

**TOWN OF OLD ORCHARD BEACH
TOWN HALL CHAMBERS
TOWN COUNCIL MEETING
THURSDAY, MARCH 19, 2020**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Thursday, March 19, 2020. Chair Thornton opened the meeting at 6:30 p.m.

The following were in attendance:

Chair Joseph Thornton
Councilor Kenneth Blow
Councilor Jay Kelley
Councilor Michael Tousignant
Town Manager Larry Mead
Assistant Town Manager V. Louise Reid

Absent: Vice Chair Shawn O'Neill

CHAIR: I am asking for a Motion to revise Agenda Item # 7175 from the February 18, 2020 Minutes by adding the words Apply for and Accept, if awarded, so the Motion will read: Councilor Blow motioned and Councilor Kelley seconded to Apply for and Accept, if awarded, Community Development Grant funds from a Community Enterprise Grant to refurbish the Basketball Courts and improve the park space on Atlantic Avenue near Washington Square. Previously the words Apply for, if awarded, were missing.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Revise Agenda Item 7175 motion to read: Apply for and Accept, if awarded, Community Development Grant funds from a Community Enterprise Grant to refurbish the Basketball Courts and improve the park space on Atlantic Avenue near Washington Square.

VOTE: Unanimous

MOTION: Councilor Blow motioned and Councilor Tousignant seconded to add to the Agenda – Public Hearing Amusement Permits and Approval:

Jeanne LaChance dba/JJ's Eatery Too (306-5-1F), 12 B Old Orchard Street, Solo Acoustics – 6:30 – 9:30 p.m. – Inside and Outside.

VOTE: Unanimous.

ACCEPTANCE OF MINUTES: Acceptance of Town Council Minutes of February 18, 2020; and Acceptance of Administrative Review Minutes of March 10, 2020.

MOTION: Councilor Blow motioned and Councilor Kelley moved to approve the Minutes as read.

VOTE: Unanimous.

ACKNOWLEDGEMENTS:

ASSISTANT TOWN MANAGER:

It hardly seems that we are planning already for the 16th Annual Memorial 5K Run and 3 Mile walk for the Annual run for Cash. This will benefit the Captain Christopher Scott Cash Scholarship Fund – Saturday, June 27th – FMI - 828-0754.

GOOD AND WELFARE:

ACCEPTANCE OF MINUTES: Town Council Meeting Minutes of February 18, 2020; and Administrative Review Minutes of March 10, 2020.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Approve the Town Council Meeting Minutes of March 3, 2020; and the Administrative Review Board Minutes of March 10, 2020.

VOTE: Unanimous.

PRESENTATION:

**2021 BUDGET PRESENTATION
TOWN MANAGER LARRY MEAD**

First I would like to thank each Department Head, Assistant Town Manager Louise Reid, and especially Finance Director Diana Asanza for their work in developing the FY21 budget. The Council's budget guidance for FY21 was to limit increases in property taxes while continuing to deliver effective services and address the Town's infrastructure needs. My responsibility as the Town Manager is to develop a budget that maintains and improves municipal services. It is to develop a budget that includes investments in the Town's infrastructure and other capital improvement needs such as plow trucks, ambulances and police vehicles. At the same time I have to balance the need for services and investment to limit growth in taxes so that we continue to attract to Old Orchard Beach new residents and new private investment in homes and businesses. We enter the budget process with our Town, our nation and indeed the entire community of nations confronting a challenge that we could not have imagined only four weeks ago. We are in uncharted waters financially and we just can't say with any certainty how long the economic pain will continue, or how severe it will be. We can say that we will all be affected, and that it will be significant. The budget that I submit to you this evening is quite different from that which I had intended to present two weeks ago, both in anticipated revenues and in total expenditures. As Council reviews the individual department budgets over the next two months it will undoubtedly make changes to this budget that reflect the evolving experience of our national and local economy resulting from the COVID-19 pandemic. The property tax commitment is made up of municipal budget commitment, the school assessment, and the county assessment. With the budget that I present to you this evening the combined tax commitment for FY21 is consistent with the Council's budget guidance based on the following assumptions:

The Council adopts a municipal budget, including both operating and Capital budgets, that remains within the total expenditures and revenues contained in the Town Manager's budget recommendations;

On the education side the adopted RSU budget is consistent with the Superintendent's proposed budget currently before the RSU Board;

The adopted York County budget is consistent with the budget estimate provided to the Town Manager by the County Administrator.

