

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
TUESDAY, JUNE 1, 2010  
TOWN HALL CHAMBERS**

**A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, June 1, 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  
Councilor Laura Bolduc  
Town Manager Jack Turcotte  
Assistant Town Manager Louise Reid**

**Pledge to the Flag  
Roll Call**

**PRESENTATION:                   Presentation by the Assistant Town Manager to OOB Fire & Emergency Medical Services "Gold Award" Plaque recognizing efforts to improve survival from cardiac arrest and for meeting criteria of a HEARTsafe Community.**

**ASSISTANT TOWN MANAGER: Assistant Town Manager announced that Colleagues, families and supporters of emergency medical service providers gathered at a ceremony May 20, 2010 to honor those who have devoted their careers to increasing safety and saving the lives of Maine people. For the 23rd year, individual EMS providers were recognized for their distinctive efforts in emergency medical services, and in it's fifth annual event, Maine HeartSafe Communities, a program focused on improving state-wide cardiovascular health and disease outcomes, recognized fourteen EMS services with new HeartSafe designations. The awards were hosted by Maine EMS (Maine Emergency Medical Services) and the Department of Health and Human Services Maine Center for Disease Control and Prevention's Cardiovascular Health Program (MCVHP), at the Maine State Hall of Flags. Old Orchard Beach Fire and Emergency Medical Services was presented with a "Gold Award" plaque recognizing their efforts to improve survival from cardiac arrest and for meeting the criteria to be designated a HEARTsafe Community. Captain John Gilboy accepted the plaque in Augusta on behalf of Chief John Glass and the Fire/EMS Department.**

**ACKNOWLEDGEMENTS:**

**VICE CHAIR TOUSIGNANT:** It is with great sadness that I announce the passing yesterday afternoon, Memorial Day, of Bob McNally. So involved in prior Memorial Day parades, we paid tribute to him yesterday. May we remember him this evening with a moment of silence.

**COUNCILOR DAYTON:** Jessica Wagner indicated to us that Maine ranked third in the country as a bike-friendly State. Maine ranked first in the country for infrastructure improvements (such as the Eastern Trail). The Eastern Trail runs right through Old Orchard beach and the Council's funding and support has helped contribute to this effort. We have national recognition for this.

**COUNCILOR DAYTON:** We would like to express to the Town Clerk our thanks for an excellent organized Memorial Day parade and our appreciation to all who participated.

**ACCEPTANCE OF MINUTES:** Town Council Workshop Minutes of May 17, 2010; and Town Council Meeting Minutes of May 18, 2010.

**MOTION:** Councilor Dayton motioned and Vice Chair Tousignant seconded to accept the Minutes as read.

**VOTE:** Unanimous.

**CHAIR:** I open this Public Hearing at 7:11 p.m.

**PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:**

**Larry R. Cosmo** (202-2-4-2D), 205 East Grand Avenue, Unit 2D, one year round rental; **Paul H. Clark** (205-6-11), 17 Milliken Street, one year round rental; **Oceanside Investment Group dba/The Myst Restaurant** (306-1-2-I), 1 East Grand Avenue, Suite 2, Victualers with Preparation & Beer, Wine and/or Liquor on Premises; **Peter Sluski dba/Sunburst Onions** (306-1-2-0), 1 East Grand Avenue, Unit O, Victualers with Preparation – No Alcohol; **Kevin Beaulieu & Cary Seamans** (309-9-1-C), 7 Heath Street, Units 2, 7, 14, 16, 17, and 22, six year round rentals; **Diana Kelly** (313-4-7), 8 Camp Comfort Avenue, three year round rentals; **Denis & Debbie Litalien** (316-10-2), 4 Ocean Avenue, one seasonal rental; **Allen & Irene Woods** (318-8-6-36), 146 West Grand Avenue, Unit 36, one year round rental; **Hope R. Paradysz** (318-8-6-71), 146 West Grand Avenue, Unit 71, one seasonal rental; and **Michael Hurley dba/Bama BBQ** (306-1-2-P), 1 East Grand Avenue, Unit P, Victualers with Preparation.

