

**Town of Old Orchard Beach  
Regular Town Council Meeting  
October 6, 2009 Town Hall Chambers - Minutes**

<b>Call to Order at 7:07 pm</b>	<u><b>Call to Order</b></u>
<b>Pledge to the Flag</b>	
<p><u><b>Roll Call:</b></u>  <b>Present: Chair Sharri MacDonald, Vice Chair Robin Dayton, Councilor Shawn O'Neill, Councilor Michael Tousignant, Councilor Laura Bolduc. Acting Town Manager V. Louise Reid, Victoria Geaumont, Secretary.</b></p>	<u><b>Roll Call</b></u>
<p><u><b>PRESENTATION:</b></u></p> <p><b>Saco Bay Rotary Club donation of a Drinking Water Fountain located by the Rest Room in Memorial Park; and the gift of Signage being built for community announcements to be posted in Memorial Park.</b></p> <p><b>LINDA JENKINS: The Conservation Commission, the Town Council, and the Ballpark Enterprise Group wishes to express its appreciation to the Saco Bay Rotary Club and its members for the contribution of funds, work and labor in connection with the kiosk/sign project as well as appreciate for the “Day of Service” that they gave. This Rotary Club has supported our community in so many endeavors and for that we are eternally grateful. Ms. Jenkins read from a prepared statement from Andrea Berlin, Chair of Conservation Commission:</b></p> <p><b>The Memorial Park Committee would like to thank the Saco Bay Rotary for two wonderful gifts for the park. The first gift is a much needed drinking water fountain. The Saco Bay Rotary contacted Rotarian Jim Godbout of the Biddeford/Saco Rotary for estimates for the fountain they wanted to provide for the park. Jim offered them a fountain he had and even had a member of his crew install it. It is located between the men and women’s bathrooms at the park comfort station. The second gift will be a community information sign that the Rotary will be constructing over the upcoming weekend. The sign is a three-sided structure as you can see on the plan. Two sides will have clear panel doors that will open in order to secure announcements on to cork board. This signage area will be for posting community announcements of planned events on one side. The other side will have the plans for the exhibit rain garden that the Memorial Park Committee will be constructing in the spring with a grant received from the New England Grass Roots Organization, and the back side will have cedar shingles with a trellis attached where climbing roses will flourish. The green trim board will tie in with the green Adirondack chairs in the children’s playground. This signage will not be used for advertising purposes other than to list community announcements that are happening in the park and around town.</b></p> <p><b>Andrea Berlin, Conservation Committee Chair</b></p> <p><b>ACTING TOWN MANAGER REID acknowledged Dru Laduke.</b></p> <p><b>DRU LADUKE, SACO BAY ROTARIAN thanked Andrea and the council on behalf of Rotary.</b></p>	<u><b>Presentation</b></u>
<p><u><b>ACCEPTANCE OF MINUTES:</b></u>  <b>Town Council Minutes of September 15, 2009; Town Council Workshop Minutes of September 15, 2009; Town Council Workshops of September 22, 2009 and September 23, 2009; Special Town Council Meeting of September 23, 2009; and Executive Session of September 29, 2009.</b></p> <p><u><b>MOTION:</b></u> <b>COUNCILOR BOLDUC motioned and VICE CHAIR DAYTON seconded to remove without prejudice the Town Council Minutes of September 15, 2009; Town Council Workshop Minutes of September 15, 2009; Town Council Workshops of September 22,</b></p>	<p style="text-align: center;"><u><b>Acceptance of Minutes</b></u></p> <p style="text-align: center;"><b>Motion</b></p>

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2009 and September 23, 2009; Special Town Council Meeting of September 23, 2009; and Executive Session of September 29, 2009.

**VOTE: Unanimous.**

Vote

**PUBLIC HEARING NUMBER ONE**

**PUBLIC**  
**HEARINGS**

**AGENDA ITEM:** Shall we issue bonds in the amount of \$2.5 million for the construction of a new Police Department building?

**BACKGROUND:** It is with the recognition of the need for a new Police Station Building that the Council is considering placing a referendum item on the November ballot to issue bonds for the construction of a new police department building. This evening we are again offering you the opportunity to present your ideas and opinions on this subject. We would ask to preserve time that you perhaps consider speaking once on each issue.

**CHIEF DANA KELLEY** reiterated the history of the development of the new proposed police department. He explained tonight is for the town council to approve this to go to referendum. He also explained this is not tax payer money. He will have more information and a video will be available after this week and will be on channel 3.