The Town's property valuation increases by at least 18 million (one percent). This assumption is based on the experience of new growth in the past three budget years and on property values as of April 1, 2020.

These assumptions are subject to change as budget development proceeds, and certainly prior to final budget adoption by the Council.

The three major elements that comprise the Municipal Tax Commitment are:

Operating Budget

The FY21 proposed operating budget of \$17.8 million is an increase of \$700,000, or 4.1% above FY20. The operating budget includes funding for day-to-day operations of municipal departments, as well as for debt service, the Libby Library, solid waste disposal, and contributions to the transit district. 58% of the budget goes to wages and benefits, 24% to operating costs, 10% to contracted services, and about 4% each to utilities and fuels, and to social services.

The most significant drivers of increased cost in the operating budget include the following:

<u>Category</u>	<u>Amount</u>	<u>%+/-</u>
Wages	\$ 400,000	4.0%
Benefits/Insurance	136,000	4.5%
RHSA	50,000	

Wages and benefits represent 76% of the operating budget increase.

Debt Service	87,000	4.0%
Contractual Services	55,000	1/2%
Solid Waste	48,000	6.5%
Shuttlebus	35,000	21.0%
Total Budget Drivers	\$ 761,000	

Capital Budget

The capital budget funds improvements that are beyond the scope of day-to-day operations. Usually the improvements have a useful life of ten (10) years, or over five (5) years in the case of equipment, and typically have a cost in excess of \$20,000, although there are certain circumstances when the cost can be less.

Under the Town's Charter the Finance Committee is charged with proposing a capital improvement budget to the Town Council for consideration. The Finance Committee met in February and March to review Department CIP requests and is recommending to the Council a total Capital Budget of \$2.5 million. In the budget materials the Finance Committee report provides a prioritized listing by department of capital improvements requests.

The budget that is submitted is recommending a capital budget totaling \$2.2 million. The reason it is lower than the Finance Committee's recommendation is because of reductions made to the capital budget stemming from the COVID-19 crisis. This change took place after the Finance Committee had already completed its work. The proposed capital improvement budget includes \$120,000 to replace the Town Hall roof, \$400,000 for road maintenance, and \$400,000 for road maintenance and \$680,000 for other infrastructure needs, including sewers, stormwater, and sidewalks. In addition, I have included in this budget \$500,000 in funding to be used for the proposed CDBG infrastructure project on Fern Avenue and West Old Orchard Avenue. The Town received a one (\$1) million Federal CDB grant from the Maine DECD. The Council had previously approved one-half (1/2) million dollars for this project, however additional funds are needed. This proposed funding item is by Charter subject to voters approving the appropriation. There is a question on the Jun 9th Ballot for this project. If voters support the request, the Town Manager is recommending that Council use unallocated fund balance for this appropriation, rather than making it part of the tax commitment. As proposed, the FY21 CIP budget is essentially equal to FY20 funding in its effect on the tax commitment. The need for capital funding is far greater than this budget proposal, especially given the high cost of infrastructure projects over the past two years.

Wastewater Treatment Facility Upgrades

The most significant capital project that the Council will consider in 2020 is the proposed upgrades to the Wastewater Treatment facility and collection system. Woodard & Curren Engineering is currently reviewing the most recent update of the Wastewater Facility's Capital Plan and will be presenting recommendations to Council during the budget workshop process. Council will make a decision on the size and scope of the project to be put before voters in November, likely in the range of \$20 million dollars. The potential project, if approved by voters, would not have any effect on the FY21 budget due to the amount of time required for project planning, engineering and bond issuance.

Non-Property Tax Revenues

Non-property tax revenues total \$5,554,000. This is essentially unchanged from the current fiscal year with the exception of using an additional \$500,000 from fund balance for the proposed CDBG infrastructure project. In light of the extraordinary economic crisis that we are experiencing the revenue portion of the budget is fraught with uncertainty. The Town Manager has significantly reduced the revenue projections from his estimated just three weeks ago, when he had anticipated substantial revenue growth for FY21. Instead, the revenue projections for FY21 excise taxes, building permits, investment income, parking revenue and business licenses are \$900,000 less than the actual revenues collection in FY19. The revenue budget will be an area that Council will need to carefully assess during the next two to three months as the ramifications of the COVID-19 outbreak unfolds.

\$200,000 Home Tax Bill would increase \$60.

