

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
TUESDAY, OCTOBER 2, 2007
TOWN HALL CHAMBERS**

A scheduled Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, October 2, 2007. Chairman Joseph Kline opened the meeting at 7:03 p.m.

Pledge of Allegiance and Roll Call:

Present were:

**Councilor Roxanne Frenette
Councilor James Long
Chairman Joseph Kline
Councilor Robin Dayton**

Absent: Vice Chairman Shawn O'Neill

ACKNOWLEDGEMENTS:

COUNCILOR LONG: It is a pleasure for me to recognize the award of Certified Municipal Clerk conferred on Town Clerk, Kim McLaughlin, CMC, who has completed requirements of the International Institute of Municipal Clerks. I wish also to express our appreciation for her support and assistance to the Administration. It has taken considerable effort and time to reach this goal and I compliment you for what you do for the citizens, the Council and the Administration.

COUNCILOR FRENETTE: We offer our best wishes to those running for Council and School Board and would remind the citizens of two Candidates Night being conducted. The first is on Wednesday, October 17th at 6:30 p.m. here in the Town Hall and under the planning of the Chamber of Commerce. A second Candidates Night will be held, sponsored by the Recreation Department for the 50 + - Club (although everyone is invited) at The Salvation Army, 2 Church Street on Friday Night, October 26th at 5:30 with a reception first followed by an opportunity to hear those running for Council present their platform. Everyone is invited.

COUNCILOR DAYTON: Congratulations to members of the Neighborhood Watch Groups who conducted a tag sale this past weekend at St. Luke's Church and also the Jameson Parent Teacher's Group for the "pumpkin sale" at Loranger School. It was a busy weekend and the weather cooperated.

ACCEPTANCE OF MINUTES: Town Council Meeting of September 18, 2007; Town Council Executive Session Minutes of September 18, 2007; and Town Council Workshop of September 19, 2007.

MOTION: Councilor Long motioned and Councilor Frenette seconded to accept the Minutes of the Town Council Meeting of the Town Council Meeting of September 18, 2007.

VOTE: Unanimous.

MOTION: Councilor Long motioned and Councilor Frenette seconded to accept the Minutes of the Town Council Executive Session of September 18, 2007.

VOTE: Yea: Councilors Long, Frenette, and Chairman Kline.
Abstain: Councilor Robin Dayton.

MOTION: Councilor Long motioned and Councilor Frenette seconded to accept the Amended Minutes of Town Council Workshop of September 19, 2007.

VOTE: Yea: Councilors Dayton, Long, Frenette & Chairman Kline
Abstain: Councilor Shawn O'Neill

UNFINISHED TABLED ITEMS:

3011 Presentation by Danielle Perreault of The Deep Blue on Comments by Local Residents and Visitors Regarding Changes in Old Orchard Beach.

Ms. Perreault made a presentation on her support of the Town and what it is doing for the businesses in Old Orchard Beach sharing with the Council some of the statements and comments made by citizens during the visit to their shop, The Deep Blue. She encouraged the Council to support encouraging new businesses to the community and to offer assistance those needed in bettering the upkeep of their businesses.

Comments regarding the change in Old Orchard Beach made by local residents and visitors, and collected at The Deep Blue:

- *We used to live in the area 30 years ago and it looks great. Old Orchard Beach seems to have grown up.*
- *I am originally from Saco, Maine, and grew up watching the changes in Old Orchard Beach. The improvement is refreshing – not so honky-tonk.*
- *Great gift shop; new building look very nice. Hard to leave without buying more.*
- *Spent every summer here growing up and my first time back in awhile. The changes are great. Looks cleaner and I love the upscale shops though I still appreciate the old restaurants and rides.*
- *I have been coming to Old orchard Beach for 38 years and was leery of the changes but have to say it is nice to finally have a shop that I would want to buy something in or even go into.*

