIBLE PURCHASE BY THREE BUS COMPANIES. 1984 Blue School Bus – VIN – 1GBJ6P1B1EV137443 – Mileage - 95,464 – with no guarantee that it will pass inspection.

No Bids Received – Request to scrap or donate if someone comes forward.

1988 Chevrolet S010, White, VIN – 1GCCS14B512176912
Mileage – 142,351 – Minimum Bid - \$100 with no guarantee that it will pass inspection.

MOTION: “MOVE TO ACCEPT THE BID OF \$101.05 FROM J. BOUTET, INCL FOR THE 1988 Chevrolet S010, White, VIN – 1GCCS14B512176912 Mileage – 142,351 – with no guarantee that it will pass inspection.

J. Boutet, Inc.
3 Ross Road
Old Orchard Beach, ME 04064

Bid - \$101.05

Number Three – Public Works Department – For information call Mike Perrone at 934-2250 – Items on display at Public Works – 103 Smithwheel Road, Old Orchard Beach, Maine.

1997 Crown Victoria – VIN – 2FALP71W1TX189497 – Mileage 147,812, Major work needed to be operational. Minimum bid - \$50 with no guarantee that it will pass inspection.

MOTION: “MOVE TO ACCEPT THE BID OF \$159 FROM J. BOUTET, INC. FOR THE 1997 Crown Victoria – VIN – 2FALP71W1TX189497 – Mileage 147,812, Major work needed to be operational. Minimum bid - \$50 with no guarantee that it will pass inspection.

J. Boutet, Inc.
3 Ross Road
Old Orchard Beach, ME 04064

Bid -\$159.00

Chris Gessinger
28 Birch Lane
Old Orchard Beach, Me 04064
Geisinger13@hotmail.com

Bid - \$50.00

Number Four – Fire/Rescue Department – For information call Chief John Glass – 934-4911 – Items on display at the rear of the Fire/Police Complex – 136 Saco Avenue, Old Orchard Beach, Maine 04064

1988 Chevrolet Silverado, VIN: 2GCDC19KXJ1194657 – Mileage 71,304 – Minimum Bid - \$300. This was a Lifeguard Rescue Truck and has plugged holes for antennas and radio equipment – as is with no guarantee it will pass State inspection.

MOTION: MOVE TO ACCEPT THE BID OF \$400 FROM ROBERT CLADERON FOR THE 1988 Chevrolet Silverado, VIN: 2GCDC19KXJ1194657. – Mileage 71,304. This was a Lifeguard Rescue Truck and has plugged holes for antennas and radio equipment – as is with no guarantee it will pass State inspection.

David Perkins
Post Office Box 295
Old Orchard Beach, Maine 04064
934-4362
Bid - \$303.03

Robert Calderon
12 Helens Way
Sanford, Me 04073
651-2172
Bid - \$400.00

J. Boutet, Inc.
3 Ross Road
Old Orchard Beach, ME 04064

Bid - \$301.00

Number Five – Waste Water Department – For information call Chris White at 934-4416 – 24 Manor Street, Ocean Park, ME 04063 1976

175KW Onan Emergency Generator – Minimum Bid - \$500

“MOTION: “MOVE TO ACCEPT THE BID OF RYAN WEEMAN IN THE AMOUNT OF \$610 FOR THE 175KW Onan Emergency Generator.”

Ryan Weeman
20 Longfellow Road
Gorham, ME 04038
839-0471

RPWeeman@earthlink.net

Bid - \$610.00

1976 Gas Powered 4" portable pump – Minimum bid of \$100.

“MOVE TO ACCEPT THE BID FROM LARRY THOMAS IN THE AMOUNT OF \$157 FOR THE 1976 Gas Powered 4" portable pump – Minimum bid of \$100.”

Larry Thomas
5 MacArthur Avenue
Old Orchard Beach, Me 04064
934-5897
vollevhawg@yahoo.com

Bid - \$157.00

1995 Phasemaster Rotary Phase Converter – Model #DPA-5 – Minimum bid of \$250.

MOTION: “MOVE TO ACCEPT THE BID OF \$310 FROM RYAN WEEMAN FOR THE 1995 Phasemaster Rotary Phase Converter – Model #DPA-5 – Minimum bid of \$250.”

Ryan Weeman
20 Longfellow Road
Gorham, ME 04038
839-0471
RPWeeman@earthlink.net

Bid - \$310.00

Tricycle Number One – three speed - 20 years old and needs work.
Tricycle Number Two – single speed – 20 years old and needs work.