**EXHIBIT:**

**ORDER OF THE TOWN COUNCIL OF THE TOWN OF  
OLD ORCHARD BEACH TO ISSUE BONDS NOT TO EXCEED A TOTAL OF  
\$2,500,000 TO FUND THE FOLLOWING CAPITAL IMPROVEMENT PROJECT:**

New Police Station Project	\$ 2,500,000
Total Bond Amount	\$ 2,500,000

**BE IT ORDERED** by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled:

That under and pursuant to the provisions of Title 30-A, Sections 5723 and 5772 of the Maine Revised Statutes, as amended, and the Charter of the Town of Old Orchard Beach, Maine, a capital improvement project consisting of the design, construction, furnishing and equipping of a new police headquarters building to be located on town-owned land on E. Emerson Cummings Boulevard in the vicinity of the current public safety building is hereby approved; and

That a sum not to exceed \$2,500,000 is hereby appropriated to provide for the cost of this project; and

That to fund said appropriation, the Treasurer and the Chairperson of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities or other securities of the Town of Old Orchard Beach, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$2,500,000; and

That the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of said securities, including

execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairperson of the Town Council.

**TOWN OF OLD ORCHARD BEACH FINANCIAL STATEMENT**

**1. Total Town Indebtedness**

A. Bonds outstanding	\$ 10,700,000.00
B. Bonds authorized and unissued	\$ .00
C. Bonds to be issued if this vote is approved	<u>\$ 2,500,000.00</u>
Total:	<u>\$ 13,200,000.00</u>

**2. Costs**

At an estimated interest rate of 4.8 percent, for a 20-year maturity, the estimated costs of this bond issue will be:

Principal:	\$ 2,500,000.00
Interest:	<u>\$ 1,250,301.00</u>
Total Debt Service:	<u>\$ 3,750,301.00</u>

**3. Validity**

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

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Treasurer, Town of Old Orchard Beach

BE IT FURTHER ORDERED, that the above order shall be submitted to the voters of the of Old Orchard Beach, Maine at the regular municipal election to be held November 3, 2009 the ballot question shall read:

Question: Shall the Order reproduced below be adopted?

**ORDER OF THE TOWN COUNCIL OF THE TOWN OF OLD ORCHARD BEACH TO  
ISSUE BONDS NOT TO EXCEED A TOTAL OF \$2,500,000 TO FUND THE  
FOLLOWING CAPITAL IMPROVEMENT PROJECT:**

New Police Station Project	\$ 2,500,000
Total Bond Amount	\$ 2,500,000

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Maine, in Town Council assembled:**

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That the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairperson of the Town Council.

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Treasurer, Town of Old Orchard Beach

**EXPLANATION:**

**Town Council Recommends: Approval.**

**BE IT FURTHER ORDERED**, that a public hearing on the subject of the above referendum question shall be conducted by the Town Council on September 15, 2009 at 7:00 p.m. at the Town Hall and public notice of the hearing shall be given in the manner required by law.

**WINTHROP WINCH**, chair of the Planning Department stated he supports the new police department development. He feels that the current slowdown in construction makes it a good time to do this.

**COUNCILOR TOUSIGNANT** asked about how his suggestion of having a public open house at the Police Department was coming along.

**CHIEF KELLEY** stated they will be having one in the near future.

**COUNCILOR TOUSIGNANT** asked if they have said any solid dates for this?

**CHIEF KELLEY** asked not as of now, but anyone can give us a call to come in and see the department.

**VICE CHAIR DAYTON** asked if the town has “triple E”

**COUNCILOR O’ NEILL** commented that he does not disagree that the town needs a new police department, but is concerned about how this will be funded. The money is tax dollars in some form. He urged the citizens not to be misled concerning this. He felt it does not make sense to make from a fund that is there for emergencies. The building needs significant improvements, and he wishes to increase the bond for the building.

**COUNCILOR DAYTON** clarified that they Fire Department is pursuing a grant not a bond. She has not heard anything about air quality issues in the Police Department.

**CHAIR MACDONALD** stated this building will not be built until next year. There will only need to be approximately 250,000 taken yearly from the fund, and it currently produces 400,000 a year, therefore, there will be approximately 150,000 left for emergencies. She urged people to talk to the Acting Town Manager or Financial Director if they have monetary questions or concerns. She also stated that property taxes will not go up due to the building of the new Police Department. She also pointed out that if the Fire Department has the entire building, they have a better chance of getting the grant and of obtaining more money from the grant to do the needed improvements.

**VICE CHAIR DAYTON** stated she agrees with everything Chair MacDonald just said.

*Public Hearing Closed at 7:22 p.m.*

**PUBLIC HEARING NUMBER TWO**

**AGENDA ITEM:** Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a new Municipal Charter?

**BACKGROUND:** The Charter needs to be revised to bring it up to current order and this Committee will be responsible for the revising or establishing of a new Municipal Charter.

**CHAIR MACDONALD** stated there are 5 people running for the Charter Commission.

*Public Hearing Closed at 7:24 p.m.*

**PUBLIC HEARING NUMBER THREE**

**AGENDA ITEM: Shall We Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 78, by adding Marina Performance Standards?**

**GARY LAMB:** On October 6, 2009 the Town Council will hold a public hearing on whether to add marina standards to Ordinance Chapter 78. The Council and citizens will have the opportunity to review the suggested standards both of which fulfill LD 1119 and allow the boundary to be moved. The Saco Bay Committee worked on plans to be presented to the Council. The version with revisions dated September 4, 2009 is the text that is being recommended to the Council. It allows private marinas with 5 slips or fewer for exclusive use of owner; requires Planning Board review and approval per new standards for each private Marina; and prohibits single vessel moorings, commercial and public marinas, vessel maintenance areas, repair yards, fuel storage and delivery facilities. The Planning Board approved this version in part because they thought new marina performance standards should be accompanied by some associated permitted or prohibited use language.