Operating expenditures, capital expenditures, and non-property tax revenues comprise the municipal budget commitment to be funded by property taxes. As presented for consideration by the council the municipal commitment increases \$538,000 or 3.8% over FY20. The combined property tax levy, after factoring in the anticipated School and County Tax Assessment increases by 2.9%, and the increase on the tax rate is 30 cents, or 1.9%. For a resident whose home is valued at \$200,000 this would result in a tax increase of \$60,000.



TOWN OF OLD ORCHARD BEACH

FISCAL YEAR 2021 BUDGET
PRESENTATION

BUDGET OVERVIEW

Municipal Operating Budget

Capital Improvement Program

Non Property Tax Revenue

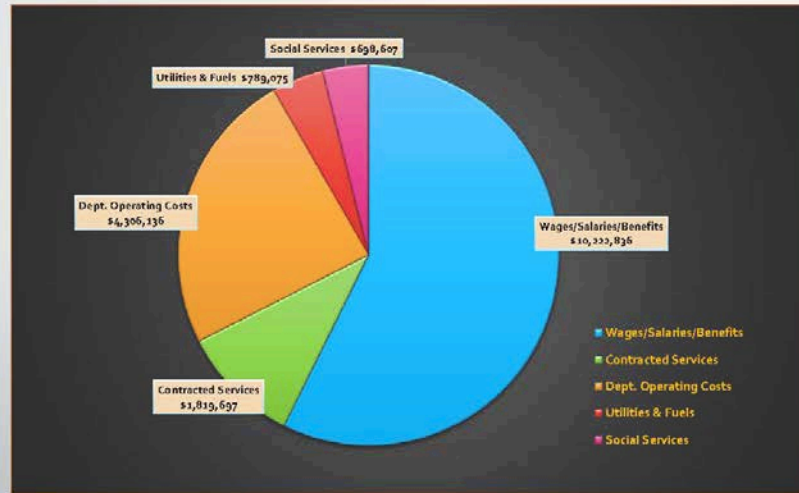
Budget Directives and Assumptions

- The Council adopts a municipal budget that remains within the budget recommendations of the Town Manager,
- The RSU School Board adopts the School Superintendent's proposed budget,
- The adopted York County Commission budget is consistent with the budget recommendation provided by the County Administrator,
- The Town's property valuation increases by at least \$18 million (one percent)

MUNICIPAL BUDGET

- FY 21: \$17,836,351
- Increase of: \$702,213
- Or: 4.10% Increase

FY 21 Budget Projection Breakdown



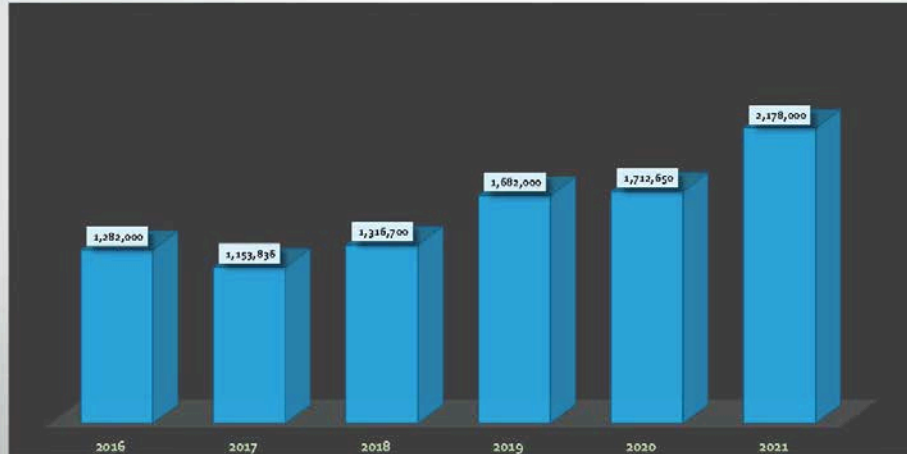
Municipal Operating Budget Drivers

<u>Category</u>	<u>Amount</u>	<u>% + / -</u>
• Wages	\$400,000	4.0%
• Benefits/Insurance	\$136,000	4.5%
• RHSA	\$ 50,000	
➤ Wages and benefits represent 76% of the operating budget increase.		
• Debt Service	\$87,000	4.7%
• Contractual Services	\$55,000	½ %
• Solid Waste	\$48,000	6.5%
• Shuttlebus	\$35,000	21 %
TOTAL BUDGET DRIVERS	\$761,000	

