

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, December 4, 2018
TOWN HALL CHAMBERS
6:30 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, December 4, 2018. Chair Thornton opened the meeting at 6:32 p.m.

The following were in attendance:

**Chair Joseph Thornton
Vice Chair Shawn O'Neill
Councilor Kenneth Blow
Councilor Jay Kelley
Councilor Michael Tousignant
Town Manager Larry Mead
Assistant Town Manager V. Louise Reid**

Absent:

ACKNOWLEDGEMENTS:

ASSISTANT TOWN MANAGER: The song says – “This is the season to be jolly.” Lots of great events taking part in the town.

CHRISTMAS AT OCEANWOOD

Scheduled for Saturday, December 1st from 1:00 to 4:00 in Ocean Park. Come join them for cookies, music, purchase items from local artisans and vendors too. Meet the Oceanwood Herd from 2:00 to 3:00 and see “Elsa” the goat. Pony rides from 1:00 to 2:00 with a suggested donation; free admission and free parking. See you there at the Oceanwood Camp and Conference Center, 17 Royal Street in Ocean Park.

CHAMBER OF COMMERCE – CELEBRATION BY THE SEA

Scheduled for Saturday December 8th from 2:30 to 4:30 at the Chamber of Commerce and the tree lighting at the Square with a visit from Santa Claus. Christmas Music, Dancing, Arts and Crafts, Face Painting, Free Popcorn, Hot Cocoa and Cookies.

CHRISTMAS AT THE BEACH – SPONSORED BY OOB365

Scheduled for Sunday, December 9th at the American Legion Hall on Imperial Street – 11:00 a.m. to 3:30 p.m. with pictures taken with Santa, kids can shop with elves where all items are 25 cents to \$1., take a ride on the OOB365 Express train. Paint your own Christmas ornament and enjoy hot cocoa and Christmas cookies.

LAST BLAST sponsored by OOB365 is scheduled for December 31st in the Town Square and the party starts at 5:00 p.m. Giant fireworks display at 7:30 p.m. Hugh beach bonfire, marshmallow toasting pits, hot cocoa, kettle corn, cotton candy and bring your Christmas tree to feed the fire. Great time and great way to welcome in the New Year.

A special thanks to Kathy Smith and Fran Beaulieu for the beautiful decorating of our Town Council Chamber. On behalf of the employees at Town Hall we ask the residents of our community to join us in collecting Socks for Seniors. There is a box in front of the Tax Department for contribution of socks for women and men. In addition in front of the Town Clerk's office you have the opportunity to donate by taking a tag for a child's gift for the Salvation Army to present to some child to fulfil their wish. Also let's not forget our animals. Contributions can also be made for our animal friends at the Clerk's Office. Thank you for your kindness for this is the season to remember how fortunate we are in the blessings of life.

Let's remember the reason for the season and to all a blessed Christmas and a Happy Hanukah.

The Assistant Town Manager also spoke of the visit of President and Mrs. Bush to the Pavilion for its opening in 1998. She relayed the incident where a young man holding a little baby facing outward and the baby had on its shirt – I love Barbara and George – and she asked if he could get a picture of the Bush's with them and she explained that Secret Service had suggested this not happen but she went to Mrs. Bush and Mrs. Bush grabbed the Presidents hand and said, "George, over here." They came over and a picture was taken of the gentleman with the Bush's. A few weeks later the Assistant Town Manager was a Joseph's by the Sea having breakfast when the waitress came up and asked if she was the Director of the Pavilion to which she responded "Yes." The waitress said she wanted to thank her and the reason was that it was her daughter whose picture was taken of the Bush's. The Assistant Town Manager said the Bush's had a sense of caring that was evident and reminded her of "Let the little children come unto me for of such is the Kingdom of Heaven."

ACCEPTANCE OF MINUTES:

Special Town Council Minutes of November 19, 2018; Town Council Inauguration Minutes of November 19, 2018; Town Council Minutes of November 20, 2018; and Town Council Workshop of November 27, 2018.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Accept the Minutes as read.

VOTE: Unanimous.

GOOD AND WELFARE

PUBLIC HEARING:

Veterans Parking

Amend the Town of Old Orchard Beach Code of Ordinances, Section 54-114, Milliken Street Parking Lot; Section 54-115, Memorial Park Parking Lot; and Section 54-142, Parking at expired meters and overtime parking, by authorizing Veterans and Gold Star Family members of Veterans to park free on legal Federal Holidays.

BACKGROUND:

The proposed ordinance changes will provide free municipal parking on Memorial Day, July 4th, and Labor Day to veterans of the US Armed Forces whose motor vehicles display a registration license plate signifying that the owner of the vehicle is a veteran. This provision for free parking will also apply to vehicles that display Gold Star family license plates. This program will apply to all municipal metered and pay display parking, both on Street and in municipal parking lots.

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 December 4th, 2018 at 6:30 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the Code of Ordinances, Chapter 54, Traffic and Vehicles, amending Section 54-114, Milliken Street parking lot; amend 54-115, Memorial Park parking lot; and 54-142, Parking at expired Meters and overtime parking, by adopting the underscored language as follows:

Sec. 54-114. – Milliken Street parking lot.

(f) The provisions of subsection (a) in this section shall not apply on legal federal holidays to any motor vehicle that has a valid license plate signifying that the vehicle is registered to a veteran of the United States Armed Forces or registered to a Gold Star family member of a veteran.

Sec. 54-115. – Memorial Park parking lot.

(l) The provisions of subsection (a) in this section shall not apply on legal federal holidays to any motor vehicle that has a valid license plate signifying that the vehicle is registered to a veteran of the United States Armed Forces or registered to a Gold Star family member of a veteran.

Sec. 54-142. – Parking at expired meters and overtime parking.