- *We have been coming to Old Orchard Beach for the last seven years and this year it is so nice to see good changes, upgrades and some exciting, new classy stores as is The Deep Blue. I have never seen a store as creative, hopefully more classy places as this will come.*
- *Great store. Upscale. What Old Orchard Beach needs.*
- *Love the change except Myst because of the outdoor band at night.*
- *A great asset for the community and a reason for others in the area to come to Old Orchard Beach in the off season (after learning The Deep Blue would be open all year long.)*
- *What a refreshing shop. So nice to see quality items and original art work. A beautiful store to complement a beautiful beach. We look forward to see you again next summer here in Old Orchard Beach.*

She then described the Maine Statute – Title 17, Chapter 93 A – Definitions:

- A. **“Distribute”** means to transfer possession, whether with or without consideration.
- B. **“Exhibit”** means to display for viewing by the public.
- C. **“Matter”** means any printed or written material, any picture, photograph, motion picture or other visual representation.
- D. **“Obscene” matter** means matter which:
 - (1) *To the average individual, applying contemporary community standards, with respect to what is suitable material for minors, considered as a whole, appeals to the prurient interest;*
 - (2) *Depicts or describes, in a patently offensive manner, ultimate sexual acts, excretory functions, masturbation or lewd exhibition of the genitals; and*
 - (3) *Considered as a whole, lacks serious literary, artistic, political or scientific value.*

CHAIRMAN KLINE: We express our appreciation for this report and the additional comments and suggestions that have been made here this evening.

PUBLIC HEARING: Shall We Amend the Code of Ordinances, Business Licenses, Section 18-28 – Violations & Penalties?

CHAIRMAN KLINE: I open this Public Hearing at 7:20 p.m. There are Real Estate Brokers, Associate Real Estate Brokers, Real Estate Sales Agents or Property Managers who have been known to rent an unlicensed rental unit on behalf of the Unit’s owner. This amends the Ordinance subjecting them to fines imposed by this Section as well as fines imposed upon the unit owner.

**MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH**

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on October 2, 2007, at 7:00 p.m. to consider the following:

**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, that Section 18-28 of the Code of Ordinances of the Town of Old Orchard Beach (Violation and Penalties under the License Ordinance) is amended by adding the following new subsection (c):

c. Any person, including without limitation a real estate broker, associate real estate broker, real estate sales agent, or property manager, who rents an unlicensed rental unit on behalf of the unit's owner commits a violation of this ordinance and is subject to the fines imposed by Section 18-28(a) above, which fines may be imposed in addition to any fines imposed upon the unit owner.

COUNCILOR FRENETTE: I support this because it is necessary for all businesses to be licensed.

CHAIRMAN KLINE: Are there any comments from the public? There being no comments I close this Public Hearing at 7:22 p.m.

BUSINESS LICENSES: Seth & Julie Umel dba/Snap Fitness Center (205-15-1), 2 Cascade Road, Personal Service – Gym; Eric & Luceen Bouchard (301-3-1), 189 East Grand Avenue, Units 114 & 308, two year round rentals; Richard Townsend & Mark Gervais dba/All Tech Property Maintenance (103-1-42), 75 Milliken Mills Road, Personal Service; Michael & Kathleen O'Brien (305-4-1-304), 1 Cleaves Street, Unit 304, one year round rental; Joseph & Anita Mokarzel (211-7-39), 193 Saco Avenue, two year round rentals; Janice Tabone dba/Mim's Catering & Event Planning (206-4-5), 100 Saco Avenue, Victualers; Lisa Kidd dba/Wild Lydia Photography (205-3-4), 50 Old Orchard Street, Photography; Robert Petrossian (305-2-1-81), 31 East Grand Avenue, #81, one year round rental; and Bryon & Christine Williams (104-3-5-#B4), 26 Walnut Street, Unit #B4, one year round rental.

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to approve the Business Licenses as read.

VOTE: Unanimous.

NEW BUSINESS:

3024 Report on Reimbursement from FEMA in connection with the Patriot's Day Storm by the Public Works Director, Mary Ann Conroy.

The Public Works Director will present a summary to the Council for approved reimbursements from FEMA for the Patriot's Day storm. The payment process included documenting the damage and a review of that documentation which was sent to the State for authorization to pay the Federal portion of 75%. The State reviews the paperwork, forwards the Federal (75%) and State (15%) share to us. It usually takes one to two months for us to receive 90% of the total \$441,382 which would be \$397,243.80.