MOTION: “MOVE TO ACCEPT THE BIDS FROM CHRIS WHITE IN THE AMOUNT OF \$5 FOR THE SINGLE SPPED AND \$10 FOR THE THREE SPEED FOR A TOTAL OF \$15.”

MOTION: Councilor Long motioned and Councilor Frenette seconded moved to accept all bids as indicated below:

“MOVE TO ACCEPT THE BID FROM DAVID PERKINS IN THE AMOUNT OF \$1,212.12 FOR THE 2000 Chevy Impala, mileage 112,723; car has rear end damage of approximately \$1,000 but all lights and truck locks are still operational. Car is a retired Police Cruiser, white in color and equipment with a driver's side spot light; there are plugged holes on the roof and the trunk from the removal of police equipment.”

MOTION: “MOVE TO REMOVE WITHOUT PREJUDICE AS THE RECREATION DIRECTOR HAS GONE OUT FOR ADDITIONAL BIDS FROM THREE BUS COPMANIES. 1984 Blue School Bus – VIN – 1GBJ6P1B1EV137443 – Mileage - 95,464 – with no guarantee that it will pass inspection.

MOTION: “MOVE TO ACCEPT THE BID OF \$101.05 FROM J. BOUTET, INCL FOR THE 1988 Chevrolet S010, White, VIN – 1GCCS14B512176912 Mileage – 142,351 – with no guarantee that it will pass inspection.

MOTION: “MOVE TO ACCEPT THE BID OF \$159 FROM J. BOUTET, INC. FOR THE 1997 Crown Victoria – VIN – 2FALP71W1TX189497 – Mileage 147,812, Major work needed to be operational. Minimum bid - \$50 with no guarantee that is will pass inspection.

MOTION: MOVE TO ACCEPT THE BID OF \$400 FROM ROBERT CALDERON FOR THE 1988 Chevrolet Silverado, VIN: 2GCDC19KXJ1194657. – Mileage 71,304. This was a Lifeguard Rescue Truck and has plugged holes for antennas and radio equipment – as is with no guarantee it will pass State inspection.

“MOTION: “MOVE TO ACCEPT THE BID OF RYAN WEEMAN IN THE AMOUNT OF \$610 FOR THE 175KW Onan Emergency Generator.”

“MOVE TO ACCEPT THE BID FROM LARRY THOMAS IN THE AMOUNT OF \$157 FOR THE 1976 Gas Powered 4” portable pump – Minimum bid of \$100.”

MOTION: “MOVE TO ACCEPT THE BID OF \$310 FROM RYAN WEEMAN FOR THE 1995 Phasemaster Rotary Phase Converter – Model #DPA-5 – Minimum bid of \$250.”

MOTION: “MOVE TO ACCEPT THE BIDS FROM CHRIS WHITE IN THE AMOUNT OF \$5 FOR THE SINGLE SPPED AND \$10 FOR THE THREE SPEED FOR A TOTAL OF \$15.”

VOTE: Unanimous.

2081 Discussion with Action: Set a Public Hearing date of Tuesday, August 7, 2007 to amend Chapter 18 (Businesses), Article II (Licenses), Section 18-34, of the Code of Ordinances, Town of Old Orchard Beach, ME.

CHAIRMAN KLINE: I am proposed in consultation with the Vice Chair and the Town Manager. The purpose of this change is to strengthen the business license intent of requiring that all businesses are fully inspected and Design Review Committee actions have been completed prior to being brought forward for business license approval.

**AMENDMENT TO CHAPTER 18 (BUSINESSES),
ARTICLE II (LICENSES)
OF THE CODE OF ORDINANCES,
TOWN OF OLD ORCHARD BEACH, MAINE**

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

Section 18-34 of the Old Orchard Beach Code is amended by adding the underscored text and deleting the text in strikeover type, as shown below:

Sec. 18-34. Notice of new applications; public hearing.

(a) The license administrator shall give notice of all new license applications by posting a list of the applicants and the licenses applied for in the town hall at least seven days prior to the license hearing.

(b) In order to afford adequate opportunity for staff review and comment, an application for a new license shall not be placed on a council agenda for at least ___ days after the application is received by the license administrator. In addition, an application for a license shall not be placed on the town council agenda for a hearing until the license administrator has found the application complete and has advised the council in writing either that the business and premises are in compliance with all local codes and ordinances or that the business or premises are not in compliance with all local codes and ordinances and

that the license administrator therefore recommends denial of the application.