Capital Improvements Budget

- FY 21: \$2,178,000
- Increase: \$465,350
- 27.17% Increase

Capital Improvements Program 2016 – 2021



NON PROPERTY TAX REVENUE

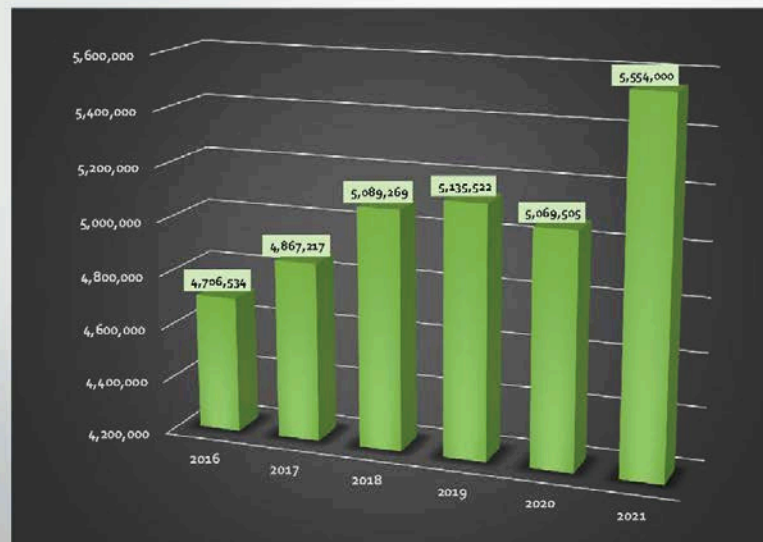
- FY 21: \$5,554,000
- Increase of \$437,255
- 8.55%

Non-property tax revenue reduces the tax rate by \$3.07

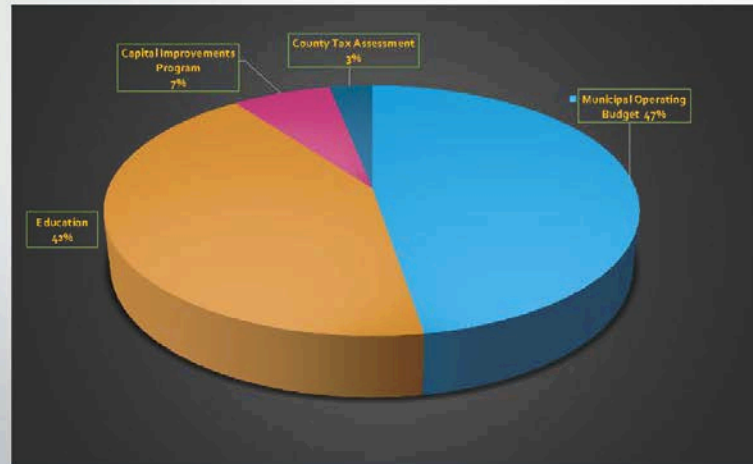
Non Property Tax Revenue Drivers

	<u>Amt</u>	<u>Inc/Dec</u>
▪ Vehicle Excise	\$1,400,000	(\$100,000)
▪ Use of Unassigned Fund Balance	\$ 1,000,000	\$ 500,000
▪ State Revenue Sharing	\$ 500,000	\$ 70,000
▪ Rescue Fees Fund	\$ 500,000	
▪ Homestead Reimbursement	\$ 475,000	\$ 135,000
▪ Parking Fees	\$ 380,000	\$ (50,000)
▪ Cable Franchise Fee	\$ 200,000	
▪ Building Permits	\$ 175,000	\$ (38,000)
▪ Business Licenses	\$ 175,000	\$ (25,000)
▪ Parking Violations	\$ 130,000	\$ (10,000)
▪ Interest on Taxes	\$ 120,000	
▪ Investment Income	\$ 80,000	\$ (20,000)

Non-Property Tax Revenue 2016-2021



Breakdown of Property Tax Bill



Preliminary Combined Tax Levy

	FY 20 Budget	FY 21 Proposed Budget	\$ Change + / -	% Change + / -
Town	14,065,231	14,603,351	538,120	3.83%
School	12,821,471	13,077,900	256,429	2.0%
County	910,754	938,078	27,324	3.0%
Total	27,797,456	28,619,329	821,873	2.96%
Taxable Valuation	1,793,182,000	1,811,113,820	17,931,820	1.0%
Mill Rate	15.50	15.80	.30	1.94%

What Is The Effect On Homeowners?