**MOTION:** Councilor O'Neill motioned and Vice Chair Tousignant seconded to Approve the Business Licenses as read.

**VOTE: Unanimous.**

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

**CHAIR: I open the Public Hearing at 7:14 p.m.**

**PUBLIC HEARING SPECIAL AMUSEMENT PERMIT AND APPROVAL:**

**Portland Avenue Associates dba/Grand Beach Inn (202-3-5), 198 East Grand Avenue, TV/Radio/Live non-amplified Inside – 8:00 a.m. – 10:00 p.m.; Michelle & Robert Bouthot dba/Strike Zone Restaurant & Pub (205-4-1), 20 Old Orchard Street, Live Music Amplified Outside – 2:00 p.m. – 10:00 p.m.; Mimi Vattes & Dani Sisson dba/The Galaxy (306-5-4), 10 East Grand Avenue, Dancing/Music with DJ – amplified inside; and Oceanside Investment Group LLC dba/The Myst Restaurant (306-1-2-I), 1 East Grand Avenue, Suite 2, one and two person Bands and recorded music both amplified and non-amplified, 11:00 a.m. to 1:00 a.m., inside and outside.**

**GARY LAMB: He explained that a misunderstanding occurred during the establishment of the opening and closing hours and that it was not discovered until after the Agenda had been advertised.**

**KING WEINSTEIN: He questioned the time the Amusement Permit permits them for opening and closing and it was decided that the hours would be changed to 6:30 a.m. to 10:00 p.m. and would go back on the agenda on June 15, 2010.**

**MOTION: Councilor Bolduc motioned and Vice Chair Tousignant seconded to approve the Amusement Permits as read except the Amusement Permit for Portland Avenue Associates dba/Grand Beach Inn (202-3-5), 198 East Grand Avenue, TV/Radio/Live non-amplified Inside – 8:00 a.m. – 10:00 p.m. which is removed without prejudice and will go on the June 15, 2010 agenda.**

**VOTE: Unanimous.**

**CHAIR: I close the Public Hearing at 7:18 p.m.**

**TOWN MANAGER'S REPORT:**

**Department Head Meeting  
Meeting with Special Event Applicant  
Meeting with John Edgerton on the West Grand Issue  
Legal discussions regarding:**

**Personnel Issue  
Negotiations**

**Attended several games at the Ballpark  
Waste Water Union Contract Preparation**

**Public Works Union Contract Discussions  
Met with Ryan Wingard of Wright Pierce on the  
E. Emerson Cummings "Safe to School" Project**

**Attended the Workshop on the E. Emerson Cummings**

**“Safe to School” Project**

**Met with Richard Egan on the Police Building.**

**Attended The Salvation Army Reading Lab Program**

**Participated in the Memorial Day Parade**

**Met with George MacDonald of Coastal Telephone who donated a complete phone system to the Ballpark.**

**Storm Water Pipes on the Beach**

**NEW BUSINESS:**

**# 5493 Discussion with Action: Approve the Special Event Permit application for the Collins Family Reunion to be held on the beach at the end of Atlantic Avenue on June 19<sup>th</sup> (rain date June 20<sup>th</sup>), 2010, from sunset to 11 p.m.**

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

**VOTE: Unanimous.**

**# 5494 Discussion with Action: Approve the Special Event Permit application for Karen Wade to hold a Graduation Bonfire at the end of Union Avenue on the beach on Sunday, June 13, 2010 from 4:00 p.m. to 10:00 p.m.**

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

**VOTE: Unanimous.**

**# 5495 Discussion with Action: Amend Chapter 26, Environment, Article I, in General, Article III Noise, Sections 26-56, Section 26- 58 through and including 26-59, Sections 26-62 through and including Sections 26–66, and Delete Article II, Litter.**