(c) The town council shall conduct a license hearing at which it shall announce the pending license applications, although it may incorporate by reference a previously published list thereof. Any applicant and member of the public shall be permitted to speak with regard to a specific license or applicant; provided, however, that if no one desires to speak in favor of or in opposition to a license application, the town council is authorized to act upon such application without hearing any testimony. The town council is authorized to inquire of any municipal employee, including without limitation the tax assessor, the building inspector, the electrical inspector, the town manager or any representative of the police or fire department regarding any matter within their expertise and pertaining to any such license application.

MOTION: Councilor Long motioned and Councilor Frenette seconded to Set a Public Hearing date of Tuesday, August 7, 2007 to amend Chapter 18 (Businesses), Article II (Licenses), Section 18-34, of the Code of Ordinances, Town of Old Orchard Beach, ME.”

VOTE: Unanimous.

2082 Discussion with Action: Council Order Related to Proposed Addition to Council Rules 2-95 and 2-96.

CHAIRMAN KLINE: This new Council Rules and Order is being proposed by the Town Council Chair in consultation with the Vice Chairman and the Town Manager to firmly establish provisions outlined in the Charter relating to Councilor communication outside of the Town Council meeting with any other Town employee other than the Town Manager about any matter related to the employee’s employment with the Town unless such communication has first been authorized by the consent of the Town Manager.

The second Rule and Order is providing the recourse for the violations of any provision of the Town Charter.

2-95 Contact with Employees Prohibited

1. As required by Section 411 of the Charter, no Councilor shall communicate outside of a Council meeting with any Town employee other than the Town Manager about any matter related to the employee’s employment with the Town unless such communication has first been authorized by consent of the Town Manager.

2-96 Censure

2. A Councilor who violates any of the rules of this article or any provision of the Town Charter may be publicly censured by vote of a majority of the Council. The procedure for a vote of censure shall be as follows:
 - a. Only a member of the Council or the Town Manager may request the censure of a Councilor. Such request must be in writing and submitted as an agenda item for a Council meeting. The request must set forth the reasons for the proposed censure.
 - b. When the Council takes up the request for censure, the Councilor who is the subject of the request shall be allowed to address the Council and answer questions posed by the Council, but shall not be entitled to vote on the motion for censure.
 - c. A motion to censure must specify the reasons for the censure, with specific reference to the rule or Charter provisions which are the basis for the censure. A motion to censure requires three votes for passage. Upon passage, the exact wording of the motion to censure shall be incorporated into the minutes of the Town Council meeting.
 - d. If a motion to censure is not made and seconded, unless a majority of the Council votes to continue the matter, then the request is deemed denied and may not be reconsidered or resubmitted for a period of one year.

MOTION: Councilor Frenette motioned and Chairman Kline seconded to Approve Council Order Related to Addition to Council Rules 2-95 and 2-96.

COUNCILOR LONG: I have a couple of issues. You are removing something from the Charter.

COUNCILOR O'NEILL: We are not removing anything – we are adding to the rules which we have done on an annual basis.

COUNCILOR LONG: It is not strictly for Council because I have been told that under the second part of this that the Town Manager is in the position to call the Council to censure and I do not believe that is appropriate. To ask the Town Manager to ask to speak to someone stifles the process so unless there is some rationale for a document that has been working quite well for some time, this could be construed as gagging the council.

CHAIRMAN KLINE: Under your leadership – a Councilor approaches the Town Manager which inquiries and he contacts the staff. You are not having more than one Councilor asking different individuals thus tasking the Town Manager to administer which is his responsibility and request to speak to a department head. There has been so much confusion over this and it was determined that by Rules and Order future Council will maintain this type of communication so the Town Manager is in the loop.

COUNCILOR LONG: That is not correct. When I became Chair what we had at that time was Councilors going to our legal counsel and getting different opinions and going off in tangents. I had supported that if we were going through legal counsel we would go through the Town Manager. I was diligent about giving that information back to Council.

COUNCILOR FRENETTE: Yes, it was agreed that we would not go to the attorney without going through the Chair and Town Manager. We also had an agreement no Councilor would go to department heads – it gives them the feeling of intimidation and we have lost several people and chance of losing more and I support this and I think it is a good thing. This takes cares of it, cleans it up.