In the event of a violation of the provisions of subsections (c)(1)–(7) above, the fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered, and the fact that a vehicle is in a metered parking space when the time signal on the parking meter for such space indicates no parking permitted without the deposit of a coin or coins, or when the receipt from a multi-space meter has expired or no receipt is properly displayed, shall also be prima facie evidence that the vehicle has been parked in the parking space longer than the lawfully permitted period.

The provisions of subsection (a) and (c) (1)–(5) in this section shall not apply on legal federal holidays to any motor vehicle that has a valid license plate signifying that the vehicle is registered to a veteran of the United States Armed Forces or registered to a Gold Star family member of a veteran.

Per Order of the Municipal Officers this _____ day of _____, 2018.

A True Copy

Attest:

Kim M. McLaughlin, Town Clerk

PUBLIC HEARING:

Amend Parking West Grand Avenue

Set a Public Hearing of December 4, 2018 to Amend the Town of Old Orchard Beach Code of Ordinances, Section 54-187, Restrictions and Prohibitions, amending parking on West Grand Avenue removing the parking on the ocean side from Staples Street to Fourth Street from September 15th to May 1st each year.

BACKGROUND:

In 1996 the Town Council authorized parking on the ocean side of West Grand Avenue from Fourth Street to lower Staples Street. Parking is currently allowed there from Labor Day until April 1st. For several years, and because the season had expanded, that particular area has become increasingly congested, especially on weekends as well as during the week, particularly if it is good weather. The Motels adjacent to this location stay open longer and their parking lots, which run adjacent to West Grand Avenue, create a situation where their guest's vehicles are parked very close to the edge of the roadway as it is; and in some cases actually encroach out into the roadway. With vehicles parked on West Grand Avenue it creates a very narrow path for two lanes of traffic to safely navigate their way through. There have been several minor accidents over the years involving car mirrors being hit because it is so narrow. During the winter months there have been issues with congestion because of the snow banks. Typically this problem only exists on weekend nights or holidays when the Brunswick is open. On several occasions we were not able to allow participants of the Lobster Dip to park because of the snow. They typically were aware of this and made arrangements in nearby lots to park. The Chief has spoken with the Public Works Director who's preference for plowing purposes would be that vehicles not be allowed to part in that area. It is felt that the Brunswick is the only year-round business that would be affected by this proposed change and the Brunswick personnel are aware of the proposal.

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Shall the Town Council of the Town of Old Orchard Beach amend the Code of Ordinances, Chapter 54, Traffic and Vehicles, amending Section 54-187, Restrictions and Prohibitions, amending West Grand Avenue, by adopting the underscored language and deleting the strikethrough as follows:

West Grand Avenue. No vehicle shall be parked on either side of West Grand Avenue from Old Orchard Street to the Saco Line, except that parking shall be allowed on the ocean side of West Grand Avenue from Ocean Avenue to Pavia Avenue. Also, thirty-minute parking shall be allowed on the ocean side from Union Avenue to Ocean Avenue Loading and unloading only may be permitted within 50 feet of commercial establishments if not in conflict with other provisions of this chapter. Signs shall be erected and will define such areas at the designation of the chief of police. ~~Parking shall be allowed on the ocean side of West Grand Avenue from Staples Street to Fourth Street commencing on September 15 and ending on May 1 of each year.~~

GEORGE POURAVALIS: He spoke about the parking issues on West and East Grand Avenue. He encouraged consideration of businesses on those locations and ability to access the ones that remain open in the winter months. He acknowledged the need for safety and fire consideration as well.

RICHARD CARPENTER: He also encourage consideration of the business owners who are willing to stay open in the winter months and encouraged the Town to make it possible and economically possible to remain open in the winter months.

TOWN MANAGER'S REPORT

The Memorial Park Committee invited Old Orchard Beach Veterans of the US Armed Forces to attend a presentation about the new Veteran's Monument feature to be constructed in 2019 in Veterans Memorial Park. It is important to get input from our Veterans regarding the beautiful new feature to honor the service of Veterans. The meeting is being held at the Libby Library at 3:30 on December 5th and Coffee and Refreshments will be served.

The Town Manager serves on the Legislative Policy Committee (LPC) of the Maine Municipal Association representing Senate District 31. The LPC is charged with setting the legislative policy positions for MMA and advocating for municipal interests. This past week the LPC voted to approve a number of legislative priorities for the upcoming legislative session. Each of these proposals would reduce the property tax burden for Maine homeowners. They include the following:

Requiring that any unanticipated additional state aid for education received after the adoption of the annual operating budget be used for property tax relief by reducing the local property tax share of K-12 education cost.

Adopt a State constitutional amendment that requires the State to allocate municipal revenue sharing at the full 5% of total State sales and income taxes. For many years the State Legislature has failed to allocate the 5% required under existing State Law. In this current fiscal year revenue sharing was set at 2% which totaled \$367,000. If revenue sharing were fully funded the Town would have received an additional \$500,000.

Increasing the Homestead Exemption from \$20,000 to \$25,000 that would reduce a qualifying Old Orchard Beach homeowner's property tax bill by about \$100.

Give municipalities the option to adopt a 1% local option sales tax. In Old Orchard Beach a 1% local option tax on meals and lodging would generate over \$800,000 in annual revenue. This represents 50 cents on the tax rate, or \$100 on a \$200,000 home.

Reinstate the State's senior homeowner property tax deferral program that allows qualifying 65 and older homeowners to defer property tax payments which are then paid each year to the Town by the State. The State is compensated at a future date upon the sale of the home. This program was discontinued in 1991.

To be clear these are proposals that will be brought before the Maine Legislature in 2019 with the intent of reducing property taxes. They reflect the consensus among Maine's municipal leaders that we must reduce the over reliance on the property tax at the local level.

