

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL WORKSHOP
TUESDAY, SEPTEMBER 22, 2009
TOWN HALL CHAMBERS**

A Town Council Workshop of the Old Orchard Beach Town Council was held on Tuesday, September 22, 2009 in the Town Hall Chamber. The Chair opened the Workshop at 7:05 p.m.

The following were in attendance:

Present: Chair Sharri MacDonald
Vice Chair Robin Dayton
Councilor Mike Tousignant
Councilor Laura Bolduc
Councilor Shawn O'Neill
Acting Town Manager V. Louise Reid
Andrea Berlin, Chair of the Conservation
Commission
Linda Jenkins, Chair of the Ballpark Committee

The following was discussed at the Workshop:

Introduction to new Conservation Commission Members:

Randy Sears
Pierre Bouthiller

It was announced that Jayne Flaherty resigned on April 7, 2009; Linda Newell on July 21, 2009; and Steve Bergeron on September 1, 2009. Appreciation was expressed for their service on the Conservation Commission.

State and Old Orchard Beach Charter – This was presented to each of those in attendance.

Title 30-A, Section 3261. Conservation commissions

Unless otherwise provided under their home rule authority, municipalities may establish conservation commissions as provided in this section. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Appointment of commissioners. The municipal officers may appoint at least 3, but not more than 7, conservation commissioners. Members shall initially be appointed for terms of one, 2 and 3 years, such that the terms of approximately 1/3 of the members will expire each year. Their successors shall be appointed for terms of 3 years each. Members shall serve until the appointment of their successors.

The commission may recommend to the municipal officers that associate members be appointed to assist the commission as the commission requires. Associate members are nonvoting members. Their terms of office shall be for one, 2 or 3 years.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Duties of commission. The commission shall:

A. Keep records of its meetings and activities and make an annual report to the municipality; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Conduct research, in conjunction with the planning board, if any, into the local land areas; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Seek to coordinate the activities of conservation bodies organized for similar purposes; and [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Keep an index of all open areas within the municipality, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The commission may recommend to the municipal officers or any municipal body or board, or any body politic or public agency of the State, a program for the better protection, development or use of those areas, which may include the acquisition of conservation easements.

(1) Any body politic or public agency of the State conducting planning operations with respect to open areas within a municipality having a conservation commission shall notify that conservation commission of all plans and planning operations at least 30 days before implementing any action under that plan. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3. Powers of commission. The commission may:

A. Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Have the care and superintendence of the public parks and, subject to the approval of the municipal officers, direct the expenditure of all money appropriated for the improvement of those parks; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Acquire land in the municipality's name for any of the purposes set forth in this section with the approval of the municipal legislative body; and [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Receive gifts in the municipality's name for any of the commission's purposes and shall administer the gift for those purposes subject to the terms of the gift. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

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4. Park commission under previous law. This section does not require a municipality which has previously created a park commission under prior law to establish a conservation commission. Any such park commission previously created may continue to operate as originally established.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD).

**OLD ORCHARD BEACH TOWN CHARTER
AS OF 09/22/2009**

Sec. 903. Conservation Commission.

There shall be a Conservation Commission composed of five (5) members, and two (2) Alternates who shall be appointed by the Council. Members of the Conservation Commission shall serve staggered three (3) year terms under 30-A M.R.S.A. § 3261 and shall serve until a successor has been appointed and qualified. The Conservation Commission shall be responsible for the care and superintendence of the public parks and shall have such powers and perform such duties as are provided by the laws of the State of Maine and the ordinances duly adopted by the Council, including the powers and duties of tree wardens. The Conservation Commission shall have the power to form subcommittees and/or advisory board.

***Memorial Park* End of Summer Report**

Andrea Berlin reported the park is the best it has ever looked. A lot of funds were saved by utilizing volunteer labor. One DPW summer employee has done a very good job and in a good position to work in the park next year which will be a big help. We are ending the season with about 30,000 dollars which hopefully will be enough to start up the park next spring

**Donations from Rotary: Drinking Fountain
Kiosk**

Andrea reported that the Rotary Club has approved a donation for a drinking fountain in the park near the rest rooms and that the Memorial Park Subcommittee has won a donation grant for a public kiosk to be placed near the parking lot. This will be for public notices and events but not for general advertising. Council will see this on their next Council agenda.

Security Camera

Andrea made mention of the need for more security in the Park. More vandalism has occurred this week.