\$200,000 Home

\$400,000 Home

\$60

\$120

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 6:38 p.m.

Nancy & David Erb dba/ShoreBeatsWork, LLC (202-2-3-2B), 207 East Grand Avenue, one year round rental; Shelly Kerry-Feagans (206-31-7), dba/Maine Country Woods – Retail Business, 37 Old Orchard Street; David Cochrane dba/Elevate Café/Yoga Café – Personal Service, Victualers with Prep, No Alcohol Sales, 155 Saco Avenue, #A-1; and Jason & Jacqueline Alves, 31 East Grand Avenue, Unit 73, one year round rental.

Waive the fee of \$625 for the two (2) year renewal of the Parking Lot License for Good Shepherd Parish dba/Good Shepherd Parish Parking Lot (206-30-1X), 8 Saco Avenue;

Waive the fee of \$625 for the two (2) year renewal of the Parking Lot License for the Old Orchard Beach Edith Belle Memorial Library (206-27-1X), 27 Staples Street;

Waive the fee of \$425 for the two (2) year renewal of the American Legion’s Lady’s Auxiliary (205-7-8XB), 14 Imperial Street, Victualers with Preparation & No Alcohol Sales; and

Waive the fee of \$625 for the two (2) year renewal of the Parking Lot License for the American Legion Parking Lot (205-7-8XC), 14 Imperial Street.

CHAIR: I close this Public Hearing at 6:40 p.m.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Approve the Business Licenses as read.

VOTE: Unanimous.

PUBLIC HEARING & APPROVAL – SPECIAL AMUSEMENT PERMIT:

CHAIR: I open the Public Hearing at 6:41 p.m.

Jeanne LaChance dba/JJ's Eatery Too (306-5-1F), 12 B Old Orchard Street, Solo Acoustics – 6:30 – 9:30 p.m. – Inside and Outside.

CHAIR: I close the Public Hearing at 6:41 p.m.

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

VOTE: Unanimous.

PUBLIC HEARING LIQUOR LICENSE – NEW:

CHAIR: I open the Public Hearing at 6:42 p.m.

Karen Novak dba/Y Knot Restaurant & Bar (206-27-13E), 8 Heath Street, m-s-v in a Class A – Restaurant/Lounge (Class XI).

CHAIR: I close the Public Hearing at 6:42 p.m.

MOTION: Councilor Kelley motioned and Councilor Tousignant seconded to Approve the Liquor License as read.

VOTE: Unanimous.

TOWN MANAGER'S REPORT:

We are all dealing with the effects of the extraordinary health emergency that the Nation is confronting and its effects on our daily lives at work and at home. Given the rapidly changing nature of events I wanted to give you and update on the Town's direction.

The Town's Emergency Management Team, led by Fire/EMS Chief and Emergency Management Director Fred LaMontagne, has been constantly monitoring the rapidly unfolding developments related to the COVID-19 virus. With the announcement of the first presumptive positive case in Maine, we have identified four key priorities during this unparalleled situation:

- 1. The safety of our residents, especially the seniors in our community and those residents with underlying health issues which make them particularly vulnerable to illness.**
- 2. The safety and well-being of our employees, our first responders, so they can continue to serve and protect our community; our front-line employees who routinely interact with customers at the counter, in the field, or in program services; and all employees as they carry out their job responsibilities on a daily basis.**

3. Urging everyone to follow and practice at home and at work the healthy practices of regular and thorough hand washing, use of hand sanitizer, and frequent sanitizing of surfaces or objects that are commonly used by different people.
4. Implementing “social distancing” policies and practices as recommended by the U.S. Center for Disease Control (CDC). Social distancing involves limiting mass gathers, not congregating in large groups, and maintaining distance from others to limit the ability of the virus to spread.

While Town facilities are closed to public access this week, employees in all departments are continuing to work on your behalf. Our first responders in the Police and Fire Departments are of course on the front lines of service to those most in need. They will be there for our residents, although they will do so with consideration to limiting exposure to the virus both for themselves and for those who they are assisting. Our Waste Water staff is working every day maintaining that vital role of managing that essential facility. The Public Works employees too are maintaining a regular work schedule tending to our public infrastructure.

