

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
TUESDAY, JULY 6, 2010
TOWN HALL CHAMBERS**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, July 6, 2010. Chair MacDonald opened the meeting at 7:02 p.m.

The following were in attendance:

**Chair Sharri MacDonald
Vice Chair Michael Tousignant
Councilor Shawn O'Neill
Councilor Robin Dayton
Town Manager Jack Turcotte
Assistant Town Manager Louise Reid**

Absent: Councilor Laura Bolduc

**Pledge to the Flag
Roll Call**

EMERGENCY ITEM: Councilor O'Neill motioned and Councilor Dayton seconded to add an Emergency Item, under Business licenses as Aquaholics Inc. dba/Aquaholics Surf Shop (306-1-2-R), 1 East Grand Avenue, Kiosk R, Retail & Rental of Merchandise.

VOTE: Unanimous.

ACKNOWLEDGEMENTS:

COUNCILOR DAYTON: The Southern Maine Regional Police Committee needs two Old Orchard Beach members to serve on this Policy Committee. If you have an interest please contact Gary Lamb in the Planning Department.

COUNCILOR O'NEILL: Thanks to Tom LaCasse, owner of the Brunswick, who donated \$2,000 to the Recreation Department to support scholarships for the children. We are urgently needing members for the Comprehensive Plan Committee as the Committee wants to get up and running. Please contact Gary Lamb in the Town office.

COUNCILOR DAYTON: She asked if the Ballpark Parking lot had been used for parking over the Fourth of July weekend.

ACCEPTANCE OF MINUTES: Town Council Workshop of June 29, 2010; and Special Town Council Minutes of June 29, 2010.

MOTION: Vice Chair Tousignant motioned and Councilor O'Neill seconded to Accept the Minutes as read.

VOTE: Unanimous.

PUBLIC HEARINGS BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 7:12 p.m.

Thomas Tuohy (201-2-5), 214 East Grand Avenue, one year round rental; Mike & Rose Grimanis (205-6-10), 15 Milliken Street, three year round rentals; Michael Demauro (311-8-2), 26th Fifteenth Street, one year round rental; Reis & Catherine Hagerman (313-2-1-22), 1 Bay Avenue, Unit 22, one year round rental; Phillippe & Paulette Thibodeau (316-11-4), 7 Union Avenue, one year round rental; Paul Richards (319-10-6), 14 Tripoli Avenue, one seasonal rental; Karl E. Agan, Jr. (323-14-5), 41 Colby Avenue, one year round rental; John Latting & Caroline Fohlin (321-6-2), 19 Winona Avenue, one seasonal rental; and Aquaholics Inc. dba/Aquaholics Surf Shop (306-1-2-R), 1 East Grand Avenue, Kiosk R, Retail & Rental of Merchandise.

MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to approve the Business Licenses as read.

VOTE: Unanimous.

CHAIR: I close this Public Hearing at 7:13 p.m.

TOWN MANAGER'S REPORT:

My hat is off to all the OOB 365 members who participated in the Balloon Festival are to be congratulated for the events of that weekend. It was the first endeavor to bring this type of entertainment to the community and there were many hours of volunteer service invested. Sharri, Mike, Shannon, Linda. Charlie – your contribution of time was remarkable along with many more other 365 members.

It is a bad bad practice to identify volunteers as many of the Town Hall staff volunteered their time. I can't help but say a special thank you to Jason and Jen of the Recreation Department who never missed an hour of the event.

Tomorrow I will be meeting with the Department of Transportation of the "Safe to School Route" project and we look forward to moving this ahead at the next Town Council Meeting.

I wish to express to the Town Council and our staff, my personal thanks for the commitment they made to address the concerns of the budget. The Council passed the budget on Tuesday, June 29, 2010. It certainly was not my first budget but they are becoming more and more challenging each and every year for you, whether they are public school or public municipality.