**At the Public Hearing on 5/18/10, The Town Council wanted the following changes:**

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**An explanation was placed on the Town’s Web Site regarding the elimination of the local littering ordinance with a link to the State Littering law and local property maintenance code that will take the place of this.**

- Sec. 26-64. Exclusions. Subsection 8 was clarified to limit construction noise from 7am to 6pm during the Summer.**
- Sec. 26-64. Exclusions. Subsection 13 was clarified to show the specific hours that the Pavilion will utilize GB1 noise levels.**

- **Sec. 26-61. Penalties.** The maximum per day penalty was raised to \$1000.00 per day.
- **Sec. 26-63. Noise level standards.** An omission in the last draft was corrected which pushed the “Daytime” levels to 1am rather than midnight in DDI and DD2 to match State Liquor and Special Amusement standards.

The following is a summary of the revisions that the Ordinance Committee has recommended that were discussed at the Public Hearing on 5/18/10:

- **Article II Litter** – The Police recommended removing this language as they never would use this Ordinance. If there were a littering issue they would issue a summons based on the State Statute. If there is a trash problem on private property, the Town’s adopted Property Maintenance Code would be used. The Committee agreed that this Ordinance duplicated other laws and ordinances and was no longer necessary.
- **The New Article II Sound** – In 2001, the Police Department issued summons to court to the Salvation Army for Unnecessary Noise, under the current Noise Ordinance. This case was lost because there were not clear procedures set forth in the Ordinance. Since 2001, the Police have been mediating noise complaints but have been unable to enforce the Ordinance.

**Revision Process:** Since 2005, Planning Staff, an ad hoc Noise Committee, the Police Department and professional noise consultants have worked to amend the existing ordinance in order to alleviate the problems surrounding noise control. The intention of this revision is to develop an enforceable noise ordinance that can be used effectively to settle noise disputes in town. The Ordinance Committee began to review the current ordinance and the former ad hoc committee’s work.

**Noise Consultants:** This revision process had been led by professional noise consultants, Steve Ambrose of SE Ambrose & Associates and Rob Rand of Rand Acoustics. These consultants were hired in August of 2005 to assist staff and the committee in amending the existing ordinance.

After meeting with members of the ad hoc Noise Committee, Police Department staff and the Ordinance committee the following amendments are presented for Council review:

**Sec. 26-56**

The Ordinance Definition area revised to reflect new terms in the body of the Ordinance Draft.

**Sec. 26-58**

This section clarifies that if more stringent Zoning regs exist, that would preempt this section.

**Sec. 26-59**

This section changes the existing Exemption for the former “license performing arts facility” and renames it “The Ballpark”.

**Sec. 26-62**

This section clarifies what “loud and unnecessary noise” is and potentially fixes some enforcement problems. In the past, when noise enforcement was attempted, alleged violators have performed their own ambient noise tests. In the summer, the noise level of normal

ambient sound in many districts is often times higher than the levels in Table 26-63. This fact compromises successful prosecution of violation. If adopted, subsection “d” recognizes that if the average ambient noise level is greater than the levels specified in Section 26-63, the sound level emanating from the alleged violator’s property line shall be measured. If the sound level emanating from the alleged violator’s property is greater than 10 dB (A) above the average ambient noise level it shall be deemed to be loud and unnecessary noise and in violation of this Ordinance.

If adopted, this would allow the Police to enforce the Ordinance under circumstances where they could not in the past.

#### **Sec. 26-63**

It is important to note that there are no proposed changes to the noise levels allowed in the present ordinance.

Sub section 2 which allowed 15 minutes of excessive noise per day was eliminated as it complicated enforcement and the Police have discretion in these matters.

#### **Sec. 26-64**

Sub Section 8 was modified to allow construction, all year, starting at 7am Monday thru Saturday and 9am on Sundays. Previously construction is not supposed to start before 9 am in the summer.