**COUNCILOR BOLDUC** asked to explain fuel issues for the marina.

**MR. LAMB** stated this is under prohibited uses “single vessel moorings, commercial and public marinas, vessel maintenance areas, repair yards, fuel storage, and delivery facilities.”

**GARY CURTIS, SACO BAY WORKING GROUP** stated he feels it is very important to get this passed tonight. He explained that the acting Town Manager needs to certify if the standards are at least as restrictive as Saco’s ordinance in order to have this ordinance amended. The Town Attorney feels we have met the needs.

**WINTHROP WINCH** stated he concurred with both Gary’s. The town needs to have minimum standards.

**CHAIR MACDONALD** reiterated that this was a public hearing tonight, and the council will vote on this at the next meeting.

**PHILIP DENISON, SACO BAY WORKING GROUP** stated that the group felt it was too far to prohibit all marinas. He asked the council to adopt the standards tonight. There is nothing to prevent the standards to be changed.

**BUD HARMON, CHAMBER OF COMMERCE** stated he was also part of the Saco Bay Working Group and originally went along with adopting the ordinance as presented, as he was under the impression of this being simple and easy. The goal was to get the jurisdictional boundary changed, and the way to do that is to take Saco’s ordinance which prevents marinas and go from there. He felt that there is not enough information or research as far as what would be allowed and what not would be allowed, and this needs to be gone over which can be done after adopting the stricter ordinance. He felt the town is not ready to enforce marina standards at this time.

**JOHN BYRDMAN, OCEAN PARK** stated he agrees with Mr. Harmon. He feels the bay is a major asset to the Town, and the town needs to protect it from something like a marina that could jeopardize the bay. He also stated there is little protection in the bay for something like marinas, as it is essentially open ocean, and there could be damage involved with large seas.

**MR. LAMB** stated there has been a lot of discussion between the Planning Board and Mr. Harmon and Mr. Byrd. He wished to point out that the state still owns the land, the water above the land, and the air above the water. The town only has jurisdiction over the area. There is a difference. There was a majority vote from the Planning Board for which text to be carried forward. He also stated the town has not lost anything by going past the

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September deadline.

CHAIR MACDONALD asked for Mr. Lamb to clarify the process.

MR. LAMB stated that until the ordinance is authorized by the Town Manager that the standards are as strict as Saco's marina standards we cannot move forward. After that it goes to the state and there is a reviser of statutes. An edict or letter from the state will follow.

ROGER STEVENSON, PUBLIC WORKS stated approximately 6-7 years ago there was a Banana Boat that had giant anchors in the bay by the pier. During a storm this was swept onshore, and there was a problem with clearing this away.

GARY CURTIS stated the concern was for legal opinion from the Town Attorney which they obtained.

PIERRE BOUTHILLER, 4 PATRIOT WAY stated jurisdiction means responsibility in his eyes. He feels the bay does not provide adequate protection, and the pier would be vulnerable as well.

BUD HARMON reiterated the Chamber is not totally against marinas, but there should be discussion after the boundary is changed.

WINTHROP WINCH agreed with the need to get the boundary changed, but this needs to be as strict as Saco's. If we completely banned marinas then in his mind there is no marina standards so would that not be considered standards and then we did not do what LD1119 stated? If so we would lose the jurisdiction.

CHAIR MACDONALD asked if the state owns the bay what is it that we have? If I want a marina do I need to go to the state?

MR. LAMB stated yes. All would need submerged land permit from the state. The only issue would be from abutters. The uses are the big differences as far as prohibited uses. Both versions will meet the requirements.

CHAIR MACDONALD asked if it is staff's recommendation to have the marinas as a permitted use.

MR. LAMB stated it is the Planning Board's recommendation, but he supports it as well.

MR. HARMON expressed that he cannot understand why they cannot make marinas a prohibited use.

COUNCILOR BOLDUC stated that the town has spent a lot of money in legal fees regarding this.

*Public Hearing Closed at 7:56 p.m.*

**PUBLIC HEARING NUMBER FOUR**

**AGENDA ITEM:** Shall We Amend the Code of Ordinances, Chapter 14 (Animals) and Chapter 42 (Parks and Recreation) concerning horses on the beach?

**BACKGROUND:** The Town currently has a very strict horse ordinance and no one legally takes advantage of it. Only about two individuals get horse permits (\$10 and \$40 a year.) Scarborough has a horse ordinance as well and they make a few thousand dollars. Scarborough approached us last year about doing a joint horse permit that would benefit both communities. The wearing of identification tags, a rule designed to discourage owners from leaving waste on the shore, is a strong reminder of regulations that need to be followed in connection with this ordinance. Acting Town Manager Reid introduced Kim McLaughlin, Town Clerk to explain the ordinance.

