

**TOWN OF OLD ORCHARD BEACH
SPECIAL TOWN COUNCIL MEETING
TUESDAY, JUNE 29, 2010 - 7:00 P.M.
TOWN HALL CHAMBERS**

A Special Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, June 29, 2010 in the Town Hall Chamber. The Chair opened the meeting at 9:00 p.m.

Present:

**Chair Sharri MacDonald
Vice Chair Mike Tousignant
Councilor Shawn O'Neill
Councilor Laura Bolduc
Town Manager Jack Turcotte
Assistant Town Manager V. Louise Reid
Finance Director Jill Eastman**

TOWN COUNCIL: Expressions of appreciation to all those who planned, worked and participated in the beautiful Balloon Festival weekend. To all the citizens and business owners alike who promoted the weekend; to those who came from out of town to enjoy the festivities with us; and to all the brave souls who took the enormously magnificent ride in the balloons – our sincere thanks and appreciation. To OOB365 who planned the event and to the business owners who sponsored the balloons – let's do it again next year.

ACCEPTANCE OF MINUTES: Town Council Workshop of June 9, 2010; Town Council Minutes of June 15, 2010; Town Council Workshop of June 15, 2010; and Town Council Workshop of June 16, 2010.

MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to approve the Minutes as read.

VOTE: Unanimous.

CHAIR: I open this Public Hearing at 9:04 p.m.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

Dan Marston (205-10-4), 7 Carll Avenue, two year round rentals; Toni Maestre dba/Curl Up & Dye Hair Salon (206-10-7), 64 Saco Avenue, Personal Service; Todd Donahue (210-2-6-67), 18 Smithwheel Road, Unit 67, one year round rental; Dan Clough dba/Dan Clough's Lobster Pound (210-2-59), 2 Oak Street, Victualers with Preparation; Scott Frisco (302-2-9), 4 Graham Street, one seasonal rental; Diane Lemenger dba/Jadd, LLC, (303-2-6), 7B Saunders Avenue, one seasonal rental; G. A. Curbow-Healey dba/Playa Recreational Rentals (305-6-3), 40 East Grand Avenue, Retail & Rental of Merchandise; Michael Hebert (305-6-11-6), 66 East Grand Avenue, #6, one year round rental; Lisa Murphy dba/Massage Therapist at Re-Salon (306-1-2-AB), 1 East Grand Avenue, Suite A, Massage Therapist; Marlis J. Whittier dba/Swanflower Cottages & Motel (308-2-6), 100 Atlantic Avenue & 84 Saco Avenue, 20 seasonal rentals and

one year round rental; Linda Boynton (316-2-3), 14 Odessa Avenue, one seasonal rental; Marianne Potter (317-5-1), 30 Somerset Avenue, one year round rental; Joann & Robert Edmonds (320-11-4), 11 West Tioga Avenue, one seasonal rental; Richard Koehler (325-5-5), 6 Porter Road, one year round rental; and Old Orchard Beach Doughnuts dba/Dunkin Donuts (307-3-4-C), 13 Old Orchard Street, Victualers with Preparation..

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

VOTE: Unanimous

CHAIR: I close this Public Hearing at 9:06 p.m.

NEW BUSINESS:

5509 Discussion with Action: Adoption of the FY 2011 Municipal Budget.

The Old Orchard Beach Town Council passed this \$15,237,606 budget which will result in the tax increase of \$.47 cents per \$1,000. Councilor Chair Sharri MacDonald and Councilor Laura Bolduc both voted against the budget which includes \$9,303,600 for the RSU. Chair MacDonald did not state her objections but Councilor Bolduc indicated that there is a need for downsizing and she could not support a tax increase. The tax rate will increase from \$12.94 to \$13.41 per \$1,000 assessed valuation. It was pointed out that at one point the tax increase would have been \$.33 cents but a majority of the Council felt it was important to increase the revenue going into the Town's undesignated fund balance and the vote for an additional \$12 cents increase. Included in the budget is \$750,000 in cuts which included eliminating all dispatch services in Old Orchard Beach for a savings of \$150,000. The Town already contracts with Scarborough to answer 911 calls for emergency aid. Old Orchard Beach will now seek a contract for spending the Town's emergency response personnel to the correct location, as well. The cuts also included eliminating the part-time tax clerk shared position in the amount of \$17,000 and the elimination of the part-time building inspector's position to an on-call position in the amount of \$17,000. Also the cutting of \$250,000 from Wastewater; \$25,000 from legal expense; \$25,000 from human resource software; \$25,000 for GIS mapping; and \$35,000 from the Public Works Department budget. For the coming year a reduction of \$10,000 for fireworks; a reduction of \$1,000 in the printing of the Annual Report; reduce spending on the summer concerts next year; and cut back on the holiday decorating spending.

The following information was documented and provided after the meeting with the information given the Finance Director at the end of the Workshop held prior to the Town Council meeting.

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%

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to adopt the FY2011 Municipal Budget in the amount of \$24,541,206; with the municipal budget at \$15,237,606; and the RSU budget at \$9,303.600.

VOTE: Yea: Councilor O'Neill, Councilor Dayton; Vice Chair Tousignant
Nea: Councilor Bolduc and Chair MacDonald

5510 Discussion with Action: Set due dates of 9/07/10 and 3/4/11 for taxes for FY 2011.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to set due dates of 9/07/10 and 3/4/11 for taxes for 2011.

VOTE: Unanimous.

5511 Discussion with Action: Set interest rate of 7% for delinquent taxes.

TOWN MANAGER: Municipalities may, by vote determine the rate of interest that shall apply to taxes that become delinquent during taxable year 2011 until those taxes are paid in full. The maximum rate of interest that can be charged per 36 M.R.S.A. Section 505(4) since that rate is at least 2% lower than the rate set by the Treasurer for the previous year, the maximum rate allowed per 36 M.R.S.A. Section 505(4-A) is 9.00 percent.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to set interest rate of 7% for delinquent taxes.

VOTE: Unanimous.

5512 Discussion with Action: Authorize the Tax Collector and Treasurer to Accept Prepayments of Taxes before Commitment, at an interest rate of 0%, pursuant to 36 M.R.S.A., Section 506.

MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to Authorize the Tax Collector and Treasurer to Accept Prepayments of Taxes before Commitment, at an interest rate of 0%, pursuant to 36 M.R.S.A., Section 506.

VOTE: Unanimous.

5513 Discussion with Action: Set % for Sewer Rate for FY 2011 to Reflect the Percentage of the Tax Bill Used for the Operation of the Waste Water Treatment Plant to be Determined by Finance Director after budget approval.

**Town of Old Orchard Beach
Calculation of Sewer User Percentage
FY2011 Adopted Budget**

Expenditure/Revenue	Amount
Dept. 20161	1,074,670
Dept. 20162	
Dept. 20204	250,000
2 Sewer Maint. Workers, 20151/50106	133,641
Line 20151/50508	60,000
Line 20203/50508	75,000
Septic pumping abatements	20,000
2009 Debt	79,484
1998 Gen. Ob. Bond principal	535,000
1998 Gen. Ob. Bond interest	85,796
	2,313,591
Less:	
Sewer Impact Fees	(33,500)
Septic Dumping Fees	(2,000)
Water Treatment Fees	0
Net cost to tax commitment	2,278,091
Proposed tax commitment	19,928,106
Percentage for sewer	11.43%

MOTION: Vice Chair Tousignant motioned and Councilor O’Neill seconded to Set the % for Sewer Rate for FY 2011 to Reflect the Percentage of the Tax Bill Used for the Operation of the Waste Water Treatment Plant to be Determined by Finance director after budget approval.

It should be noted that after the figures were inputted, the sewer rate percentage was calculated to be 11.43%.