New proposed exclusion 11 exempts primary uses on properties like Palace Playland from noise limitations. Those uses are:

(1) Primary uses. Primary uses are as follows:

- a. Mechanical and nonmechanical amusement rides, go-cart tracks, water slides, miniature golf courses, bumper boats, aquariums and similar activities.
- b. Virtual reality amusements.
- c. Amusement arcades.
- d. Games of skill.
- e. Services such as manicurists, face painting, and similar activities.
- f. Public performances, whether by live actors or mechanical/video means.
- g. Recreational equipment rentals.
- h. Temporary structures including booths and tents erected to accommodate uses described in this section.
- i. Boardwalks, observation decks, landscaped park areas, and similar structures or facilities established to provide public seating and afford public views of the ocean or beach, and that are not associated with a complementary use.

This proposal does not exempt the complimentary uses:

(2) Complementary uses. Complementary uses are as follows:

- a. Drinking establishments.
- b. Tattoo parlors.
- c. Restaurants.
- d. Food stands with a minimum of a ten-foot setback from the front property line.
- e. Retail.

New proposed exclusion 12 exempts noise generated within a mixed use structure such as the Brunswick or Grand Victorian that effect the units within the building only. Properties like these would still have to comply outside of the building.

New proposed exclusion 13 allows the Salvation Army to have sound levels like the GB-1 Zone during daytime hours in the summer. If adopted, this would allow them to operate as they have been for the last several years.

**Sec. 26-65**

New Sub Section 4 gives the police another way to eliminate disturbances during the nighttime hours.

**Sec. 26-66**

This section was completely redrafted at the recommendation of the noise consultants to create a procedure that, if followed, would make the ordinance enforceable.

**MIKE NUGENT:** He detailed the above changes.

**KING WEINSTEIN:** He felt that the construction hours ending at 6:00 p.m. is not adequate considering the short construction period in Old Orchard Beach and that it should go to at least 8:00 p.m.

**RICKI LETOWT:** She agreed with King Weinstein that the construction hours should be extended to 8:00 p.m.

Other Councilors noted their concern that this would limit the amount of hours that construction can occur and because of the very short period of time that construction is done during the summer months that the hours should be extended to 8:00 p.m. It was then suggested that the item go back on the next agenda and be removed without prejudice. The questions was raised by Councilor Dayton as to the noise level equipment and why it was not present as had been requested. Mike Nugent explained that the equipment is on site and is working.

**JEROME BEGART:** He indicated the responsibility is on the Police Department – the officer takes on the Burden.

**MOTION:** Vice Chair Tousignant motioned and Councilor Dayton seconded to Remove without Prejudice to Amend Chapter 26, Environment, Article I, in General, Article III Noise, Sections 26-56, Section 26- 58 through and including 26-59, Sections 26-62 through and including Sections 26–66, and Delete Article II, Litter, and be placed as a New Business Item on the June 15, 2010 agenda..

**VOTE:** Unanimous.

# 5496 Discussion with Action: Approve Liquor License Renewals of Portland Avenue Associates dba/Grand Beach Inn (202-3-5), 198 East Grand Avenue, s-m-v in a Hotel – Optional Food; Michelle & Robert Bouthot dba/Strike Zone Restaurant & Pub (205-4-1), 20 Old Orchard Street, s-m-v in a Restaurant/Lounge; Mimi Vattes & Dani Sisson dba/The Galaxy (306-5-4), s-m-v in a Class A Lounge; and Oceanside Investment Group LLC dba/The Myst Restaurant (306-1-2-I), s-m-v in a Restaurant/Lounge.

MOTION: Councilor Dayton motioned and Councilor Bolduc seconded to Approve the Liquor Licenses as read.

VOTE: Unanimous.

# 5497 Discussion with Action: The Sewer Appeal of Moshe Agam, 26 Old Orchard Street (206-4-3) Pursuant to Section 58-124 of the Utilities Ordinance.

Re: Moshe Agam’s Sewer Appeal/26 Old Orchard St.