**KIM MCLAUGHLIN, TOWN CLERK OLD ORCHARD BEACH** explained horse permits during the off season. The Scarborough Town Clerk and Kim worked together to do this. This would not affect swimmers. She stated that this would help to identify

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individuals who do not have a permit to ride or who are not using a containment device or picking up waste from the horse.

**CHAIR MACDONALD** asked about the ability to revoke the license.

**MS. MCLAUGHLIN** explained that if you failed to wear your permit number on you or to clean up after the horse you would be in violation of the license. She stated she would not revoke a license for one offense. It is in the provision in the event of a problem. This would also be in conjunction with the police department. She also stated that Scarborough Town Council has already passed this ordinance.

**KATHERINE SERLES, PORTLAND** stated she is concerned with tagging riders. She stated that Scarborough has passed the ordinance, but did so very quickly. There were only a few days before the meeting, and the council did not get to hear from any horse owners. She stated she feels they are being unfairly treated. She stated that the water will take the waste away. There are some horse owners who do not pick up the waste, but only a few. She also stated there is no containment product out there for a single horse.

**WILL WATSON, ANIMAL CONTROL OFFICER** stated he has never met anyone in OOB who has had a permit. He has been required to kick everyone off the beach to either leave or come get a permit. There is a product for a single rider/horse can use. It is an easier permit. He also stated the name on the permit cannot be seen far away. It is only about an inch high, and can only be seen up close if an officer is checking identification.

**CHAIR MACDONALD** asked if they have to wear the device and would the new ordinance remove that.

**OFFICER WATSON** stated the new ordinance is less restrictive. The current permit is for 5 days in conjunction, therefore, if you get a permit, ride one day, and then wish to ride again a week later, you would need a new permit. With the new ordinance it is a season-long permit.

**COUNCILOR BOLDUC** asked what licenses do we currently have the right to revoke?

**OFFICER WATSON** stated that the dog license is not a revocable license, as it is to validate a dog is spayed/neutered and has had rabies vaccination. The fishing/hunting licenses are through the State, therefore, we do not have the authority to revoke them.

**COUNCILOR BOLDUC** asked if this is the only license the town clerk can revoke.

**MS. MCLAUGHLIN** stated it was.

**VICE CHAIR DAYTON** inquired if a violation occurred in OOB, could that person then get a license through Scarborough?

**MS. MCLAUGHLIN** stated no. There is communication between the two clerks.

**VICE CHAIR DAYTON** inquired if the Town Council in Scarborough was comfortable with this arrangement.

**MS. MCLAUGHLIN** answered that originally Scarborough was going to set it up and not have a containment device, and then several residents were concerned about horse waste on the beach. They felt this set a balance.

**VICE CHAIR DAYTON** wished to make sure that both towns are agreeable to the possibility of the other town not allowing someone to have a permit.

**COUNCILOR BOLDUC** asked if both town clerks are comfortable with the authority.

**MS. MCLAUGHLIN** stated yes they were, and that Scarborough had only revoked one license. Obviously we would need to go to the police department in that event.

**VICE CHAIR DAYTON** inquired who the person who lost the license would appeal to.

**MS. MCLAUGHLIN** stated to the town council in which they live in.

**KATHERINE SERLES, PORTLAND** stated she has never seen more than 20 horses on the beach at any given time. She reiterated that horse owners are going to try to have Scarborough change the ordinance. Her husband then stated that he trucks the horse to the beach and cleans up after the horse. He feels wearing the number is over the line. Many



times they stay away from the water line.

**JOHN BYRD, OCEAN PARK** stated he thinks this is nice. He feels it is a great example of cooperation between Scarborough and OOB, and that the clerks should be commended.

*Public Hearing Closed 8:17 p.m.*

**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 6, 2009, at 7:00 p.m. to consider the following:

**AMENDMENTS TO CHAPTER 14 (ANIMALS)  
AND CHAPTER 42 (PARKS AND RECREATION)  
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 the Code of Ordinances of the Town of Old Orchard Beach is amended as follows:

**Section 14-6, Heading, is amended by changing the word “Dogs” to “Animals.”**

**Section 14-6 is amended by adding the following new subsection (d):**

**(d) The owner, operator or driver of horses or horse-drawn carriages operating in the town shall be required to attach a containment device to the rear of each and every horse so operated, to be maintained and emptied so that manure is completely contained therein, cannot and does not fall to any gutter, street, driveway, alley, curb or sidewalk in the town, is not exposed and is carried away for proper disposal. This section does not apply to a horse on the beach, or in transit over Walnut Street between the Milliken Street Parking Lot and the beach, if the rider or owner possesses a horse/beach license pursuant to Section 42-202 of the Code.**

**Section 42-202 is repealed and replaced with the following:**

**(a) Authority. This Section 42-202 is enacted pursuant to the authority of 30-A M.R.S.A. § 3001 and also implements 17 M.R.S.A. § 3853-A. The Town Clerk shall have the powers and exercise the duties of the municipal officers under 17 M.R.S.A. § 3853-A.**

**(b) Purpose. Under 17 M.R.S.A. § 3853-A, bringing horses onto the beach is a privilege, not a right. The purpose of this Section 42-202 is to allow horses to be present on Old Orchard Beach in the Town of Old Orchard Beach and Pine Point Beach in the Town of Scarborough during appropriate times of year, and subject to appropriate regulation and control. This Section 42-202 recognizes that Pine Point Beach and Old Orchard Beach form a continuous strand of sand beach and establishes a system of reciprocal licensing for horses on that strand**

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of beach.