Final Town Budget	\$15,237,606
Final RSU Total	9,303,600
Total Final Budget	\$24,541.206
Tax Rate Increase	\$.47 cents
Sewer Fee	11.4%

I would like to congratulate the Ball Park Commission and their many volunteers for a successful ballgame event between Lowell, Massachusetts All – Americans and the Sanford Mainers and I understand it was very nice to see 800 to 900 people at the games. A special thank you to the Concession stand volunteers whose efforts made the event a “profit making” experience.

Negotiations with Public Works and Waste Water Unions are ongoing with nothing significant to report.

I am meeting tomorrow night with the Life Guard leaders to review the weekend challenges.

I have been informed that FEMA in conjunction with the Department of Environmental Protection may permit some beach restoration due to the severity of the winter storms. I will continue to look into this very sketchy information.

The parking machines at Milliken Street Parking lot broke down over the weekend. They were up and running with the new amount programmed only to have the printer break-down. We were able to use our parking enforcement staff to collect parking money but the system was somewhat challenging to say the least. Parts have been ordered.

I tried to schedule a Pay for Bag meeting this but was unable to do so due to personnel vacation schedules.

PACTS: Reported to PACTS we are interest in the E. Emmons Cummings/Saco Avenue signal light intersection project. Details to be provided to you. The Saco Avenue Sidewalk project is off.

Soon I need direction on the maintenance of this building. Shall we side ½ this year and finish it the next year or paint this late summer and fall? Painting bids range from \$32,780 to \$42,000 with no carpentry included. Siding bids range from \$33,250 to \$84,813. No research by me with any of the bidders. How should we proceed to prepare for a Council decision?

On a personal note: I would like to thank the wisdom of my bride of 32 years who was able to see that a couple of days off would be good for me. I believe she has a good pulse on my temperament and in her wisdom thought a short time out of office was in both the Town and my best interest.

NEW BUSINESS:

5521 Discussion with Action: Set Public Hearing Date of July 20, 2010 to Amend Chapter 42 Parks and Recreation, Article III. Recreation Sec. 42-81 through and including 42-83, Sec. 42-145, Sec. 42-231 Sec. 42-234, Sec. 42-259, Sec. 42-261 through and including Sec. 42-266 and Chapter 50 Streets, sidewalks, and other public places, Article II Sidewalks, Sec. 50-55, Sec. 50-58, Sec, 50-113, Sec. 50-117, Sec. 50-147, Sec. 50-148, Sec. 50-150, Sec. 50-172, Sec. 50-211, Sec. 50-241, Sec.50-243, and Sec. 50-249.

Re: Chapter 42 and 50 Ordinance Revisions

The Ordinance Committee has finished the review of the above ordinances and recommends the following changes:

Chapter 42 Parks and Recreation

Sec. 42-83. Hours of use. The Committee requested that the hours of use of public parks be extended from 9am to 9pm to 7am to 11pm.

Sec. 42-145. Special events permit. The Committee requested that the language be clarified to require special event permits for activities on all town owned land and to remove the language “for limited periods of time” as time limitations are spelled out on special event permits.

Sec. 42-231. Definitions. Staff created a new, streamlined way for scheduling athletic events that are lower impact events such as High School baseball, which would be done by the Town Manager or his or her designee. The definition changes are the foundation of this program.

Sec. 42-234. No rights created. An Appeal provision for the denial of an athletic event permit was created .

Sec. 42-259. Conditions. A specific requirement for insurance was added for Special events.

Sec. 42-261. Athletic events – Permit Required. This section outlines a procedure for scheduling the Ballpark.

Sec. 42-266. Banners Associated with Special Events. This section specifically allows for banners. Staff will review the details as part of the Special Event Permit.

Chapter 50 Streets, Sidewalks and other Public Places

Throughout the Ordinance, where the words Public Works Foreman were found, it was replaced with Public Works Director.

Sec. 50-58. Lien procedure. A typo (CUBING) was corrected with “Curbing”.