NEW BUSINESS:

- # 7285 Discussion with Action: Approve changes to the Personnel Policies and Procedures related to retirement from the Maine Public Employees Retirement System, and to pro-rate benefits for permanent, part-time employees.**

BACKGROUND:

Proposed changes to the Personnel Policy would affect two provisions retirement and sick leave for part time employees. Also attached to this email are three other documents:

1. The proposed changes to the retirement section of the personnel policy
2. The proposed changes to the sick leave section of the personnel policy

With regard to change number one the Maine State retirement system (MainePERS) recently issued new rules regarding employees who retire from the system and then are rehired and remain employed with the same employer (Retire/Rehire). The proposed changes to the Personnel Policy would give eligible non-union employees the ability to utilize this MainePERS feature. Change number two would stipulate that permanent part-time employees who work at least 20 hours per week accrue sick and vacation leave at 50% of the applicable leave for full time employees. The proposed changes would benefit the Town in both recruiting and retaining employees at a time when the tight labor market makes it difficult to fill vacancies with qualified individuals.

Retirement:

The Maine State retirement system (MainePERS) recently issued new rules regarding employees who retire from the system and then are rehired and remain employed with the same employer (Retire/Rehire). The proposed changes to the Personnel Policy would give eligible non-union employees the ability to utilize this MainePERS feature.

Below is a listing of the requirements to participate in the MainePERS retire/rehire opportunity:

Employee must be eligible (age and/or years of service) to retire with full MainePERS retirement benefits; (no early retirement).

Going forward the Town does not contribute to MainePERS or any other retirement plan on behalf of employee.

Going forward employee is solely responsible through payroll deduction for any required MainePERS contributions.

A participating employee will enter into a one-year employment agreement with the Town that can be renewed annually at the Town's sole discretion for up to two additional one-year periods for a total of three years.

The employee will retain their continuous years of service for the purpose of accrued sick and vacation leave. Payment of accrued sick leave upon separation under Sec. 7-3 will occur upon final separation of employment with the Town, not upon retirement through MainePERS.

This proposed retire/rehire option is a benefit to the Town in at least two ways. First it reduces the cost to the Town for the overall compensation to the employee. Currently for

each employee enrolled in MainePERS the Town pays to MainePERS between 10% and 16.3% of total employee wages. So as a hypothetical example if an employee earns a total of \$80,000 in wages the Town would save between \$8,000 and \$13,000 annually. The employee would be responsible for paying through payroll deduction the required MainePERS contribution.

A second benefit to this option is that the Town would be retaining an experienced and knowledgeable employee at a time when recruiting qualified employees is challenging.

With respect to the three-year limit on employment for eligible employees the rationale is that, particularly in Police and Fire, employees who are eligible for this program will likely be senior staff in command positions. Putting a limit on the duration of continued employment will ensure that promotional opportunities will become available for other departmental personnel.

This program would not be open to union employees because their benefits and working conditions are covered by the respective collective bargaining agreements.

Pro-rated leave benefits for part-time employees

Change number two would stipulate that non-union permanent part-time employees who work at least 20 hours per week accrue sick and vacation leave at 50% of the applicable leave for full time employees.

Currently the personnel policy is silent with respect to vacation and sick leave for part-time employees. The section on bereavement does cover permanent part-time employees.

The benefit to the Town from this proposed change is that it will serve as an incentive for existing part-time employees to stay working in Old Orchard Beach, and serve as an incentive to attract potential employees to open part-time positions. The ability to incentivize employment opportunities is becoming increasingly important given the extremely tight labor market in Maine, a condition that shows no sign of improving in the next 10 to 15 years.

The mechanics are simple. If the part-time employee works year-round and averages at least 20 hours per week, they would be accrue sick and vacation time at 50% of the accrual for a full time employee. Employees who are eligible would also earn 8 hours of personal leave per year (full time employees earn 16 hours).

SECTION 14. RETIRING AND RETURNING TO WORK

If a person who is a recipient of a service retirement benefit under The Plan returns to employment by a participating local district of The Plan in a position for which membership would be mandatory or optional for a new hire, the participating local district must communicate to the System in the manner prescribed by the Executive Director which of the following options will apply to the person:

1. **Continuing as a Retiree.** The person continues to receive the service retirement benefit and does not re-enter The Plan as a member. During the period that a retiree is returned to employment, contributions must be remitted to the System by the participating local district in the amount of the greater of (i) 5% of the person's earnable compensation, or (ii) the equivalent

of employer and employee unfunded actuarial liability contributions at the aggregate rate on the person's earnable compensation.

2. **Re-Entering the Plan.** The service retirement benefit is terminated, and the person again becomes a member of The Plan and accumulates additional service credit. When the person again retires, the person is entitled to receive benefits computed on the person's entire creditable service and in accordance with the law in effect at that time.

SECTION 15. TRANSITION

1. **Rates.** Employer and employee rates for July 1, 2018, through June 30, 2019, shall be the rates set under this Rule prior to the amendment effective July 1, 2018. The transition from those rates to the rates calculated pursuant to Sections 7 and 8 shall be accomplished by smoothing in the new rates over an actuarially sound period.
2. **Unused Sick Leave or Vacation Leave.** Section 6, subsection 7, applies to those retiring on or after July 1, 2019.
3. **Retiring and Returning to Work.** Section 14 does not apply to a retiree employed by a participating local district on October 1, 2018, until the earlier of termination of employment or June 30, 2021. The option of re-entering The Plan under Section 14, subsection 2, is not available until July 1, 2019. Until that date, any retiree returning to work subject to Section 14 must continue as a retiree pursuant to Section 14, subsection 1.

ARTICLE VII: TIME OFF FROM WORK

Sec. 7-3

Sick Leave

Paid sick leave for each regular employee is earned at the rate of one day for each calendar month of service and may accumulate to not more than 120 days.

Regular part-time employees whose annualized standard weekly work hours are greater than or equal to twenty (20) shall earn sick leave at the rate of four (4) hours for each calendar month of service and may accumulate to not more than 480 hours. Accrued sick leave will be reflected on employees' paycheck stubs.