Chart Showing the Summary of Reimbursements

COUNCILOR DAYTON: I appreciate the information and it seems more complete than what we have seen in the past. If I understand what you said is that 75% covered by FEMA;

COUNCILOR FRENETTE: I want to thank you, Mary Ann. I am embarrassed and ashamed at how you are treated on a regular basis. I want to acknowledge that you have pursued the administrative fees. I congratulate you on the document which is perfectly understandable, easily understandable. I don't know why we can't expect that our employees will be treated with dignity and respect; none of us are above anyone else. I am not going to sit here any longer and be embarrassed and see our staff embarrassed or their work diminished.

CHAIRMAN KLINE: It is important that the information be correct and I remember that it was important that it be documented correctly and was not years ago and we did not get any funding and you have documented and we appreciate it. You don't have to break the figures down because they are understandable as you gave them and you don't need to spend more important time doing that.

COUNCILOR LONG: My compliments to the Public Works Director. It was a difficult storm – a three-tide circle which made it more of a mess. The things on the list that we would have had to be repaired whether they were funded or not and I congratulate you for the work you have done. Also in the past it was clear we did not do the documentation you have done and we did not receive funding because we did not do the documentation. In addition, we sit up here as Councilors, we get a lot of information thrown at us, and a council rule that we can't talk to staff so I do not consider it inappropriate for a Councilor to ask for revised information.

COUNCILOR DAYTON: Mr. Chairman....

CHAIRMAN KLINE: No, we are moving on. There is no need for further discussion.

3025 Discussion with Action: Amend Chapter 18 (Businesses), Article II (Licenses), Section 18-34, of the Code of Ordinances, Town of Old Orchard Beach, ME.

CHAIRMAN KLINE: This is being proposed by the Town Council Chairman 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.

EXHIBIT:

**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 a hearing until the license administrator or designee has found the application complete and has advised the Town 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.

CHAIRMAN KLINE: I appreciate at the last Council meeting the request of Councilor Long that our Planner gives his interpretation and suggestion on this. The Planner, Gary Lamb, provided us with the following: Regarding licensing Ordinance section 18-

34 that is on the Oct 2 Council agenda....Ken and I spoke and we do not think it should be any longer than a 7 day wait. We can discuss shorter time frames with Council during the meeting if they so choose. I don't think a waiting period is necessary....it will upset the few applicants who are 100% compliant and is not what I would characterize as "good customer service" like a business would strive for. I do understand the Council's desire to eliminate conditional approvals...and staff has no problem with that as long as Council understands they and staff will have their phone ringing off the hook in the spring. Please consider the following as an alternative to a rigid waiting period: Sec. 18-34 (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 until the license administrator or designee has found the application complete and the CEO has determined that the business and premises are in compliance with all local codes and ordinances. The above underlined text would satisfy the Council's desire to eliminate conditional approvals and have all agenda licenses ready to approve (barring unusual circumstances). If an applicant has a complete application with CEO completed inspections ready by the Wednesday Council agenda deadline, I see no reason to make them wait. I would rather put more of the burden of proof on the applicant and have them know they need to plan their inspections before then can get on the agenda.

COUNCILOR FRENETTE: I support what the CEO has written and I don't support putting in a date.

COUNCILOR DAYTON: I would ask the CEO be spelled out so there is no confusion that this means Code Enforcement Officer and not the Chief Executive Office or Town Manager.

MOTION: Councilor Frenette motioned and Chairman Kline seconded to Amend Chapter 18 (Businesses), Article II (Licenses), Section 18-34, of the Code of Ordinances, Town of Old Orchard Beach, ME.

COUNCILOR LONG: Not appropriate to act on a new wording dropped on our desk. Meeting of 3 to do this and the first I knew about this was it appeared on the agenda. I would have thought we would have had further discussion. The reason I won't support Ambiguities in our license policy – season is beginning – bought my merchandise – Come back and fix things – either did it or didn't do it – policy we instituted five years ago ended that but left latitude that we did not place a burden on the business owners. So those reasons I feel this was not done in the best way that reflects the opportunity for input. More input from the business community.

COUNCILOR FRENETTE: I don't remember us approving two weeks licenses – it just clarifies and completes the process.