Sec. 50-148. Permanent resurfacing of pavement. Changes to this section better define how a road must be repaired after a street opening as suggested by the Public Works Director.

Sec. 50-150. Excavator license. At the request of the Public Works Director, this section requires a license for excavators that work within the Town Right of Ways.

Sec.50-249. Sidewalk Cafés. This section would allow for restaurants to have sidewalk cafés.

MOTION: Vice Chair Tousignant motioned and Councilor O'Neill seconded to Set Public Hearing Date of July 20, 2010 to Amend Chapter 42 Parks and Recreation, Article III. Recreation Sec. 42-81 through and including 42-83, Sec. 42-145, Sec. 42-231 Sec. 42-234, Sec. 42-259, Sec. 42-261 through and including Sec. 42-266 and Chapter 50 Streets, sidewalks, and other public places, Article II Sidewalks, Sec. 50-55, Sec. 50-58, Sec, 50-113, Sec. 50-117, Sec. 50-147, Sec. 50-148, Sec. 50-150, Sec. 50-172, Sec. 50-211, Sec. 50-241, Sec.50-243, and Sec. 50-249.

VOTE: Unanimous.

5522 Discussion with Action: Approve the Special Event Permit application for OOB365 and the Town of Old Orchard Beach to hold a Barbecue/Music Festival, to include a caterer, at the Ballpark on Saturday, July 17th, 2010 from 12:00 p.m. (noon) to 7:00 p.m. Caterer to provide copy of liability insurance prior to event. Request for a banner on Saco Avenue, Cascade Road and Old Orchard Street. Request to waive the fee.

MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to Approve the Special Event Permit as read.

COUNCILOR O'NEILL: He asked why we were waiving the fee?

VICE CHAIR TOUSIGNANT: He explained this is a non-profit organization.

VOTE: Unanimous.

5523 Discussion with Action: Approve the Special Event Permit application for the Chamber of Commerce to hold the 27th Annual Beach Olympics on Friday, August 20th from 4 p.m. to 10 p.m., Saturday, August 21st, from 9 a.m. to 10 p.m. and Sunday, August 22nd, 2010 from 9 a.m. to 6 p.m. Request to close the Square and use the beach in front of Palace Playland. Request for a banner in the Square to be coordinated with MAPS who have been approved for a banner by the Town Council. Request to waive the fee.

MOTION: Vice Chair Tousignant motioned and Councilor O'Neill seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

5524 Discussion with Action: Approve the Special Event Permit application for the Chamber of Commerce to hold the 17th Annual Car Show on Friday, September 17th, from 3 p.m. to 8 p.m., closing Old Orchard Street, and a parade at 7:30 p.m.; September 18th, from 8:30 a.m. to 4 p.m., closing First Street from Staples Street to Heath Street, and the use of Memorial Park. Request for a banner in the Square to be coordinated with OOB365 who have been approved for a banner by the Town Council. Request to waive the fee.

MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

5525 Discussion with Action: Approve the Special Event Permit application for Playa Recreational Rentals to hold their 1st Annual Treader Girl Contest in the Square on Saturday, August 7th, 2010 from 5 p.m. to 8 p.m. Request to close the Square. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided by July 12th, 2010.

COUNCILOR DAYTON AND VICE CHAIR TOUSIGNANT: Both asked what the purpose of the event was; what the actual programming would be and discussion on this continued.

GENEA CURBO-HEALEY: She gave an extended update on the purpose of the event which was to indicate that this is a promotion for their product – the Treader. She indicated that it was their hope that a young person, hopefully from Old Orchard, would be chosen to represent the company and that the package of benefits they receive would be in the thousand of dollars. She continually indicated that people would be dressed as they are when they go to the beach but that this would not be “wet T-shirt contest.”