Sick leave may be granted for any of the following reasons:

- Personal illness or injury of an incapacitating nature sufficient to justify absence from work;
- Personal medical or dental appointments which cannot be scheduled during other than working hours; and
- To care for a child, spouse or parent who is ill.

Sick leave is to be viewed as a type of "insurance policy" in the above circumstances and may not be utilized for any other purpose. Notification-must be

made by the employee to his or her supervisor if possible on each day of the leave unless other arrangements have been expressly authorized by the Town Manager.

Vacation or compensatory time may also be utilized to care for a child, spouse or parent who is ill.

The Town Manager may, after three days as a condition precedent to continuance of sick pay, require a certificate of a qualified physician certifying the condition of the employee or of the employee's child, spouse or parent to be such as to justify the continued absence from employment.

Probationary employees shall not be entitled to be paid sick leave until they have completed 180 days employment. At the completion of 180 days employment by probationary employees, cumulative sick leave days shall be computed from the original date of employment. After any extended sick leave, it may be required by the department head that the absent employee obtain a physician's statement, at his or her own cost, that he or she is physically capable of returning to normal duty. It shall be the responsibility of the department head to ensure that this requirement is appropriately followed before the employee is allowed to return to his or her regular duties.

At the time of separation by the employee, accumulated sick leave shall be paid to the employee at the rate of 50 % of the ~~accumulated time~~ accrued leave. In the event of involuntary termination by the Town the employee is not entitled to payment of accrued sick leave.

In the event of an employee's death, the Town will pay all sick leave benefits to the employee's beneficiary.

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ARTICLE VII TIME OFF FROM WORK

Sec. 7-1 Holidays

The Town of Old Orchard Beach follows the holiday schedule set forth below:

New Year's Day
Martin Luther King Day
President's Day
Patriot's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving & following day
1/2 day Christmas Day Eve
Christmas Day
Two Floating Holidays

If a regular holiday falls on a Sunday, the following Monday is recognized as the holiday; if on a Saturday, the preceding Friday is recognized. Christmas Day Eve will be recognized on the day of the week designated by the Town Manager if Christmas falls on a Saturday or a Sunday.

A person on a leave of absence without pay shall not be entitled to holiday pay.

Holiday pay is to be considered a normal day's wages.

Temporary and seasonal employees shall not be entitled to paid holidays.

Sec. 7-2 **Vacation**

Each regular full-time or part-time employee shall earn annual vacation time with pay in accordance with the employee's current term of continuous employment and in accordance with the following schedule:

At beginning of employment 2 weeks

After completion of five (5) years of employment 3 weeks

After completion of ten (10) years of employment 4 weeks

After completion of twenty-five (25) years of employment 5 weeks

Vacation leave accrues on a pro-rata basis each month during the year it is accrued, commencing on the employee's date of employment. Accrued vacation time will be reflected on employees' paycheck stubs. No vacation may be utilized during the first six months of employment.

Exceptions to this schedule may be made pursuant to contract or in the discretion of the Town Manager in exceptional circumstances.

Requests for vacation time must be made on the vacation request forms. Scheduling of vacations shall be done by the employee's immediate supervisor and in accordance with operational needs. In the event a holiday falls within the vacation period, the holiday will not be counted as a vacation day, and the employee will be compensated for the holiday.

Any paid leaves of absence shall not constitute a break in the employment record.

Unused vacation days may accrue from one year to the next with maximum hold over of two weeks. No vacation of more than two (2) weeks duration at one time will be allowed unless approved by the Town Manager.

Accumulated vacation leave, subject to the maximum allowed, shall be paid to an employee upon separation from employment or to the employee's beneficiary upon the employee's death.

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Regular part-time employees whose annualized standard weekly work hours are greater than or equal to twenty (20) shall earn sick leave at the rate of four (4) hours for each calendar month of service and may accumulate to not more than 480 hours. Accrued sick leave will be reflected on employees' paycheck stubs.

Sick leave may be granted for any of the following reasons:

- Personal illness or injury of an incapacitating nature sufficient to justify absence from work;
- Personal medical or dental appointments which cannot be scheduled during other than working hours; and
- To care for a child, spouse or parent who is ill.

Sick leave is to be viewed as a type of "insurance policy" in the above circumstances and may not be utilized for any other purpose. Notification-must be made by the employee to his or her supervisor if possible on each day of the leave unless other arrangements have been expressly authorized by the Town Manager.

Vacation or compensatory time may also be utilized to care for a child, spouse or parent who is ill.

The Town Manager may, after three days as a condition precedent to continuance of sick pay, require a certificate of a qualified physician certifying the condition of the employee or of the employee's child, spouse or parent to be such as to justify the continued absence from employment.

Probationary employees shall not be entitled to be paid sick leave until they have completed 180 days employment. At the completion of 180 days employment by probationary employees, cumulative sick leave days shall be computed from the original date of employment. After any extended sick leave, it may be required by the department head that the absent employee obtain a physician's statement, at his or her own cost, that he or she is physically capable of returning to normal duty. It shall be the responsibility of the department head to ensure that this requirement is appropriately followed before the employee is allowed to return to his or her regular duties.

At the time of separation by the employee, accumulated sick leave shall be paid to the employee at the rate of 50 % of the ~~accumulated time~~ accrued leave. In the event of involuntary termination by the Town the employee is not entitled to payment of accrued sick leave.

In the event of an employee's death, the Town will pay all sick leave benefits to the employee's beneficiary.

Sec. 7-5 Bereavement Leave

The Town shall grant leave. with pay to regular full-time and part-time employees for up to three days for the absence caused by the death of a member of the immediate family. The employee may utilize two sick days to cover more time if he/she desires. "Immediate family" means parents, spouse, domestic partner, partner r, brother, sister, child, stepchild, stepparents, grandmother, grandfather, mother-in-law, and father-in-law. The Town Manager may allow bereavement leave in other appropriate circumstances.