CHAIRMAN KLINE: This is an addition to the Code Ordinance which will clarify licensing procedures for business licenses, with a view toward avoiding the type of controversy that occurred between the town and business community this past summer in the subject of the kiosks. The issue of whether a business has to be 100 percent complete before being granted a business license came up in July when a number of business licenses, mostly those for the proposed kiosks in the Grand Victorian Plaza were tabled from the Town Council agenda because the structures were not fully completed. In the

past there had been a gray area when granting business licenses. Incomplete business licenses had been granted under the condition that they would make final touchups after they were done. To prevent the situation from happening again and protect the town it is better to have it in writing. The amendment states that an application for a new business license should not be put on a council agenda until the license administrator has determined that the application is complete. The license administrator must present the council with a written statement that deems the businesses in compliance with local codes and recommends its approval or states that the business is not in compliance and therefore should be denied. If a business license is on the agenda, it means the business is complete and done.

COUNCILOR DAYTON: I assume that it is only the underlined part that we are adding and the rest remains in tact?

TOWN MANAGER: I would like it noted that monthly the Assistant Town Manager prepares a report for the Chamber of Commerce which is made available to their membership and this information was provided and they did not have an issue with it.

GARY LONG: I would like to indicate that the lateness of you receiving this material was related to me being out of the office as arranged prior to my employment. It is my fault and not that of the administration.

VOTE: Yea: Councilors Dayton, Frenette and Chairman Kline
Nea: Councilor Long

3026 Discussion with Action: Set a Public Hearing of October 16, 2007 to Amend the Code of Ordinances, Section 58-58, Reimbursement of Costs to Residents.

CHAIRMAN KLINE: The Town Ordinance currently reimburses residents with septic tanks up to \$200 every 18 months. There are currently three companies that provide service to residents of Old Orchard Beach. As of August 21, 2007, their charges are as follows to pump out up to 1,000 gallons:

BBI	\$250
Fenderson Sanitary Service	\$220
Nest & Sons Inc.	\$220

In speaking with BBI, we were advised that a family of 2-4 people usually has their septic tank pumped out every two to three years, unless there is a problem with the pump. During FY2007, 80 residents requested the \$200 reimbursement. Of the 80 residents, 67 used BBI, 11 used Fenderson Sanitary Service and two residents used Nest & Sons Inc.

The request is to change the allotted amount from up to \$200 to up to \$250 every 18 months.

EXHIBIT:

**NOTICE OF PUBLIC HEARING
MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH**

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on October 16, 2007, at 7:00 p.m. to consider the following:

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that the following section of the Town of Old Orchard Beach Code of Ordinances, Article II, Section 58-58, is amended by adding the underscored language, and deleting the strikethrough language as shown below:

Sec. 58-58. Reimbursement of costs to resident.

Any town resident who pays a septic waste hauler a charge, which includes the cost of disposal at the treatment plant, may apply to the town treasurer for reimbursement of the amount of that charge, including charges for pumping and transportation, up to a total reimbursement of ~~\$200.00~~ \$250.00. Upon receipt of proof of payment of such charge, the treasurer shall issue to the resident a certificate for the amount of the reimbursement. For one year after the issuance of the certificate, the resident may apply the certificate toward real or personal property taxes or any other amount of money due from that resident to the town. A reimbursement allowed under this section shall be nontransferable, and no resident may receive more than one such reimbursement in any 18-month period, notwithstanding that such resident may own more than one property served by a septic system.
(Ord. of 6-18-1996, § 9; Ord. of 9-16-1997; Ord. of 5-20-2003(1))