(c) **Definitions.** As used in this Section 42-202, the following terms have the following meanings:

1. **“Beach”** means Pine Point Beach and/or Old Orchard Beach.
2. **“Old Orchard Beach”** means the sand beach bordering the Atlantic Ocean from the Old Orchard Beach/Scarborough town line to the Saco city line.
3. **“Owner”** means any person or persons, firm, association, partnership or corporation owning, keeping or having custody, possession or control of a horse.
4. **“Pine Point Beach”** means the sand beach bordering the Atlantic Ocean from the mouth of the Scarborough River to the Old Orchard Beach town line.
5. **“Rider”** means any person who rides, leads or drives a horse.
6. **“Town of Old Orchard Beach”** means the municipality so named.

(d) **Permit Required.** No rider shall bring a horse onto the beach without having a permit and displaying on the rider a permit number tag issued by the Town Clerk of either the Town of Old Orchard Beach or the Town of Scarborough. Every rider must have an individual permit and permit number tag.

(e) **Procedure for Obtaining a Permit.** A rider seeking a permit to bring a horse onto the beach must apply in writing to the Town Clerk of the Town of Old Orchard Beach or the Town Clerk of the Town of Scarborough, using forms supplied by such clerk. The application must be accompanied by identification issued by a government agency and by the application fee required by the Schedule of License, Permit and Application Fees in the municipality where the application is made. If the applicant is a minor, the application must be signed by a parent or guardian, who must supply the required identification (the minor need not supply identification). Along with the permit, the Town Clerk shall also issue a permit number tag, designed to be worn by the rider and visible at a distance, which shall contain the permit number in numerals at least two and half (2 ½) inches high, the name of the permit holder and the name of the issuing municipality, and may contain such other information concerning the permit as the Clerk deems appropriate. A permit issued by either municipality shall be valid in both municipalities. Permits are valid only between October 15<sup>th</sup> and May 1<sup>st</sup>. All permits, whenever issued, expire on May 1<sup>st</sup>. The Town Clerk who issues the permit may suspend or revoke the permit if the rider violates any provision of this Section 42-202 and may decline to issue a subsequent permit to a rider who has violated any provision of this Section 42-202.

(f) **Regulation of Horses on the Beach.** Horses are allowed on the beach only from October 15<sup>th</sup> through May 1<sup>st</sup>.

(1) Except for gaining access to and egress from the beach, horses are allowed only in the intertidal zone (between the mean high tide line and the mean low water line).

(2) Parking of horse trailers is limited to the Milliken Street Municipal Parking Lot in the Town of Old Orchard Beach and Hurd Park in the Town of Scarborough.

(3) Any rider or owner who allows a horse to be present on the beach must remove and dispose of animal waste in the same manner as is required for

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dog feces under Section 14-7 of this Code.

(g) **Violation/Penalties.** Any person who violates this Section 42-202 within the Town of Old Orchard Beach shall be subject to civil penalties for each violation as follows:

**First violation:** not less than \$50.00 and not more than \$100.00, plus costs.

**Second violation:** not less than \$100.00 and not more than \$250.00, plus costs.

**Third and subsequent violations:** not less than \$250.00 and not more than \$500.00, plus costs.

A person issued a civil violation citation for violating this Section 42-202 may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Old Orchard Beach Town Clerk in the amount specified in the citation prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Town shall cause the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.

If a horse is present on the beach in violation of this Section 42-202 and the rider is not the owner, the owner shall be jointly and severally liable with the rider for civil penalties.

(h) **Enforcement.** This Section 42-202 may be enforced by any officer of the Police Department of the Town of Old Orchard Beach.

(i) **Severability Clause.** If any part of this Section 42-202 shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Section 42-202.

Per Order of the Municipal Officers this 15<sup>th</sup> day of September, 2009.

A True Copy

Attest:

s/Kim M. McLaughlin

Kim M. McLaughlin, Town Clerk

**BUSINESS LICENSES:**

**Royal River Development** (210-2-6-48), 18 Smithwheel Road, Unit #48, one year round rental; **Laura Aube** (308-3-7), 72 Central Park Avenue, one year round rental; **Michelle Bouthot dba/Shelly's Sandwich Shop** (311-2-10), 113 Saco Avenue, Outside Display, for Outside Grill and Food Preparation; **Jacqueline & Wendell Drown** (311-14-6), 20 Zion Avenue, one seasonal rental; **Jacqueline & Wendell Drown** (311-14-7), 10 Zion Avenue, one year round rental; and **David Donovan** (315-8-5), 15 Seaview Avenue, one year round rental.