VICE CHAIR TOUSIGNANT: He spent a good deal of time asking questions about the promotion itself and clearly indicated to Ms. Healey that this is a family-friendly Town and that no deviation from that was going to be permitted. He asked specific questions about the program itself and then again indicated he wanted it stipulated in the permit itself that any deviation from what has been the expectation presented to the Council this evening would be handled immediately and the event could be shut down.

MOTION: Vice Chair Tousignant motioned and Councilor O'Neill seconded to Approve the Special Event Permit as read but with the stipulation noted on the Permit that the Town Council indicated that should there be anything considered detrimental to the family oriented atmosphere that our community is trying to maintain; and clearly stated and noted that the activity will be monitored and action taken if stipulations are not met.

VOTE: Unanimous.

5526 Discussion with Action: Accept, with regret, the resignation of Karen Anderson from the Planning Board. Appoint Eber Weinstein as a regular member of the Planning Board, moving from an alternate position, term to expire 12/31/11. Appoint David Darling as an alternate member of the Planning Board, term to expire 12/31/11. Accept, with regret, the resignation of Laura Bolduc as a Council appointment to the Charter Review Commission.

MOTION: Vice Chair Tousignant motioned and Councilor O'Neill seconded to Accept, with regret, the resignation of Karen Anderson from the Planning Board. Appoint Eber Weinstein as a regular member of the Planning Board, moving from an alternate position, term to expire 12/31/11. Appoint David Darling as an alternate member of the Planning Board, term to expire 12/31/11. Accept, with regret, the resignation of Laura Bolduc as a Council appointment to the Charter Review Commission.

VOTE: Unanimous.

5527 Discussion with Action: Authorize the Town Manager to Advertise for the Sale of Surplus Goods.

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

The Town of Old Orchard Beach has several items out for bid. Items are listed on our web site – www.oobmaine.com Sealed Bids for all items will be accepted until 2:00 p.m. on Friday, July 23, 2010, by Hand Delivery only to Kelly Roy at the Public Works Department, 103 Smithwheel Road. Include your name, address, telephone number, e-mail address, 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 August 3, 2010 meeting. Further information can be secured by contacting Kelly Roy at 207-934-2250 or via e-mail at kroy@oobmaine.com The items themselves can be viewed at the two locations listed on the web site.

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

MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to Authorize the Town Manager to Advertise for the Sale of Surplus Goods.

VOTE: Unanimous.

GOOD AND WELFARE:

NANCY LEE KELLEY: She reported on the most successful 6th Annual Memorial 5K RUN & 2.5 MILE WALK to benefit the Captain Christopher Scott Cash Scholarship Fund which was held on Saturday June 26, 2010. She and Bob Kelley were expressing their appreciation to the over 400 runners who participated. She talked about the Kids FUN RUN (ages 4-12), a 5K Run at 8:30AM and a 2.5 MILE WALK, all successful with 81 years old participant down to a four year old participant. Appreciation was expressed to The Salvation Army Band who provided the wonderful patriotic music. She expressed appreciation to the military participants and indicated that medals were given as well as trophies were given to teams and individual participants. They look forward to next year's race.

CHAIR MACDONALD: Expressed appreciation to all participants during the Balloon weekend and especially to the Town Manager and his wife for the weekend help in the event.

VICE CHAIR TOUSIGNANT: He also expressed appreciation to the Town Manager for his participation.

COUNCILOR O'NEILL: He asked the question about the involvement of the Town staff and services in OOB 365 events. He explained this was not a criticism and not to be taken that way but that question had been asked of him and he would appreciate a reporting.

VICE CHAIR TOUSIGNANT: Expressed the fact that this is a non-profit group who encourages participation by business owners and citizens a like to keep our town alive during the entire year and that no one is benefiting financially from these events.

COUNCILOR DAYTON: She also indicated that Councilor O'Neill's question is a good one. She indicated she had also been asked the same question.

ADJOURNMENT

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to adjourn.

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 eight (8) pages is a true copy of the original Minutes of the Town Council Meeting of July 6, 2010.

V. Louise Reid

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