ARTICLE VIII EMPLOYEE BENEFITS, PROGRAMS AND SERVICES

Sec. 8.6 Retirement Plans

The Town ~~currently~~ offers full-time employees two retirement plan options: a choice between membership in the Maine State Public Employees Retirement System (Mainers), and a Section 457 Deferred Compensation Plan account administered by the International City Management Association Retirement Corporation (ICMA-RC). The Town will make contributions to one of these plans on behalf of all eligible full-time employees. Following are general statements about each plan.

ICMA-RC: The Town will contribute a minimum of five percent (5%) of the employee's wages ~~percentage of employees' weekly salary~~ to a Section 457 Deferred Compensation Plan administered through ICMA-RC. Employees may add to that amount or not as they choose, up to the legally allowed maximum. Employees who are members of ~~Maine State Retirement~~ Mainers may also contribute to an ICMA-RC plan.

~~Mainers Maine State Retirement System:~~ The Town and the participating employee will each contribute the percentage of the employee's wages established annually by Mainers, except that an employee who is a service retirement plan beneficiary member of Mainers under Chapter 801: Participating Local District Consolidated Retirement Plan shall, at the discretion of the Town, be responsible for making any contributions to Mainers required under Chapter 801, Section 14. Members are required to contribute 6.5% of their gross wages to participate in this plan. Active employees may retire from Mainers and continue their employment with the Town under the following conditions:

The employee must be eligible (age and/or years of service) to retire with full Mainers retirement benefits: (no early retirement).

The Town does not contribute to Mainers or any other retirement plan on behalf of the employee.

The employee is solely responsible for any required Mainers contributions and those contributions will be made weekly through payroll deduction.

The employee shall enter into a one-year employment agreement with the Town that may be renewed annually at the Town's sole discretion for up to two additional one-year periods for a total of no more than three years.

The employee will retain their continuous years of service for the purpose of accrued sick and vacation leave. Payment of accrued sick leave upon separation under Sec. 7-3 will occur upon final separation of employment with the Town, not upon retirement through Mainers.

There was an extensive discussion on this item and particularly about the per diem employees. A per diem employee is someone whose work hours may vary from week to week depending on the employer's need and how much or little the employee wishes to work. A per diem is paid by the day, is not part of the regular staff, and usually not eligible for employer benefits. As such, the per diem hourly rate may be higher because there are no benefits. A per diem employee is an administrative, service and support employee whose appointment is not part of an operating unit's regular work schedule and is scheduled to work only on an "as needed" basis. Work may be scheduled prospectively but should be considered as "elected" by the employee. The per diem schedule is a list of the standard rates an organization reimburses its employees for lodging, meals and

incidentals when they travel on company business. The term “per diem” means per day refers to the money paid for business travel expenses or to a position without set hours or a predetermined scheduled.

It was felt that more discussion needed on this subject and therefore the suggestion that it be tabled till the next item.

MOTION: Vice Chair O’Neill motioned and Councilor Blow seconded to Table the changes To the Personnel Policies and Procedures related to retirement from the Maine Public Employees Retirement System, and to pro-rate benefits for permanent, part-time employees.

VOTE: Unanimous.

7286 Discussion with Action: Accept the quote from Scarborough Public Works in the amount of \$11,320.36 for the purchase and installation of equipment to be installed in a 2018 Ford Explorer Police Vehicle, from Account Number, 52002-50849 – CIP Police Vehicle Expense, with a balance of, \$17,072.31.

BACKGROUND:

For the last two years Scarborough Public Works has been doing some of our vehicle maintenance as well as installing and purchasing our cruiser equipment. We have advertised in the past for this service (equipment installation), but there are very few installers locally that will even provide a bid and we have found it extremely difficult to find someone to do the work. Because we are currently under contract with Scarborough for fire vehicle maintenance, it seemed to make sense to have them service our police vehicles and install new equipment when our Public Works Department is unable to do it. They have been installing our new police vehicle equipment for the past couple of years and we have been very satisfied with the work, the service and the price.

Both of these purchases were approved in the 2018-2019 CIP Budget.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Accept the quote from Scarborough Public Works in the amount of \$11,320.36 for the purchase and installation of equipment to be installed in a 2018 Ford Explorer Police Vehicle, from Account Number, 52002-50849 – CIP Police Vehicle Expense, with a balance of, \$17,072.31.

VOTE: Unanimous.



Date: 7/23/18
Expiration 8/22/18

To: Old Orchard Beach Police Department
14 Emerson Cummings Blvd, Old Orchard Beach, ME 04064
Attn: Captain David M. Hemingway

Rep Job Shipping Method Shipping Terms Delivery Date Terms Due Date
Ryan G UPS FOB North Attleboro

Qty	Item #	Description	Unit Price	Line Total
1	RH-M1-IS-K2	PatraPC® RhinoTab® M1 Core i Intel Generation 5 - (12.1" Sunlight Readable Display - 1200NITS+, Projected Capacitive Touch Screen, Core i5-5300U 5th Gen 2.3-2.7GHz 3MB Cache, 2 core, HD5500 graphics, 2 USB 3.0, 2 Mini-PCIe half card slots, RhinoDock R2 with 6 USB 3.0, 1 10/100/1G Ethernet, 3 expansion slots, 1 empty Mini-PCIe slot, 4 RF Pass-Thru, 4 Ports for external power control and ignition sense and HDMI, Internal Battery, Ambient Light Sensor, WiFi 802.11 2.45GHz 8/G/N/AC + Bluetooth, GPS, Front 2MP Camera, Rear 5MP Camera w/flash, dual digital microphones, TPM v2.0, stereo speakers) and Dock combination	\$ 3,998.00	\$ 3,998.00