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In April of 2008, Mr. Agam and the Town agreed to split the cost (\$5,100 each) of sewer repairs in conjunction with the construction of his new building at 26 Old Orchard St. (attached is the Agreement.) In September, 2008 while planning to build out the second floor for four apartments, Mr. Agam was advised that the sewer permit fee would be \$13,200.00 In October of 2008, Mr. Agam was granted a credit for his contribution (\$5,100) by the Town Council. He recently has advised staff that he would be constructing the units in the spring of 2010. He brought forth information , while applying for his permit for the 4- three bedroom apartments above his store, that there were 21 rooming units above the building they demo’ed in 2007. I confirm this in the Assessor’s records. The old Sandbar Inn had 21 rooms and three baths. It is unknown when the rooms were last used.

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The following are the design flows based on the State of Maine Subsurface Waste Disposal Rules for the past and proposed uses:

The former “Sandbar Inn’s” 21 rooms generated 810 gallons per day.

The one bedroom cottage that is being discontinued generates 180 gallons per day.

Total 990 GPD

The 4- three bedroom units will generate 1080 gallons per day.

Net Increase 90 gallons per day.

The Sewer impact fee schedule for a change of use assesses a \$4.25 per gallon per day impact fee. The fee for this would be \$382.50.



**Section 58-151.2 classifies this as a new discharge, requiring a sewer “impact” fee.**

**We originally assessed a charge of \$13,200 for the four units, for which the Council granted a \$5100. discount on appeal, based on work done on Imperial St. and paid for by Mr. Agam.**

**At that time we were not aware of the prior uses on the property. It appears that he should be credited more, but the Fee Schedule states:**

**(12) Whenever more than one of subsection (1) through (9) of this subsection applies, in full or in part, the required fee shall be determined by applying the subsection or combination of subsections which results in the largest fee.**

**Because the original \$5,100.00 appeal granted to Mr. Agam exceeds the above fee, (\$382.50) the Council could wave the remainder of the fee.**



TOWN OF

A FOUR SEASONED COMMUNITY

# Old Orchard Beach

## MEMO OF UNDERSTANDING

1. Mr. Moshe Agam, OWNER/DEVELOPER of Beach Fantasy (205-4-3), 26 Old Orchard Street, is responsible to provide and install a new lateral sewer line from the building to the Imperial Street main sewer line.
2. Because the TOWN's main line is an old clay line in very poor condition, typically the TOWN's past practice has required the developer to either connect to it at DEVELOPER'S own risk should any further collapse or obstruction occur either during or after connection as a result of the excavation or connection, or to replace any deficient length prior to connection.
3. In this case, the TOWN has a significant interest to replace as much of the old clay line as feasible with a new main sewer line and to replace the existing older brick sewer manhole at Francis Street with a new manhole, prior to any scheduled pavement overlay on Imperial Street.
4. Therefore, the TOWN agrees to provide the sewer pipe for the main line and the manhole, with the DEVELOPER agreeing to split the excavation and installation costs related to the sewer line, service stub and manhole replacement occurring under Imperial Street.
5. The attached construction proposal of GOBEIL ENTERPRISES, INC., (73 Berry Road, Saco, ME 04072 - 286-6281) will be accepted upon receipt of DEVELOPER'S contribution of \$5,100 toward the estimated cost, and upon TOWN COUNCIL approval. Once a street opening permit is approved by the TOWN Director of Public Works, delivery of the material will be coordinated with GOBEIL ENTERPRISES, INC..
6. Any cost overruns determined to be necessary due to unforeseen site conditions, will be jointly shared by the TOWN and DEVELOPER.
7. The scope of work is detailed in the attached proposal dated 4/15/08 from GOBEIL ENTERPRISES, INC. in an estimate of \$10,200 for the entire project, consisting generally of excavation and installation of a new manhole and approximately 100 linear feet of 8" sewer line and a 4" service stub. The TOWN will provide a manhole with cover, 100 feet of SDR-35 pipe and 10 feet of 4"-SDR pipe.