COUNCILOR DAYTON: I don't have it. This is very confusing. I don't understand what we have. I don't know where this came from. What precipitated this event?

CHAIRMAN KLINE: This came from our attorney. Department heads will provide information through the Town Manager. He will gather the information for the Council. This puts the Town Manager in the loop. "Except for the purpose of inquiry, the Council and its members shall deal with the administrative functions of the Town solely through the Town Manager, and neither the Council nor any member thereof shall give orders to any subordinates of the Town Manager, neither publicly nor privately."

COUNCILOR DAYTON: I appreciate that clarification. This talks about employment not about department heads. Did someone do something? Did something happen? Did somebody talk to somebody? This does not talk to the department head contact.

COUNCILOR FRENETTE: It is obvious that she feels she can contact any department head and lawyer so I support this more. Section 411 specifically states the Council not to Interfere. Neither the Town Council nor any of its members shall direct or request the appointment of any person to office, nor the removal of any person from office, by the Manager or by any of the Manager's subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative function of the Town strictly through the Town Manager, and neither the Council nor any of its members thereof shall give orders to any subordinates of the Town Manager, either publicly or privately.

TOWN MANAGER - We were briefed by our attorney. As I took this position four years ago I shared this with Councilor Long this philosophy. I discussed with the Chair and the Vice Chair and they agreed that this was important. It does not amend the Charter. Our legal council has indicated that the provisions of Section 411 are found in many council-manager charters nationwide and are designed to protect employees from what might be perceived as political pressure and also to protect Council from being pressured by employees to become involved in a personnel matter.

COUNCILOR FRENETTE: We had a gentleman's agreement to go through the Town Manager.

COUNCILOR DAYTON: I would be happy to go to the Chair if he would return my call. I am not afforded any opportunity –

CHAIRMAN KLINE: I would be happy to call you back if you did not yell and swear at me.

COUNCILOR LONG: A point of order...

COUNCILOR LONG: I refer to Section 407 – it determines it supercedes the town charter. Section 411 – "The Council shall determine its own rules and order of business which shall not supersede the Town Charter. "

COUNCILOR DAYTON: I am a citizen as well as a Councilor and I have every right to seek information on behalf of my constituents.

COUNCILOR FRENETTE: When you become a Councilor you give up the right to speak as a citizen.

CHAIRMAN KLINE: Citizens are not serving as elected officials in the capacity of representing all sides of the issues. I want to stop this discussion because we are creating a show for the press and they will stress this rather than the issues of the Little River. I will ask the Secretary to call for the vote:

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

2083 Discussion with Action: Set a Public Hearing date of August 7, 2007 to Amend the Boarding Up Ordinance.

CHAIRMAN KLINE: The Chair has requested a public hearing for consideration of the Boarding Up of Seasonal Facilities. But I believe it would be more helpful to remove this without prejudice and set a Workshop in August.

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 seven days from the date notification was mailed or five 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; Ord. of 3-6-2007(2))

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.

**(d) Security panels shall not be installed before November 1 and must be removed no later than May 1 each year.
(Ord. of 5-6-2003, § 7; Ord. of 3-6-2007(2))**

Sec. 38-244. Penalties.

**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.
(Ord. of 5-6-2003, § 9; Ord. of 3-6-2007(2))**

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)**

CHAIRMAN KLINE: It is m purpose to have this as a Workshop on August 8th to discuss again sections of the Boarding Up Ordinance.

MOTION: Councilor Frenette motioned and Chairman Kline seconded to Remove this without Prejudice and set a Workshop on August 8, 2007 to discuss amending Article VI, Section 38-236 through 245 – Boarding Up of Seasonal Facilities.

VOTE: Unanimous.

2084 Discussion with Action: Authorize the placement of a street light on Pole #18 on Milliken Street, second pole in from Walnut Street.

MOTION: Councilor O’Neill motioned and Councilor Frenette seconded to authorize the placement of a street light on Pole #18 on Milliken Street, second old in from Walnut Street.

VOTE: Unanimous.

GOOD AND WELFARE:

PAUL GOLZBEIN: I have been at a few Town Council meetings and I don’t like what I am hearing. It is ridiculous. It is embarrassing to have the Town Manager in front of the Pier, yelling and carrying on, and two police officers have to come over and intervene. It is embarrassing to see the expressions on some of the faces on the Council. I liked you better Joe when you were just a Councilor.