Tablet Add-ons / Upgrade

1	PPC-OS-WIN10-64	Windows 10 Pro 64 bit w/Win 10 Pro COA	\$ 209.00	\$ 209.00
1	RH-HD-SSD-240	upgrade to 240GB mSATA 6GB/sec SSD (Solid State Hard Drive)	NC	NC
1	RH-RAM-8GB	8GB RAM with computer purchase	NC	NC
1	PPC-IS-CAN	Internal 2D Law Enforcement Imaging Scanner	\$ 353.00	\$ 353.00
1	RH-Han	RhinoTab side mount strap handle	\$ 30.00	\$ 30.00

Keyboard

1	KBA-BLUXR-88NNR-US	Rugged Backlit Keyboard - TG3 KBA-BLUXR 88-Key Rubber Membrane Backlit Red Illuminated Keyboard with Touchpad/ Straight Cord- 3 year manufacturer's warranty	\$ 207.00	\$ 207.00
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Cellular + Antenna

1	RH-CELL-VER	Verizon 4G LTE Internal Cellular Modem Sierra Wireless MC7354 w/internal antenna	\$ 445.00	\$ 445.00
1	AP-CC-Q-522-Black	Antenna Plus - MIMO LTE/Cellular /PCCS Combo Antenna - Threaded Bolt Mount, Omni-Directional 3dB Gain, (2) SMA Males, Black/White - 1 year manufacturer's warranty	\$ 129.00	\$ 129.00
1	PPC-Ship-Antenna	Common Carrier Ground Shipping for Antenna	\$ 15.00	\$ 15.00

Mount + Install

1	TM-5126-FIU-18-COMBO	ON-DASH MOUNT with Single Arm / Double Pivot and G.R.I.P. Tilt/Swivel for Display/Tablet and Keyboard Mount with Double Arm and G.R.I.P. Tilt/Swivel for FORD POLICE INTERCEPTOR UTILITY (Specify Year of Vehicle) (Must Provide Console Make and Model) (TM-5126-PIU/AP-S120-PPC)	\$ 537.00	\$ 537.00
1	PPC-Ship-Mount	Common Carrier Ground Shipping for Mount	\$ 42.00	\$ 42.00

Quotation prepared by: Ryan Garofano

Unpaid balances accrue @ 5% interest per month.



Thank you for your business!

Total Discount	
Subtotal	\$ 5,945.00
Shipping Cost	\$ 38.00
Total	\$ 6,003.00

Printed Name: _____
Rank: _____
Date of Approval: _____

Will a matching purchase order be issued for this order

YES	NO

Signature of Approval

David Hemingway

From: Ed Alden <ealden@scarboroughmaine.org>
Sent: Wednesday, November 14, 2018 12:16 PM
To: David Hemingway
Subject: Set up

- QTY 1 - SET10VS - Setina Front Partition \$620.95
- QTY 1 - SET12VS - Setina rear partition \$493.29
- QTY 1 - SETRP - Setina recessed panel \$174.74
- QTY 1 - GK10291S1LHKSSCA - Setina Weapon mount \$351.84
- QTY 1 - CGX - Charge Guard \$103.44
- QTY 1 - CARM104 - Havis console armrest \$164.39
- QTY 1 - CCUP2EC - Havis cupholder \$47.10
- QTY 1 - CVS1400INUT - Havis console \$303.54
- QTY 1 - Setina & Havis Freight \$460.00
- QTY 1 - 75454 - Streamlight flashlight \$ 156.28
- QTY 1 - 816165020094 - Fuse panel \$14.37
- QTY 1 - MWV1365 - Antenna \$ 78.72
- QTY 1 - MB8U - Antenna Cable \$10.89
- QTY 1 - 5FM - Kenwood Radio remote mount kit \$898.52
- QTY 1 - NX5700BK - Kenwood Radio w/programming \$703.80
- QTY 1 - 295SLSa6 - Whelen siren & light control \$463.68
- QTY 2 - IONB - Blue Ion Light \$124.20ea
- QTY 2 - VHB609B - Blue Vertex Light \$92.56ea
- QTY 2 - IONGROM - Ion light grommet mount \$4.60ea
- QTY 1 - P46S2B3 - Whelen 3-state spotlamp \$231.84
- QTY 1 - IX34UFZ - Whelen Inner Edge \$714.84**
- QTY 1 - DP808000 - Whelen Dominator \$835.00**

** We did not get current price and used last years price

Parts total	\$7,269.96
64 Hrs. labor @ 58.60/Hr	\$3,750.40
Misc. Shop Supplies wires/connectors etc.	\$300.00
Total Price	\$11,320.36

I left off the shop supplies on the first quote I sent you.

--

Ed Alden
Fleet Maintenance Manager

Ealden@scarboroughmaine.org
207-730-4414
Scarborough Public Works
20 Washington Ave
Scarborough, ME
04074

7287 Discussion with Action: Accept the quote from Patrol PC for one (1) Patrol PC Rhino Tab Police Cruiser Laptop in the amount of \$6,003, from Account Number 52002-50849 – CIP Police Vehicle Expense, with a balance of \$17,072.31.

BACKGROUND:

Two years ago the Police Department discontinued purchasing Tough Book computers for our Police Cruisers as we were purchasing refurbished units that had a limited life span. When we entered in the Lease Purchase Program, two years ago, we had transitioned all of our vehicles to the One PC Rhino computer; although more expensive than a Tough Book it is upgradable and should have a longer serviceable life span. The Police Department has been using the One PC model for a couple of years now and find them to be trouble-free and easier to use. For familiarity purposes when moving from vehicle to vehicle it is important that all of our vehicles are set up the same way and have the same equipment. This purchase was approved in the 2018-2019 CIP budget.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Accept the quote from Patrol PC for one (1) Patrol PC Rhino Tab Police Cruiser Laptop in the amount of \$6,003, from Account Number 52002-50849 – CIP Police Vehicle Expense, with a balance of \$17,072.31.

VOTE: Unanimous.