### **SIGNATURES BELOW REPRESENT ACCEPTANCE OF THIS AGREEMENT:**

  
 \_\_\_\_\_  
 Mr. Moshe Agam  
 OWNER / DEVELOPER

4/15/08  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Stephen J. Guntz  
 TOWN MANAGER

4/15/08  
 \_\_\_\_\_  
 Date

**RECEIVED**  
 4-16-08  
 Kim McLaughlin

One Portland Avenue • Old Orchard Beach, ME 04064 • Phone (207) 934-5714

**LETTER RECEIVED MAY 20, 2010 FROM MR. AGAM**

**To Whom it May Concern**

**RE: Moshe Agam**

**Owner of Beach Fantasy 26 Old orchard St. OOB, Maine 04064**

**When I originally decided to rebuild the building on my property, I decided that I would make it only 1 floor instead of the previous two. I was strongly encouraged and even persuaded by the Board of Directors of the town of Old Orchard Beach to invest even more money into the project and make the new building two floors because it would enhance the “look” of the town.**

**I was reassured that there would be no further fees other than standard replacement costs because I was merely replacing the current structure.**

**I was out of town during the November meeting which took place. It was decided in that meeting that I was required to pay \$8,000+ for additional costs due to the bathrooms on the second floor allegedly not being used.**

**I did not build any additional bathrooms than the previous structure because I was reassured that I would not pay anything extra aside from replacement costs which are \$382.50 per unit (4 units total).**

**You can imagine my shock and surprise when I was hit with this new fee to pay while I am still paying off the construction of the building which has set me behind financially a considerable amount.**

**I really believe that what is fair is for me is to be required to only pay the replacement costs per unit. I was reassured this would be the case when I first decided to build a new building on my property and it was a major factor in that decision.**

**Thank You**

**Moshe Agam**

**GARY LAMB: He reiterated history of this item and explained that since he had previously obtained Council approval to apply his \$5,100 payment for sewer work towards this \$13,200 bill. He then referred to the Memo of Understanding which had also been presented to the Council.**

**MOSHE AGAM: He reiterated the items that had been prepared and presented to the Council and reiterated he felt that as a businessman who was trying to better the building that some consideration should be given to his appeal.**

**MOTION:** Councilor O'Neill motioned and Councilor Dayton seconded to approve the Sewer appeal of Moshe Agam of 26 Old Orchard Street (206-4-3), pursuant to Section 58-124 of the Utilities Ordinance, for remaining balance of \$382.50 to be Paid to the Town.

**VOTE:** Unanimous.

**# 5498 Discussion with Action:** Request to Waive the building and Electrical Permit Fees totaling \$98 for the Edith Belle (Libby) Memorial Library for renovations associated with the CDBG Façade Improvement Grant. The Edith Belle Memorial Library is receiving 3,000 in CDBG Façade improvement funding to complete the following façade renovations.

**Background:** The following repairs will be made:

1. Repair rotting cornice trim and window sills.
2. Repaint symbols over front entrance.
3. Install new light fixtures over front entrance.

The \$3,000 will cover approximately 50% of the total renovation costs.

The \$98 in Electrical and Building Permit fees are standard fees that the Library wishes to have waived.

**MOTION:** Vice Chair Tousignant motioned and Councilor Dayton seconded to Waive the building and Electrical Permit Fees totaling \$98 for the Edith Belle (Libby) Memorial Library for renovations associated with the CDBG Façade Improvement Grant. The Edith Belle Memorial Library is receiving 3,000 in CDBG Façade improvement funding to complete the following façade renovations.

**VOTE:** Unanimous.

**# 5499 Discussion with Action:** Approval of the Guaranteed Maximum Price of 1,971,878 for the construction of the new Police Facility, at 16 E. Emerson Cummings Boulevard, from Account Number 31143/50891 – FY10 Bond-New Police Station, with a balance of 2,446,742.