DON MAHEW – I just took a walk down to the Pier. I guess that will be resolved by the Higher Power. I see a lot of dogs on the beach. Has the ordinance been changed? I

don't see the Police officers doing anything. I think they should be working to control the breaking of the ordinance and I would ask the Council to address this.

MARK LAROCHELLE: I am not familiar with how everything works. Regarding Item 282 there was no public input. My feeling is that as council members you are voted in by the citizens. You are managing and running the town. The Town Manager works for you and sometimes relationships can be difficult such as we heard tonight but when somebody is working for you, you need to have the ability to do your work and know what is going on. No business would knowingly be able to have censure rights on them or potentially intimidate them to do or not to do something. I have read the Charter and the rules. Everything seems to be in order. The rules make it impossible for the Councilors to do their jobs. There has to be some latitude. I have never seen anything anywhere that if you take the role as a member of the town council you are giving up your role as a citizen. That is what you have done. You have given a lot of power to somebody who is working for all of you and you have taken away some of the power that is yours. I am not sure if any of the council members are aware that I lost a quarter in one of your machine and he explained they do not take Canadian quarters – I am not sure what the ability to get meters that take both American and Canadian but we have a lot of Canadians that come into our community. I think we are getting a lot of Canadian quarters in the machines. I would like the council to take a look at that issue. I think we are stealing from them.

BILL DANTON: I want to say that I agree with the change. I have served a long time on the Council and there are rules that the council member does not understand the latitude of their jobs. With half the infrastructure gutted – because some don't understand the job and others take the job in a very reckless fashion. Never have I divulged about executive sessions. So that being said the action you have taken this evening preserves and protects the Town and takes the Town out of the chaos. I support the initiative. It was the right thing to do in maintaining the integrity of the Council.

JOANNES THUY, Phd - Democracy is a power. I am glad to see that Canadian and American citizenship is alive and well in this community. I had a nice visit with Ms. Reid, the Assistant Town Manager. I am part of the Automobile Club De L'ouest and we just celebrated our 25th anniversary returning from the Haig. Your town looks wonderful and I am glad to be here to enjoy it.

HELENE WITTIKER. CWC has developed two new Neighborhood Watch areas, Pine-Brook off Saco Avenue under the assigned Officer, Scott Jarrett, and Patoine Place off Ross Road, under the assigned Officer, Brady Coulombe. Working with these two fine young officers has been a pleasure and as busy as they are, they take the time for community endeavors seriously. We need to acknowledge and support them. On behalf of CWC and Neighborhood Watch we thank the Administration and Council for the support of funding us. We will use the money wisely. CWC wants also to thank Sharri Macdonald from MacDonald's Garage for the generous donation of printing 500 CWC brochures. This donation allows CWC to get the word out by spreading the brochures to businesses, Chamber of Commerce, etc. Thank you, Sharri, for the donations and Nancy McBride who designed the brochure. This is a good start to our "know your neighbor" campaign. Neighborhood works and can only work with the tireless effort of our volunteers, CWC Board and Chairs, Neighborhood Watch Captains, and assigned Police Officers, the Police Department, Chief Kelley and Lt. Tim De Luca for their leadership

and the residents of this fine Town we call OOB. “Know your neighbor” and when you do see something suspicious, do not confront but report it. Thank you for this opportunity.

COUNCILOR LONG: I would like to share a letter from the State of Maine, Department of Environmental Protection, that was received July 12, 2007 addressed to George Kerr. “Dear Mr. Kerr. Enclosed is a Notice of violation (“NOV”) alleging your failure to comply with Chapter 355 Coastal Sand Dune Rules. The NOV relates to a sand dune violation documented by Department staff on June 20, 2007, at your property located off East Grand Avenue in Old Orchard Beach. This violation is more fully described in the attached NOV. A NOV is an administrative notice that is required by Maine law to be sent to parties the Department believes is responsible for violations of the Department’s laws, rules, and/or orders. The nature and circumstances surrounding the violations discovered has lead DEP to conclude that final resolution of this matter should include monetary penalties as part of a civil penalty action. The necessary next steps to finally resolving this matter will be discussed once you contact me within the timeframe provided for in the NOV. Thank you for your attention to this matter.”

COUNCILOR FRENETTE: Thanks everybody who stayed.

ADJOURNMENT:

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to adjourn the meeting at 9:35 p.m.

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 twenty-three (23) pages is a true copy of the original Minutes of the Town Council Meeting of July 17, 2007.

V. Louise Reid