SEWER ABATEMENTS FY
2007

LAST NAME	AMT ABATED	AMT OF BILL	DATE PUMPED	COMPANY
Spence	\$200.00	\$170.00	4/19/2005	BBI
Walker	\$200.00	\$230.00	7/13/2005	BBI
Patoine	\$200.00	\$240.00	8/23/2005	BBI
Patoine	\$200.00	\$240.00	8/23/2005	BBI
Jalbert	\$200.00	\$240.00	9/7/2005	BBI
Berthiaume	\$200.00	\$240.00	10/6/2005	BBI
Soucy	\$200.00	\$240.00	10/17/2005	BBI
Tierney	\$200.00	\$210.00	10/17/2005	The Fenderson Sanitary Service
McCullum	\$200.00	\$240.00	10/24/2005	BBI
Nickerson	\$200.00	\$210.00	10/24/2005	The Fenderson Sanitary Service
Kalinowski	\$200.00	\$240.00	10/24/2005	BBI
Harder	\$200.00	\$245.00	11/17/2005	BBI
Beaulieu	\$200.00	\$250.00	12/19/2005	BBI
McDermott	\$200.00	\$250.00	3/7/2006	BBI
Goyet	\$200.00	\$250.00	4/12/2006	BBI
Ponzetti	\$200.00	\$250.00	4/24/2006	BBI
O'Brien	\$200.00	\$230.00	4/28/2006	Nest & Sons, Inc, Septic Tank Service
Kinner	\$200.00	\$250.00	5/4/2006	BBI
Dupuis	\$200.00	\$250.00	5/9/2006	BBI
McInnis	\$200.00	\$210.00	5/30/2006	Nest & Sons, Inc, Septic Tank Service
Lacroix	\$200.00	\$250.00	6/8/2006	BBI

Turcotte	\$200.00	\$210.00	6/12/2006	The Fenderson Sanitary Service	
Mattia	\$200.00	\$250.00	6/14/2006	BBI	
Hamilton	\$200.00	\$210.00	6/19/2006	The Fenderson Sanitary Service	
Lemoine	\$200.00	\$250.00	6/23/2006	BBI	
Sargent	\$200.00	\$250.00	7/6/2006	BBI	
Turner	\$200.00	\$250.00	7/6/2006	BBI	
Clemens	\$200.00	\$225.00	6/16/2006	BBI	
Dubois	\$200.00	\$250.00	7/13/2006	BBI	
Schwickrat h	\$200.00	\$250.00	7/18/2006	BBI	
Pike	\$200.00	\$250.00	7/18/2006	BBI	
Perrone	\$200.00	\$250.00	7/20/2006	BBI	
Junkins	\$200.00	\$250.00	7/22/2006	BBI	
Lamy	\$200.00	\$250.00	7/26/2006	BBI	
Daly	\$200.00	\$250.00	8/7/2006	BBI	
Milligan	\$147.50	\$147.50	8/9/2006	BBI	Condo
Wing	\$147.50	\$147.50	8/9/2006	BBI	Condo
Ross	\$147.50	\$147.50	8/9/2006	BBI	Condo
Guarino	\$200.00	\$250.00	8/10/2006	BBI	
Couturier	\$200.00	\$250.00	8/10/2006	BBI	
Roy	\$200.00	\$250.00	8/10/2006	BBI	
Morin	\$200.00	\$250.00	8/15/2006	BBI	
Murphy	\$200.00	\$250.00	8/15/2006	BBI	
Lake	\$200.00	\$245.00	8/15/2006	BBI	
White	\$200.00	\$250.00	8/18/2006	BBI	
Blecharczyk	\$200.00	\$250.00	8/23/2006	BBI	
Barricelli	\$200.00	\$250.00	8/24/2006	BBI	
LaPierre	\$200.00	\$210.00	8/30/2006	The Fenderson Sanitary Service	
Gordon	\$200.00	\$210.00	8/31/2006	The Fenderson Sanitary Service	
Siudmak	\$200.00	\$250.00	9/6/2006	BBI	
Bradbury	\$200.00	\$210.00	9/7/2006	The Fenderson Sanitary Service	
Bradbury	\$200.00	\$210.00	9/7/2006	The Fenderson Sanitary Service	
Beaudoin	\$200.00	\$210.00	9/16/2006	The Fenderson Sanitary Service	
Libby	\$200.00	\$250.00	9/25/2006	BBI	
Botting	\$200.00	\$245.00	9/29/2006	BBI	
O'Hara	\$200.00	\$250.00	10/5/2006	BBI	
Martinoli	\$200.00	\$250.00	10/11/2006	BBI	
Merrill	\$200.00	\$250.00	10/17/2006	BBI	
Tabone	\$200.00	\$250.00	10/19/2006	BBI	
Manning	\$200.00	\$250.00	10/20/2006	BBI	
Jones	\$200.00	\$250.00	10/20/2006	BBI	
Pratt	\$200.00	\$210.00	10/24/2006	The Fenderson Sanitary Service	
Seamans	\$200.00	\$250.00	10/24/2006	BBI	
Speed	\$200.00	\$250.00	10/26/2006	BBI	
Patry Realty	\$200.00	\$250.00	10/31/2006	BBI	
Ramage	\$200.00	\$250.00	11/6/2006	BBI	
Lasher	\$200.00	\$250.00	11/8/2006	BBI	
Blow	\$200.00	\$250.00	11/16/2006	BBI	
Roux	\$200.00	\$250.00	11/17/2006	BBI	
Rogers	\$200.00	\$250.00	11/17/2006	BBI	
Thibodeau	\$200.00	\$250.00	11/21/2006	BBI	
Lewis	\$200.00	\$220.00	11/22/2006	The Fenderson Sanitary Service	