**RICHARD EGAN:** I am the Project Manager and Estimator from Benchmark/Foreside Architecture. The guaranteed maximum price is based on the plans and specifications by Foreside Architects dated May 25, 2010. The plans and specifications were developed by the architect with input from the Police Department, Code Enforcement officer, Building Committee, Town Manager and Benchmark, the Town selected construction manager at risk. Throughout the design development process the team has adjusted the construction processes to allow for the most up-to-date, function, and user friendly facility, while keeping the guaranteed maximum price below the two million dollar threshold established in the conceptual budget provided with the request for qualifications. The minimized scope has been removed, value engineered several facets of the project and reduced the overall budget by approximately \$130,000 dollars to get to below the threshold limit while remaining the minimum requirements for this type of facility. We have been fortunate to have assembled a team of qualified professional subcontractors who have been

interviewed and have had references checked. This team of subcontractors has a proven history of their ability to perform on projects of this nature. We are happy to inform you, we have approximately \$987,000 dollars in subcontracts which will be issued to companies that employ residents of Old orchard Beach. The subcontractors and vendors selected currently employ approximately 20 town residents and plan to hire additional employees from the local force as needed during construction. The guaranteed maximum price for this project is \$1,971,878.

He then presented the Schedule of Values amounting to the 41,971.878. He also presented the Bidders list containing 130 bids. He also presented the Subcontractor and Vendor List containing thirty-one bids. Discussion of Engineering savings in the amount of \$130,600 continued and also exclusions that were made. The General Construction Schedule was also included and a map layout of the project.

**MOTION:** Councilor Dayton motioned and Councilor O’Neill seconded to Approval of the Guaranteed Maximum Price of 1,971,878 for the construction of the new Police Facility, at 16 E. Emerson Cummings Boulevard, from Account Number 31143/50891 – FY10 Bond-New Police Station, with a balance of 2,446,742.

**VOTE:** Unanimous.

**GOOD AND WELFARE:**

**RICKI LETOWT:** She thanked the Town Council Clerk, Kim McLaughlin, for the wonderful Memorial Day parade; one of the best we have ever had.

**ARLENE DOLGAN:** My name is Arlene Dolgon and I thank you for giving me another opportunity to address the Council. This past weekend Cheryl Gendell and I along with our husbands took a rise up to the so called “Lisbon” facility in Lisbon, Maine. We were surprised to find the owner, Mr. Ford, at home because he had told Ms. Deveneau on her visit a few weeks before that he would be gone until the end of June – shutting the facility down. Mr. Ford refused to show us the barn where he keeps the animals brought to him. He kept referring to the barn as a private “kennel”. I can’t figure out how “private” his kennel is if he accepts public tax money from OO to take our animals. At the time he said he had no cats, only one dog, a shepherd, which we saw tied up in his back yard. We engaged Mr. Ford in a lengthy conversation which elicited some weird opinions about cats. When we asked him about his policy of bringing cats to another area containing junk buses and some hay – where they were in jeopardy of being eaten by predators such as fishers, foxes and coyotes, he justified this practice by saying that cats are like rabbits; they’re only good as food for other animals. Even though he said that he doesn’t spay or neuter cats, he doesn’t have any kittens because the predators kill the cats before they give birth. He also said that he didn’t euthonize sick cats because it was cheaper to let the fishers take care of that. As far as we are concerned, those statements are scandalous. For us, Lisbon can never be – nor should have ever been an option for OOB, or any other town in Maine. If you looked at the photos of the Lisbon facility that were sent to the Council, how could you possibly want a pet of yours shipped to that facility? As far as we are concerned, the Lisbon facility is a one-way ticket to Hell – and we taxpayers are paying for that ticket - \$50 for each cat and \$100 for a dog. The animals that end up in our holding facility on Portland Avenue are not feral. They are domesticated cats that