Pe'tanque Courts

This is game that is of interest to some members of the community. Once enough funds are raised, we hope to place the courts to the side of the gazebo.

Environmental

Natural Resource Open Space Inventory

John Bird reported that the Environmental Subcommittee is in the process of conducting an open space inventory for the purpose of inclusion in the updating of the Comprehensive plan.

Dune Grass

The health of the Dune Grass is of primary concern to the Conservation Commission. The newest member, Randy Sears has two masters in Marine Biology and Ocean Sciences. He is very interested in seeing that the Dunes are protected. The Environmental subcommittee is looking forward to working on the boardwalk project.

Blueberry Plain

John reported that there was a problem in the blue berry fields. Members of the CC met with DEP on the issue. John reported that the plains are in good shape. The public seems to be self policing and staying of the trails with motor bikes etc. However, no cars should go there. The CC wants the boulders placed at the front of the plains as they once were.

DPW said she was doing this. Pesticides MSDS Sheets Reviewed

Landfill Concerns

Alternative Energy

Jean LeClerc provided a very exciting presentation on the proposed wind study program for Old Orchard Beach. He explained that a grant was available through Efficiency Maine to put an anemometer tower up for 1 year to capture wind speed data. The hope is to place the wind tower next to the school so that the students can use this as a learning tool. He anticipates a small cost (approx. 100 dollars) to cover the liability insurance of the tower. After hearing the presentation the Council was in full support of moving forward with this project.

**Wind Mill Anemometer Program
Tower Location
RSU Involvement**

50 Acre Wood

Linda Jenkins provided a brief report on the up and coming planning process to finish the work started by Alan Holt almost 3 years ago. A draft planning meeting schedule was presented. She intends to hold planning meetings once a month for the next 6 months on Saturdays. The Council was in full support of this effort and directed Linda to work with the Planing Dept. to ensure its success.

Site Walks are Scheduled:

Thursday, September 24 6:00 p.m.

Saturday, September 26 9:00 a.m.

Discuss dates and location for Proposed Charrettes

Ballpark Group

Update on progress since Notice to Proceed was given

Field

Skyboxes

Concession Building

Club House

Financial Report

Outstanding Issues

Security

Spring/Summer 2010 Plans

In the discussion phase many of those attending participated in the areas of interest noted above. Impressive work has been done in the Ballpark which was highlighted in the information provided by the Ballpark Working Group. It had completed its initial mission which was delineated in the April 14 Improvement plan and the formation is being done of a structured administrative group which would alleviate cited concerns over the ability to conduct more aggressive fundraising, oversight of decisions affecting the Ballpark Rehabilitation and its future plans and the need for a more diverse representation of interest. Those who participated were acknowledged for their work in moving these objectives forward. Mention of the previous studies done on the ballpark and the desire to reestablish interest in the formation of a group to look to continue use of this vital piece of property. In the previous study that was done there was a good effort put forward and the onward progress of a new committee is vital to moving forward.

Impressive talk also included whether wind power is appropriate and feasible for the Town. The desire is there to move forward on this study as well and the formation of a Wind Power Master Plan. This would permit the identification of areas within the Town that are most appropriate for wind power developed based on community impacts (sound, visual, shadows, etc.). There are costs relative to this study and that is something to be considered in the future. The suggested collaboration with the schools brought great acknowledgement.

Tom LeChance wowed the Committee with an update on what has been done not only on funding but on interests that have been made known for uses within the Ballpark. He reported on the fund balance of \$22,661.79 including the payment of materials to Deering Lumber, ABC Supply (Roofing), Lowes, Winding Brook Turf, Irrigation Doctor, Ray's Trucking, Pierre Bouthiller, Lakeview Lumber, Michelles Carpetry, B&S Security and Pro-Turf. Donations he reported on were in the amount of \$16,114 and many still contribute to the ongoing work that is being done. He spoke of the need for equipment with a projected maintenance budget of \$39,350.54.

Enormous support was expressed by Lucien Huot who sang the praises for the work that was being done by volunteers at the Ballpark. He expressed his appreciation and his great enthusiasm for the continued growth of development in the Ballpark. The Chair expressed appreciation for all those who had come out and for those who made presentation and for making this a productive workshop.

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Respectfully Submitted,

Victoria Geaumont
Town Council Secretary

I, Victoria Geaumont, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of four (4) pages is a true copy of the original Minutes of the Town Council Workshop of September 22, 2009.
Victoria Geaumont