**MOTION:** COUNCILOR BOLDUC motioned and COUNCILOR O'NEILL seconded to approve the Business Licenses as read.

**Business  
Licenses**

**Motion**

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<p><b><u>VOTE:</u> Unanimous</b></p>	<p style="text-align: center;">Vote</p>
<p><b><u>ACTING TOWN MANAGER’S REPORT:</u></b>        I would like to add my thanks to the OOB365 Committee for the outstanding weekend we had despite the rain. The enthusiastic support of so many members of the Committee and the support of those who came out in spite of the weather, added to a successful community event. My personal thanks to Linda Mailhot, Chair Sharri MacDonald, Councilor Michael Tousignant, the entire working Committee, members and staff of Old Orchard Beach who came together to make this a fabulous second OOB365 event. Now on to Woofstock. I received a letter from Mary Jane McBrady, a resident of our community, thanking Roger and Mark, the “beach cleaners” for a super job this summer and wanted the Council to know how much she appreciated them. Ms. Reid also wanted to mention there was a Workshop scheduled for after the meeting tonight, but this was cancelled due to MaryAnn Conroy, Director of Public Works being ill.</p>	<p style="text-align: center;"><b><u>Acting Town        Manager’s        Report</u></b></p>
<p><b><u>TABLED ITEM # 5311</u></b> Discussion with Action: Approve the Curbside Recycling/Waste Contract with BBI, Inc., in the amount of \$325,000; with \$213,000 from FY10 Account Number 20163 – 50341 - Solid Waste, with a balance of \$213,000; and \$31,000 from Undesignated Fund Balance with a balance of \$5,297,570; and the balance of \$81,000 from FY11 – Solid Waste Budget; this Contract being for seven years. (Account Number to be determined.) <i>Council requested that Agenda Item be written as:</i>        Discussion with Action: Approve the Curbside Recycling/Waste Contract with BBI, Inc., for a period of seven years; and Approve the payment in the amount of \$213,000 from FY10 Account Number 20163 – 50341 - Solid Waste, with a balance of \$213,000; and \$31,000 from Undesignated Fund Balance with a balance of \$5,297,570;</p> <p><b><u>BACKGROUND:</u></b> At a recent workshop a preliminary review of the bids on the Solid Waste and Recycling Materials Collection and Disposal Services. It was noted that in the Request for the Proposal, only two bids were received; one from Waste Management and the other from Blow Brothers. The contract is a seven year contract.</p> <p><b><u>BBI Contract</u></b>        Low bidder at \$325,000 per year        \$92,000 below other bidder – MWM        Review Committee – Mary Ann Conroy, Jetta Antonakos, John Weaver</p> <p>The need to better track the recycling and also waste delivery to MERC was discussed and it was felt that the proposal by BBI would enhance the ability of the Recycling Committee to get more accurate records of the cost of waste removal and the rewards from recycling. Also discussed was the improper disposal of leftover household products that contain corrosive, toxic, ignitable or reactive ingredients which can pollute the environment and pose a threat to human health. Industrial non-hazardous waste that can be recycled and reused are key to a successful resource conservation program. Some time was spent on the need for education of the community and the need to generate ideas for students and teachers including things such as solid waste and recycling science fairs as well as for all citizens providing basic facts about garbage and ideas to help reduce the amount of waste that is created every day. The Recycling Committee is very involved in the educational process include developing creative ways to not only reduce and recycle but also to manage municipal waste. This can be done through source reduction, recycling including composting, and disposal. The most environmentally sound management of MSW is achieved when these approaches are implemented according to the EPA’s preferred order</p>	<p style="text-align: center;"><b><u>ITEM #5311</u></b></p>