**VOTE: Yea: Councilors Dayton, O’Neill, Vice Chair Tousignant, Chair MacDonald
Nea: Councilor Bolduc**

5514 Discussion with Action: Authorize and Direct the Tax Collector and Treasurer, Pursuant to 36 M.R.S.A., Section 906, to Apply any Tax Payment Received from an Individual as Payment for any Property Tax Against Outstanding or Delinquent Taxes due on said Property in Chronological Order Beginning with the Oldest Unpaid Tax Bill Provided, However, that No Such Payment May Be Applied to any Tax for which an Abatement Application or Appeal is pending Unless Approved in Writing by the Taxpayer.

MOTION: Councilor O’Neill motioned and Councilor Dayton seconded to Authorize and Direct the Tax Collector and Treasurer, Pursuant to 36 M.R.S.A., Section 906, to Apply any Tax Payment Received from an Individual as Payment for any Property Tax Against Outstanding or Delinquent Taxes due on said Property in Chronological Order Beginning with the Oldest Unpaid Tax Bill

Provided, However, that No Such Payment May Be Applied to any Tax for which an Abatement Application or Appeal is pending Unless Approved in Writing by the Taxpayer.

VOTE: Unanimous.

5515 Discussion with Action: Authorize and Direct the Assessor to Prepare a Perfect List of All Taxes of the Municipality and to Commit the same to the Tax Collector.

MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to Authorize and Direct the Assessor to Prepare a Perfect List of All Taxes of the Municipality and to Commit the same to the Tax Collector.

VOTE: Unanimous.

5516 Discussion with Action: Approve the Liquor License Renewal for Alouette OOB/Oceanfront Resorts dba/Alouette Beach Resort/Café (303-1-11), 91 East Grand Avenue, m-v in a Hotel.

MOTION: Councilor O'Neill motioned and Vice Chair Tousignant seconded to Approve the Liquor License Renewal as read.

VOTE: Unanimous.

5517 Discussion with Action: Accept, with regret, the resignation of Brandon Garette from the Community Animal Watch Committee; Accept with regret the resignation of Andrea Berlin from the Conservation Commission; and Re-appoint Fred Dolgon as a Regular Member of the Recycling Committee, term to expire on June 30, 2013.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Accept, with regret, the resignation of Brandon Garette from the Community Animal Watch Committee; Accept with regret the resignation of Andrea Berlin from the Conservation Commission; and Re-appoint Fred Dolgon as a Regular Member of the Recycling Committee, term to expire on June 30, 2013.

VOTE: Unanimous.

5518 Discussion with Action: Approve the Pole Permit from Northern New England Telephone Operations LLC and Central Maine Power Company to install one Pole on E. Emerson Cummings Blvd., approximately 450 feet Northwesterly of Saco Avenue.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Approve the Pole Permit from Northern New England Telephone Operations LLC and Central Maine Power Company to install one Pole on E. Emerson Cummings Blvd., approximately 450 feet Northwesterly of Saco Avenue.

VOTE: Unanimous.

5519 Discussion with Action: Approve the Special Event Permit application for Brian Del Camp to hold a barbecue and use of the volleyball nets on the beach by Palace Playland on July 10th, rain date July 24, 2010, from 10:00 a.m. to 10:00 p.m.

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

VOTE: Unanimous.

5520 Discussion with Action: Approve the Special Event Permit application for the Surfrider Foundation to hold their Barefoot Beach Clean-up on the beach at the end of Walnut Street on August 14, 2010 from 10:00 a.m. to 12 p.m. Request to waive the fee.

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

GOOD AND WELFARE:

ADJOURNMENT:

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

VOTE: Unanimous.

Respectfully Submitted,

**V. Louise Reid
Town Council Secretary**

I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of six (6) pages is a true copy of the original Minutes of the Special Town Council Meeting of June 29, 2010.

V. Louise Reid