Date: 7/23/18
Expiration 8/22/18

Quote



MADE IN USA
www.PatrolPC.com

To: Old Orchard Beach Police Department
16 Emerson Cummings Blvd, Old Orchard Beach, ME 04064

Attn: Captain David M. Hemingway		Shipping Method	Shipping Terms	Delivery Date	Terms	Due Date
Rep	Job	UPS	FOB North Attleboro		Net 30 Days	
Ryan G						

Qty	Item #	Description	Unit Price	Line Total
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I-M1-i5-K2		PatrolPC® RhinoTab® M1 Core i Intel Generation 5 - (12.1" Sunlight Readable Display - 1200NITS+, Projected Capacitive Touch Screen, Core i5-5300U 5th Gen 2.3-2.7GHz 3MB Cache, 2 core, HD5500 graphics, 2 USB 3.0, 2 Mini-PCIe half card slots, RhinoDock R2 with 6 USB 3.0, 1 10/100/1G Ethernet, 3 expansion slots, 1 empty Mini-PCIe slot, 4 RF Pass-Thru, 4 Ports for external power	\$ 3,998.00	\$ 3,998.00	1	RH-
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Internal Battery, 5Ghz B/G/N/AC + Rear 5MP Camera M v2.0, stereo
Control and ignition sense and HDMI Ambient Light Sensor, WiFi 802.11 2.4, Bluetooth, GPS, Front 2MP Camera, 1 w/flash, dual digital microphones, TP speakers) and Dock combination

Tablet Add-ons / Upgrade

209.00	1	PPC-OS-WIN10-64	Windows 10 Pro 64 bit w/Win 10 Pro COA	\$ 209.00		\$
	1	RH-HD-SSD-240	upgrade to 240GB mSATA 6GB/sec SSD (Solid State Hard Drive)	NC		NC

1	RH-RAM-8GB	8GB RAM with computer purchase	NC	NC		
1	PPC-ISCAN	Internal 2D Law Enforcement Imaging Scanner	\$ 353.00	\$ 353.00		

ioTab side mount strap handle	\$ 30.00	\$ 30.00		1	RH-Han	Rhir
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Keyboard						
Keyboard - TG3 KBA-BLTX R 82 Key						
						Rugged Backlit

7.00	\$ 207.00	1	KBA-BLTXR-USNNR-US	Rubber Membrane Backlit Red Illuminated Keyboard with Touchpad/ Straight Cord -3 year manufacturer's warranty	\$ 207.00	
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Cellular + Antenna						
5.00	\$ 445.00	1	RH-CELL-VER	VERizon 4G LTE Internal Cellular Modem Sierra Wireless MC7354 w/internal antenna	\$ 445.00	

1	AP-CC-Q-S22-Black	Antenna Plus - MIMO LTE/Cellular /PCS Combo Antenna - Threaded Bolt Mount, Omni-Directional 3dB Gain, (2) SMA Male, Black/White - 1 year manufacturer's warranty	\$ 129.00	\$ 129.00		
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7288 Discussion with Action: Reenact the Emergency Ordinance establishing a Moratorium on Registered Caregiver Retail Stores, first approved February 6th, 2018, and currently expiring December 7th, 2018; and extend for an additional sixty-one days to expire Wednesday, February 6th, 2019.

BACKGROUND:

- This agenda item is a continuation of the moratorium originally enacted during February 2018.
- During July of this year the state passed amendments to the medical marijuana law. The amendments take affect mid-December 2018.
- The law amendments include changes to standards associated with caregivers as well as how municipalities regulate caregivers.
- The caregiver changes include allowing a caregiver to operate one retail store for medical marijuana patients.
- The change associated with municipality regulation of registered caregiver retail storefronts is it now allows municipalities to regulate pursuant to their home rule authority. This includes the requirement of a vote by the local legislative body (e.g., Council) to adopt an ordinance that specifically allows a registered caregiver retail store to operate within a municipality. This is commonly referred to as "Opt In",
- By allowing the moratorium to continue until the law takes effect (mid-December 2018) the town is protected from the establishment of registered caregiver retail stores.
- Once the law takes effect, the only way to allow establishment of registered caregiver retail stores is through ordinance amendments (this is because the law requires municipalities to Opt In).
- If the town continues with the position to not allow registered caregiver retail stores, the town can simply continue with the moratorium until the law takes effect.
- Once the law takes effect, the moratorium is no longer needed because registered caregiver retail stores will automatically not be permitted. We expect this will be the last time a moratorium vote is scheduled on the Council agenda because the law takes effect a few days after the Council's 4 December meeting.

To summarize, if the town wants to continue to prohibit the establishment of registered caregiver retail stores, the town only needs to continue to enact the moratorium until the new law takes effect (mid-December 2018). Ordinance amendments to prohibit the use are not necessary because of the law requires municipalities to Opt In. If the town chooses to allow registered caregiver retail stores after the law is enacted an ordinance will need to be created to allow this use. This ordinance will require Council adoption.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Reenact the Emergency Ordinance establishing a Moratorium on Registered Caregiver Retail Stores, first approved February 6th, 2018, and currently expiring December 7th, 2018; and extend for an additional s sixty-one days to expire Wednesday, February 6th, 2019.

VOTE: Unanimous.

7289 Discussion with Action: Approve the waiver of foreclosure of the tax lien mortgage for property located at 206 Portland Avenue, identified in the Assessor's Records as (103-1-432).

BACKGROUND:

Under Maine law properties that have delinquent tax liens in place for 18 months are automatically foreclosed to the municipality, which then becomes the legal owner of the property. If there are circumstances that would create an unwanted burden, expense, or liability to the municipality this automatic foreclosure can be prevented through the adoption of a waiver of foreclosure by the Town Council. In this circumstance the property in question is the former Milliken home on Portland Avenue near the intersection with Milliken Mills Road. The property is part of a subdivision called The Village at Pond View, approved by the Planning Board in 2015. The approval requires that the developer or any future owner preserve the historic exterior features of the structure that was built around 1834. The developer, Orchard Estates Holdings LLC, has not been proactive with respect to making improvements to this property. The Planning and Code office this year initiated enforcement action on the owner because the structure was deteriorating due to an absence of sufficient maintenance. In response the owner submitted to the Planning Board a plan of a proposed replacement structure intended to maintain the exterior features of the existing structure. The Planning Board approved this submittal, however there were no timelines for implementation. If the Town takes ownership of this property through automatic foreclosure the Town would then become financially responsible for implementing the conditions attached to the subdivision approval. By waiving foreclosure the developer can continue to be held accountable through enforcement action. Waiver of foreclosure does not remove the tax liens on the property.