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<p>such as source reduction first, recycling and composting second and disposal in landfills or waste combustors last. Source reduction is the altering of the design, manufacture or use of products and materials to reduce the amount and toxicity of what gets thrown away; recycling is sorting, collecting, and processing materials to manufacture and sell them as new products; and composting is the decomposition of organic waste such as food scraps and yard trimmings, with microorganisms (mainly bacteria and fungi) to produce compost. Compost is organic, material that can be used as a soil amendment or as a medium to grow plants.</p> <p><b><u>MOTION:</u></b> VICE CHAIR DAYTON motioned and COUNCILOR BOLDUC seconded to Approve the Curbside Recycling/Waste Contract with BBI, Inc., for a period of seven years; and Approve the payment in the amount of \$213,000 from FY10 Account Number 20163 – 50341 – Solid Waste, with a balance of \$213,000; and \$31,000 from Undesignated Fund Balance with a balance of \$5,297,570;</p> <p><b><u>VOTE:</u></b> Unanimous</p> <p>CHAIR MACDONALD commented that weekly recycling had gone into affect 10/04/09.</p>	<p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote</p>
<p><b><u>ITEM # 5318:</u></b> Discussion: Update of Search for Town Manager.  <b>CHAIR MACDONALD:</b> The response of approximately sixty applicants to the position of Town Manager now includes the opportunity to review them and to invite some to interview with the Council for the position of Town Manager of Old Orchard Beach. Appreciative of all the applicants, many with excellent qualifications, we now take the responsibility of carefully determining the right individual to lead our community. There was an executive session scheduled for Wed. 10/07/09 which needed to be postponed to 10/12/09. There were 9 applicants from the town of Old Orchard Beach and 21 from Maine.  <b>COUNCILOR BOLDUC</b> stated there were a total of 14 states represented in the applications.  <b>VICE CHAIR DAYTON</b> commented that the process was done without going through MMA which saved the town approximately \$4500.00 dollars.</p>	<p style="text-align: center;"><b><u>ITEM # 5318</u></b></p>
<p><b><u>ITEM # 5319</u></b> Discussion with Action: Amend the Code of Ordinances, Section 54-187, Restrictions and Prohibitions, Jameson Hill Road.</p> <p><b><u>BACKGROUND:</u></b> The signs for parking indicate no parking on the right side of the street which is next to the School. So parking has been on the left side which means children have to walk across the street to get to the school when they are dropped off. This will permit the driver to pull up on the right side and drop off the children directly next to the school. Jameson Hill Road. Vehicles shall be allowed to enter Jameson Hill Road from the right-hand side of Saco Avenue facing Half Way in a one-way-only direction and proceed in a southwesterly direction, which shall be posted by appropriate signs. Vehicles shall be allowed to be parked on the southeasterly <u>northwesterly</u> side (<del>left</del> <u>right</u> side of the road facing Half-Way) of Jameson Hill Road for a distance of 1,200 feet. Vehicles entering Jameson Hill Road from the opposite direction may proceed in a northeasterly direction only for a distance of 500 feet, where Jameson Hill Road then ceases to be a two-way street.</p> <p><b><u>MOTION:</u></b> COUNCILOR O'NEILL motioned and COUNCILOR TOUSIGNANT seconded to Amend the Code of Ordinances, Section 54-187, Restrictions and Prohibitions, Jameson Hill Road, for safer parking for our schools.</p> <p><b><u>VOTE:</u></b> Yea: Councilor O'Neill, Vice Chair Dayton, Councilor Tousignant</p>	<p style="text-align: center;"><b><u>ITEM #5319</u></b></p> <p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote</p>

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<b>Nea: Councilor Bolduc, Chair MacDonald.</b>	
<b>Motion passes 3-2</b>	
<b><u>ITEM # 5320: Discussion with Action: Approval of AFSCME Council 93, Local 481-06, Old Orchard Beach <u>Public Works Department</u> Union Contract, effective July 1, 2009 through June 30, 2011.</u></b>	<b><u>ITEM #5320</u></b>
<b>ACTING TOWN MANAGER: The Public Works Contract – American Federation of State, County and Municipal Employees, Council 93, Local 481 – AFL-CIO, July 1, 2009 to June 30, 2011, is on the agenda this evening at the request of the Shop Steward, Louis Ladakakos. The Town Council has been working diligently considering the economic difficulties facing most municipalities. With the resignation of the former Town Manager, Steve Gunty, who represented the Town in the negotiation process, and the appointment of Acting Town Manager, V. Louise Reid, there has been a delay in moving forward on some issues facing the municipality. At the request of the Shop Steward, the Council will take a vote on the Contract that was presented to them.</b>	
<b><u>MOTION: COUNCILOR O’NEILL</u> motioned and COUNCILOR BOLDUC seconded to accept AFSCME Council 93, Local 481-06, Old Orchard Beach <u>Public Works Department</u> Union Contract, effective July 1, 2009 through June 30, 2011.</b>	<b>Motion</b>
<b><u>VOTE:</u> Yea: Councilor O’Neill. Nea: Councilor Bolduc, Councilor Tousignant, Vice Chair Dayton, Chairman MacDonald.</b>	<b>Vote</b>
<b>Motion failed 4-1</b>	
<b>COUNCILOR O’NEILL expressed that he had a problem with the contract being 4 months outstanding. He urged the council to focus on the contract. COUNCILOR BOLDUC stated the council had no involvement with the contract until after former Town Manager Gunty left.</b>	
<b><u>ITEM # 5321:Discussion with Action: Move Linda Jenkins from an Alternate to a Regular member of the Conservation Commission, term to expire 12/31/11. Appoint Pierre Bouthiller as an alternate member of the Conservation Commission, term to expire 12/31/10.</u></b>	<b><u>ITEM #5321</u></b>
<b><u>MOTION: COUNCILOR O’NEILL</u> motioned and COUNCILOR BOLDUC seconded split item and to move Linda Jenkins from an Alternate to a regular member of the Conservation Commission, term to expire 12/31/11.</b>	<b>Motion</b>
<b><u>VOTE: Unanimous</u></b>	<b>Vote</b>
<b><u>MOTION: COUNCILOR O’NEILL</u> motioned to have this item removed without prejudice due to upcoming executive session. CHAIR MACDONALD called for a second. CHAIR MACDONALD called for a second again. CHAIR MACDONALD called for a second for the third time. Motion failed.</b>	<b>Motion</b>
<b><u>MOTION: COUNCILOR BOLDUC</u> motioned and VICE CHAIR DAYTON seconded to appoint Pierre Bouthiller as an alternate member of the Conservation Commission, term to</b>	<b>Motion</b>