Bureau	\$200.00	\$250.00	12/7/2006	BBI	
Trempe	\$200.00	\$250.00	12/22/2006	BBI	
McCallum	\$200.00	\$250.00	12/28/2006	BBI	
Watkins	\$200.00	\$250.00	1/3/2007	BBI	
Speed	\$200.00	\$390.00	1/4/2007	BBI	2 500 gallon tanks
Schaafsma	\$200.00	\$250.00	1/4/2007	BBI	
Holt	\$200.00	\$250.00	2/15/2007	BBI	
Allen	\$200.00	\$220.00	2/21/2007	BBI	
TOTAL	\$15,842.50				

11 The Fenderson Sanitary Service
 2 Nest & Sons Inc Septic Tank Service
 67 BBI

As of 8/21/07, Nest & Sons, Inc charges \$220 to pump out up to 1,000 gallons.
 As of 8/21/07, BBI charges \$250 to pump out up to 1,000 gallons.
 As of 8/21/07, Fenderson Sanitary Service charges \$220 to pump out up to 1,000 gallons.

MOTION: Councilor Long motioned and Councilor Dayton seconded to Set a Public Hearing Date of October 16, 2007 to Amend the Code of Ordinances, Section 58-58, Reimbursement of Costs to Residents.

VOTE: Yea: Councilor Dayton, Long and Chairman Kline
 Abstain – Councilor Frenette

3027 Discussion with Action: Approve the Special Event Permit for Pack 350 to have a Campfire on the Beach at the End of Walnut Street on October 6, 2007 from 6:30 p.m. to 8:00 p.m.; and a request to waive the fee.

MOTION: Councilor Long motioned and Councilor Dayton seconded to approve the Special Event Permit as read.

VOTE: Unanimous.

3028 Discussion with Action: Approve the Special Event Permit for MYST to hold an OctoberFest on October 13, 2007 in the Square from 1:00 p.m. to 5:00 p.m. to benefit the Ronald McDonald House; bonfire on the beach; no liquor allowed on public property; and a request to waive the fee.

MOTION: Councilor Frenette motioned and Councilor Long seconded to approve the Special Event Permit as read.

VOTE: Unanimous.

3029 Discussion with Action: Approve the Liquor License Renewal for Paul Dussault dba/Joseph's by the Sea (310-3-3) 55 West Grand Avenue, s-m-v in a Restaurant.

MOTION: Councilor Frenette motioned and Councilor Long seconded to approve the Liquor License as read.

VOTE: Unanimous.

3030 Discussion with Action: Accept the bid of \$62,152.60 from Radio Communications Management, Inc. for Dispatch Equipment as outlined in the quotation; \$34,611 from Account Number 21002/50866 with a balance of \$27,541.60; and \$27,541.60 from Account Number 10013/30100 with a balance of \$4,751,739.