were lost, abandoned or strayed. All we want is the capability to find these domesticated cats a safe home...before they become feral. Only full service shelters like AWS or ARL have the resources to treat all animals humanely while they stay there and be able to offer adoptee healthy, spayed animals. So what bout feral cats? They could be taken care of mainly by organizations called Friends of Feral Felines with the help from the Town. Friends of Feral Felines are renowned for their skill in trapping and getting vet care to make sure they are not sick or rabid. In some cases this group's activities has worked with feral cats to re-socialize them so they too can be adopted. If not, after spaying, they are returned tot their original "colonies" where because they are fixed they will not procreate. Eventually the number of feral cats and their colonies will diminish and die out. That is the way the whole country handles their feral cats and its works. It has been reported that AWS has limited access. Not true. Every Animal Control Officer of every Town affiliated with AWS is given a key so he/she has access o the shelter 24/7 if there is a need to drop off an animal. AWS is open 6 days a week with regular business such as adoptions and 11 to 4, 6 days a week to surrender an animal. Our holding facility cost us almost \$13,000, roughly \$10,500 for maintenance, heating, water, etc., and about \$2,500 to transport our animals to Lisbon. In fact we would be saving money by contracting with AWS or ARL. It would be nice if OOB could afford to do both; keep the kennel and contract with a shelter. Bit if that is not financially feasible I say that AWS or ARL option is the better of the two possibilities. Remember our holding facility will only hold our animals for two weeks, whereas a full-service shelter can hold them long term. Yes, it would be nice if we had our own shelter but the cost would be prohibitive. According to Marsha Carr, one of the directors of the Hart Shelter for acts in Cumberland, full service shelters are not designed to be profit-making organizations. Ongoing expenses alone require the ongoing infusion of funds. Last year a handful of folks decided that we shouldn't join a shelter and you the Council went along with that. This year we brought to the Council a strong show of support for affiliation – petitions with 600 signatures of residents. I hope that you will give that sentiment at least the same consideration that the Council gave to those few back then. One final thought – OOB has one of the worst problems with abandoned and stray cats in the county and yet we are one of a very few towns that remains unaffiliated with a shelter. What's wrong with this picture? I thank the Council for your time and attention.

**CHIEF DANA KELLEY:** The Town will no longer send abandoned and stray animals to Lisbon. We were not aware of the situation there.

**CHERYL GENDELL:** She expressed her delight in the decision that was just announced by Chief Dana Kelley. What a disappointment that it has taken us so long and the loss of so many beautiful animals for us to finally come to this place. She admonished the Council to recognize that these are beautiful animals we are talking about. She said to Vice Chair Tousignant that she recognizes the financial situation the town is facing but also our tax payer investment in animals has not been spent well up to this point and this is the time for a new direction. What she and her husband saw in Lisbon presses the need for us to look to a reliable and humane shelter such as AWL or ARL.

**NANCY TATE:** She again pled with the Council to look at the pictures that have been sent to them and recognize that much of the burden of responsibility has follow to individual citizens who cannot afford the expense either. For humanity reasons she appealed to the Council in the budget cycle to put in the money for the shelter in either Kennebunk or Westbrook.

**JEROME BEGERT:** I want to thank CAW for investigation Lisbon Shelter. I telephoned Augusta to revoke that shelter's license. I support transferring our holding facility to a shelter. At last October 20, 2009 Council Meeting it was learned that state-law allows the alternative of a \$1,000 - \$2,000 electric-incinerating-toilet so as to avoid the cost of tens-of-thousands for tree-removal, excavation, septic-installation, plumbing and ordinary toilets. An in-town shelter is possible. Pole-mounted alert-lights, at curbside, by the current fire station and new police station could better alert motorists to emerging police and fire vehicles and ambulances. Otherwise, when sirens sound, vehicles might pull over and obstruct emergency vehicles. Especially with the Ballpark events soon to return. Old Orchard Beach Ballpark brand spring-water is amore "buy-local" friendly option than a from-away brand as Town Council's liquid refreshment and might save taxpayers a few dollars. "OOB Ballpark" water celebrates our hometown and Ballpark.

#### **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 fifteen (15) pages is a true copy of the original Minutes of the Town Council Meeting of June 1, 2010.**

**V. Louise Reid**