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<p><b>October 10, 2009 from 4:00 p.m. to 10:00 p.m.</b></p> <p><b><u>MOTION:</u> COUNCILOR O’NEILL motioned and COUNCILOR TOUSIGNANT to Approve the Special Event Permit Application for the Grand Victorian, One East Grand Avenue, for a recreational event for owners and tenants at their facility and a bonfire on the beach to be held on Saturday, October 10, 2009 from 4:00 p.m. to 10:00 p.m.</b></p> <p><b><u>VOTE:</u> Unanimous</b></p>	<p style="text-align: center;"><b>Motion</b></p> <p style="text-align: center;"><b>Vote</b></p>
<p><b><u>GOOD &amp; WELFARE:</u></b>  <b>BUD HARMON, CHAMBER OF COMMERCE</b> wanted to invite everyone to Candidates Night on Wednesday, October 14<sup>th</sup> at 7:00 p.m. right here in Council Chambers. There will be 3 members of the local press in attendance and will ask questions, as well as any questions citizens may wish to ask. Residents can submit questions to the Chamber of Commerce.  <b>COUNCILOR BOLDUC</b> stated that she got an email concerning whether or not the Chamber was going to have an auction this year.  <b>MR. HARMON</b> answered that the Chamber did not have the auction last year because things were tight economically. This year, the Chamber is having a “Wicked Good Auction” and “Wicked Good Supper”. Tim Sample will be there entertaining. This is on October 23<sup>rd</sup>, at the Holiday Inn Express in Saco. Social Hour will begin at 5:00 p.m. to 6:00 p.m., followed by dinner until 7:00 p.m. At that time, Tim Sample will entertain and the auction will follow.   <b>COUNCILOR O’NEILL</b> stated with a heavy heart he wanted to wish his condolences to the family of Evelyn Coffey. She was a member of the community all her life and had strong ties within the community, including being the sister of our prior Town Clerk, Maureen O’Leary.  <b>COUNCILOR O’NEILL</b> also wanted to comment about the figures he discussed at the last meeting, and explain the figures to council. He wanted them to know that these figures were not off the cuff and had bearing.  <b>CHAIR MACDONALD</b> expressed her appreciation as chair of the Town Council to the many volunteers that have worked so diligently this past year.  <b>COUNILOR O’NEILL</b> requested an executive session be scheduled with regards to after him leaving an executive session, coming back to the Town Hall and walking in on the other four councilors talking without him present. He also was concerned regarding directives which were given to staff that were different from what was discussed during the executive session.  <b>CHAIR MACDONALD</b> asked for input on executive session date.  <b>TOWN MANAGER REID</b> stated this could be done on Monday.  <b>CHAIR MACDONALD</b> stated she did not think they could do that as the meeting will be quit long to cover the Town Manager applications.  <b>COUNCILOR BOLDUC</b> stated she had already reviewed all the applications, and feels that if everyone could look over them and bring to the meeting their top 10-12 choices they could bring those forward.  <b>CHAIR MACDONALD</b> stated they will combine the executive sessions and discuss the personnel matters, as well as review town manager applications.  <b>VICE CHAIR DAYTON</b> asked if this should be 2 different executive sessions and do they need to formally request an executive session for personnel matters. She also questioned how this can be advertised.  <b>TOWN MANAGER REID</b> stated this can be advertised like this.</p>	<p style="text-align: center;"><b><u>Good</u></b>  <b><u>And</u></b>  <b><u>Welfare</u></b></p>



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<b>CHAIR MACDONALD</b> stated she feels she is trying to be accommodating to everyone.	
<p><b><u>ADJOURNMENT</u></b></p> <p><b><u>MOTION:</u></b> COUNCILOR O'NEILL motioned and VICE CHAIR DAYTON seconded to adjourn at 8:45 p.m.</p> <p><b><u>VOTE:</u></b> Unanimous.</p>	<p style="text-align: center;"><b><u>Adjournment</u></b></p> <p style="text-align: center;"><b>Motion</b></p> <p style="text-align: center;"><b>Vote</b></p>
<b>Meeting adjourned 8:45 pm</b>	<b>Adjournment</b>

*I, Victoria Geaumont, Secretary to the Town Council of the Town of Old Orchard Beach, Maine do hereby certify that the foregoing document consisting of seventeen(17) pages is a true copy of the original minutes of the Town Council Meeting on October 6, 2009*