CHAIRMAN KLINE: A presentation was made by Scott Rivard, President/Systems Engineer for Radio Communications Management, Inc., 158 Rand Road, Portland, Maine describing and recommending pieces of proposed dispatch equipment. Participating in the discussion was also Bill Farley, local citizen who is knowledgeable about the work of Radio Communications Management, Inc. Discussions included the various options that a customer may choose for their dispatch operation. Being the present service provider and familiar with Old Orchard Beach's dispatch equipment they have included in the quotation all the functions that are presently being used plus the added features that are standard on the touch screen console. Other items that were discussed included worker consoles, back-up radio and the existing main-base radio which needs replacing now or at least in two years. The fire-base and main repeater which are both five-years old, do not need to be replaced as they are expected to last for 15 to 20 more years. The necessary upgrades would cost the town approximately \$51,000 not including the cost of new workstations. Discussion continued on the location of the equipment, its move ability and adaptability should a new public safety building be built. Discussion also included the subject of workstation needs for the new equipment and the limited logistics and layout of the present dispatch operation. It was noted several times that the equipment is adaptable, easily moveable, requiring a small footprint. There is about a six week turnaround but the good thing is that the company provides backup at a given notice. Down town would not be a problem. Suggested possible proposal amount would be approximately \$51,954.60 plus additional amounts of approximately \$5,800 for an approximate total of \$57,754.60 and possibly an additional \$4,398 for a backup radio for an approximate total of \$62,152.60. Suggested amount for workstation items was in the area of possibly \$24,000. The Police Department will be going out for bid on workstation items.

MOTION: Councilor Long motioned and Councilor Dayton seconded to Accept the bid of \$62,152.60 from Radio Communications Management, Inc. for Dispatch Equipment as outlined in the quotation; \$34,611 from Account Number 21002/50866 with a balance of \$27,541.60; and \$27,541.60 from Account Number 10013/30100 with a balance of \$4,751,739.

JACK SARNO: I would ask the Town Council to approve both the purchase of this equipment and also the furniture to be used to hold it.

COUNCILOR DAYTON: I assume that we will secure the workstations that are needed.

COUNCILOR LONG: I would assume that it would be on the next agenda.

VOTE: Unanimous.

3031 Discussion with Action: Accept the bid of \$29,950 from Industrial Protection Services for a SCBA Compressor for the Fire Department; \$20,000 from Account Number 21002/50861 with a balance of \$20,000; and \$9,950 from Account Number 20202/50889, with a balance of \$20,000.

COUNCILOR LONG: As a former Deputy Fire Chief I know the value of this equipment and the need for it and I encourage the Council to support this.

CHIEF JOHN GLASS: We went out to bid advertising in the paper and also sending to vendors who sell this type of equipment and received only one bid.

**Industrial Protection Services, LLC
433 Meadow Road, Topsham, ME 04086
Scott Breathing Air System - \$29,950**

The department air compressor which filters and supplies breathable air for firefighters to use in self contained breathing apparatus worn in atmospheres dangerous to life and health is approximately fifteen years old. Replacement filters and parts are becoming difficult to procure and the unit is too small to make refilling multiple scba cylinders a timely task. The Town Council has allocated money in the FY07 and FY08 budgets to replace this necessary piece of equipment.

**The Town of Old Orchard Beach is soliciting bids for:
A 6000 PSI Stationary Breathing Air Cylinder Charge Station.
Exact specifications may be acquired from Chief John Glass at the
Old Orchard Beach Fire Department, 136 Saco Ave. in Old Orchard Beach, Me. 04064
207-934-4911**

**Sealed bids marked STRYKER BID
or Sealed bids marked SCBA BID are required by
10:00 a.m. September 26, 2007 and mailed to:
Chief John Glass
1 Portland Avenue
Old Orchard Beach, ME 04064
THE TOWN OF OLD ORCHARD BEACH RESERVES THE
RIGHT TO ACCEPT OR REJECT ALL BIDS.**

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to move to Accept the bid of \$29,950 from Industrial Protection Services for a SCBA Compressor for the Fire Department; \$20,000 from Account Number 21002/50861 with a balance of \$20,000; and \$9,950 from Account Number 20202/50889, with a balance of \$20,000.

VOTE: Unanimous.

3032 Discussion with Action: Accept the bid of \$9,633.81 from Stryker EMS Equipment for a Hydraulic Stryker Ambulance for the Fire Department from Account Number 20202/50889, with a balance of \$10,000.