MOTION: Vice Chair O'Neill motioned and Councilor Blow seconded to Approve the waiver of foreclosure of the tax lien mortgage for property located at 206 Portland Avenue, identified in the Assessor's Records as (103-1-432).

VOTE: Unanimous.

WAIVER OF FORECLOSURE FORM

The foreclosure of the tax lien mortgage on real estate for a tax assessed against _____ (name) to _____ (name of municipality) dated _____ and recorded in _____ registry of deeds in Book _____, Page _____ is hereby waived.

Dated this _____ date of _____

By: _____

Treasurer of _____

ACKNOWLEDGEMENT

State of Maine

_____ ss. _____

Then personally appeared the above named _____, Treasurer and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

Notary public/Attorney at Law

(Print Name)

7290 Discussion with Action: Approve the FY20 Municipal Budget Schedule and provide general budgetary guidance to the Town Manager for the FY20 Budget.

BACKGROUND:

The Town Charter directs the Town Council to provide to the Town Manager and Department Heads, at least six months prior to the beginning of the next budget year, general budget guidance to consist of a budgetary limit within which the proposed operating budget should be developed. This shall serve as a guideline subject to change during the budget development process and shall provide a framework for the staff to work by. The Town Manager and Finance Director will begin working with Department Heads in December on development of a capital improvements budget. Department Heads will submit draft budgets to the Town Manager in early February. The Town Manager proposes to submit the proposed FY20 budget to the Town Council at the March 19, 2019 Town Council meeting, with Departmental budget workshops beginning the first week of April.

There was a lengthy conversation of the direction that should be given to the Town Manager and it was suggested that keeping within the 3% increase, which with the projected gross income for the Town which basically keeps it at a 0% increase. There was discussion by some who felt no direction to the Manager is necessary as he is a fiscally conservative leader and has always kept within the budget restrictions necessary to see the budget is adequate and monitored accurately.

MOTION: Councilor Blow motioned and the Vice Chair O'Neill seconded to Approve the FY20 Municipal Budget Schedule reflecting a 0% increase and to provide general budgetary guidance reflecting discussion by each Councilor to the Town Manager.

**VOTE: Yea: Councilor Blow
Nea: Councilors Kelley, Tousignant, Vice Chair O'Neill, Chair Thornton**

MOTION: Councilor Blow motioned and the Vice Chair O'Neill seconded to Approve the FY20 Municipal Budget Schedule and to provide general budgetary guidance reflecting the discussion by each Councilor to the Town Manager.

**VOTE: Yea: Councilor Blow
Nea: Chair Thornton, Councilors Kelley, Tousignant and Vice Chair O'Neill**

**FY 2020 Budget Workshop Schedule
All Meetings Start at 6:30 p.m.**

Tuesday, March 19, 2019	Budget Presentation and CIP Presentation Part of Council Meeting
Tuesday, April 2, 2019	Police Department, Parking Enforcement and CIP (following Council Meeting)
Wednesday, April 10, 2019	Workshop – Fire Department, Life Cards and CIP

- Tuesday, April 16, 2019** **Workshop -Transit District Subsidy Expense (Shuttlebus). Town Manager, Town Hall Maintenance, Finance, Tax, General Assistance, Insurance Expense and Employee Benefits , Revenue and Fees, Town Council, Debt Service, and CIP (following Council Meeting)**
- Thursday, April 18, 2019** **Wastewater Department Budget**
- Tuesday, April 23, 2019** **Recreation, Conservation, Memorial Park, Public Works, CIP, York County Tax Assessment, Contingency Expense, Street Lights Expense, Solid Waste Expense, and CIP (following Town Council Meeting)**
- Tuesday, April 30, 2019** **Harmon Museum, Edith Belle Memorial library, Assessing, Town Clerk, Elections, Board of Registration, Planning and Code, Tax Abatement Expense, Service Agencies and CIP.**
- Tuesday, May 7, 2019** **Workshop – Ballpark and CIP and Revisits (following the Town Council Meeting.)**
- Wednesday, May 15, 2019** **Workshop any revisits and May 16, or 21st (after Council Meeting) if additional dates if needed**
- Tuesday, June 4, 2019** **Adoption of FY 2019**

7291 **Discussion with Action: Re-appoint Kim McLaughlin as Registrar of Voters, term to expire 12/31/20; and Appoint Ryan Howe as an Associate Member of the Zoning Board of Appeals, term to expire 12/31/21.**

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Re-appoint Kim McLaughlin as Registrar of Voters, term to expire 12/31/20; and Appoint Ryan Howe as an Associate Member of the Zoning Board of Appeals, term to expire 12/31/21.

VOTE: Unanimous.

7292 **Discussion with Action: Approve the Special Event Permit application for Sheldon Gregoire, on behalf of the Portland Firefighters Children’s Burn Foundation and Oceanwood, to have horseback riding on the beach on Saturday, January 19th, 2019, 1 p.m. to 4:00 p.m. Insurance listing the Town of Old Orchard Beach as additionally insured to be provided to the Clerk’s Office at least one week before the event.**

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

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Councilor Blow motioned and Councilor Tousignant seconded to Adjourn the Town Council Meeting at 8:15 p.m.

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 twenty-six (26) pages is a copy of the original Minutes of the Town Council Meeting of December 4, 2018.
V. Louise Reid**