CHIEF JOHN GLASS: We went out to bid advertising in the paper and also sending to vendors who sell this type of equipment and received only one bid.

**STRYKER EMS EQUIPMENT
1465 Hooksett Road, #1024
Hooksett, NH 03106
\$9,5333.81**

Several years ago the EMS division of Old Orchard Beach Fire Department transitioned to Stryker brand ambulance stretchers because of their strength, reliability, function ability and cost. The latest technology developed by Stryker, Inc. is the hydraulic powered stretcher. This stretcher although heavier and more expensive than traditional stretchers aids in the prevention of back injuries due to lifting patients by the use of hydraulic power. In the FY08 budget the Town Council allocated \$10,000 for the purpose of purchasing the new stretcher in order to ideally help prevent these costly workman compensation type injuries to EMS personnel. Accessories which are attached to presently owned Stryker stretchers, the interchangeability of some parts as well as familiarity of personnel with Stryker equipment has made it logical for us to only use this one brand of equipment.

EXHIBIT: The Town of Old Orchard Beach is soliciting bids for:
A Stryker Model 6500 Power Pro Hydraulic Ambulance Stretcher
Exact specifications may be acquired from Chief John Glass at the
Old Orchard Beach Fire Department, 136 Saco Ave. in Old Orchard Beach, Me. 04064
207-934-4911

**Sealed bids marked STRYKER BID
or Sealed bids marked SCBA BID are required by
10:00 am September 26, 2007 and mailed to:
Chief John Glass
1 Portland Avenue
Old Orchard Beach, ME 04064**

**THE TOWN OF OLD ORCHARD BEACH RESERVES
THE RIGHT TO ACCEPT OR REJECT ALL BIDS.**

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to Accept the bid of \$9,633.81 from Stryker EMS Equipment for a Hydraulic Stryker Ambulance for the Fire Department from Account Number 20202/50889, with a balance of \$10,000.

VOTE: Unanimous.

3033 Discussion with Action: Approve request to place a granite marker on Walnut Street near site of former trotting horse track called "Kite Track."

CHAIRMAN KLINE: A letter received from Clark P. Thompson through Dan Blaney, Archivist, is requesting permission to place a granite marker on Walnut Street near the site of the former trotting horse track called "Kite Track." The marker would be 2 feet by 1

foot by 4 inches thick. It will be placed flush to the ground with mulch around it. Mr. Thompson has been working with Dan Blaney of our Historical Society on this project. Mr. Thompson has agreed to pay for the marker and the Public Works Director has checked out the specs and approves of the request. It is a way of preserving an important chapter in Maine's trotting horse history.

MOTION: Councilor Frenette motioned and Councilor Long seconded to Approve request to place a granite marker on Walnut Street near site of former trotting horse track called "Kite Track."

VOTE: Unanimous.

GOOD AND WELFARE

COUNCILOR LONG: I would assume that we will receive the total final report on the Walnut Street/Little River and as the Engineers put it together not something that has been negotiated after their report was complete. It is unfortunate that we do not have it in our hands now.

TOWN MANAGER: The report will be on the next agenda. Drafts have been circulated to our Planner and our Public Works Director and we have extended an invitation to all special interest groups and advocates to attend the next meeting of the Council on October 16th.

CHAIRMAN KLINE: The School Board has asked us to join them in a discussion of school consolidation and we will be considering that invitation as well as Mayor Nutting of Biddeford has requested to meet with us on the subject of waste management. I wish to indicate that the reason I have not filed papers for election to the Council is that as an Army reserve officer I am waiting clarification as to future assignments and I did not wish to put the Town in a financial position to fund another election. It has been an honor to serve you.

COUNCILOR DAYTON: I am sorry that I was not able to get answers to questions I asked on Item 3024 for I was securing answers for the benefit of citizens and I apologize to the citizens that I was not able to get that information for you.

ADJOURNMENT

MOTION: Councilor Dayton motioned and Councilor Long seconded to adjourn the Town Council 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 fifteen (15) pages is a true copy of the original Minutes of the Town Council Meeting of October 2, 2007.

V. Louise Reid