The Recreation Department is actively planning for the delivery of services that adhere to social distancing protocols. And at Town Hall staff in each office is working and available to respond by phone calls, e-mails and regular mail to provide ongoing services. Town Hall and Public Works office will remain closed to public access through Friday, April 3rd and evaluate the future schedule based on conditions at that time. Please go to the Town’s website for updated information regarding Town services.

I also want to acknowledge and thank the people of Old Orchard Beach who are continuing to provide vitally needed services each and every day at the Grocery Store, the Pharmacy, the Bank, Restaurants, Gas Stations, local Markets, etc. What would we do without them? They continue to greet customer after customer with a smile and good spirits in this difficult time. Thank you so much each one.

I will not ask the Fire Chief and Emergency Management Director, Fred LaMontagne to update us further.

GOOD & WELFARE:

NEW BUSINESS:

- # 7189 **Discussion with Action:** Authorize the Town Manager to enter into an Agreement with the Maine Department of Transportation to carry out an Intersection and Mobility Assessment Study for the evaluation of safety and mobility improvements for all transportation modes at the Ocean Park, Saco Avenue, Temple Avenue, Old Salt Road, and Old Orchard Road Intersection; at the cost of \$25,000 from Account Number 50002-50506 – Capital Improvements – Road Maintenance Improvements, with a balance of \$292,176.06.

BACKGROUND:

This Agreement with the State of Maine Department of Transportation consists of the Study Area and scope of work including the evaluation of safety and mobility improvements for all transportation modes at the Ocean Park, Saco Avenue, Temple Avenue, Old Salt Road and

Old Orchard Road. This is a collaborative effort with the Town of Old Orchard Beach to evaluate safety, efficiency and mobility improvements in the Study area. The Study will include an assessment of a round-a-bout at this Intersection.

The Consultant will meet with representatives from the Town of Old Orchard Beach, The MaineDOT under a collaborative planning process as follows:

- Identify and understand local issues;**
- Identify and understand relevant State and Federal regulatory requirements;**
- Finalize scope of work;**
- Develop purpose and need;**
- Identify previous related study efforts and available data;**
- Identify traffic data that will need to be collected; and**
- Identify baseline environmental data, including potential fatal flaws, which will need to be collected;**

The Consultant Team will review available information provided by the Town of Old Orchard Beach and the MaineDOT including, but not limited to Local Comprehensive Plan; Recent Maine DOT traffic counts and crash summaries for the intersection; Available land use and economic development information that could affect transportation in the study are provided by the Town of Old Orchard Beach; and other relevant reports, studies and policies.

The Consultant Team will evaluate the existing and recent historic performance of traffic and baseline environmental information in the study area based on traditional forecasting and growth modes. The assessment will include but not be limited to an analysis of current traffic conditions in the study area; the analysis will include traffic patterns, capacity, speeds, and crash experience; Identification of bicycle and pedestrian deficiencies in the study area; and review analyses with team members and discussions on possible recommendations and additional alternatives to be considered

The Consultant Team will also evaluate future traffic volume taking into account known development and land use changes underway including a 2040 forecast of traffic volumes in the study area, based on historical traffic data and available MaineDOT traffic forecasts; and analysis of future traffic volume conditions of the study area under a series of alternative such as No-build scenario; at least one low cost, primarily non-capital, alternative to minimize future crashes and promote safety; and up to four capital build improvements, including but not limited to, a roundabout.

The analysis will include predicted changes in mobility and crash rates and follow applicable requirements by the Maine DOT's published Roundabout Analysis Requirements. It will include an analysis to the impacts to existing and potential future bicycle and pedestrian facilities. Each alternative will include a conceptual rendering on aerial photography. The Consultant will also prepare a matrix summarizing the performance of alternatives based on such factors as safety, mobility, costs, right-of-way impacts, ability to meet purpose and need, viability from the regulatory perspective, etc.

Based on the analysis of alternatives determined, the Consultant will develop recommendations based on effectiveness of the study area transportation needs. The Consultant will prepare draft report containing the analysis of existing and future conditions,

alternatives analysis and commendations, including a matrix summarizing recommendations along with an Appendix of traffic and crash data.

The Consultant team should expect to meet with the study team including representatives from the Town of Old Orchard Beach, Maine DOT and potentially PACTs staff at the beginning of the study and once preliminary recommendations are available. The Consultant should expect to attend two additional public meetings; one Old Orchard Beach Town Council Meeting for input into problems to be addressed and alternatives to be considered and one Public Meeting to review the performance of alternatives evaluated and discussing any applicable draft recommendations near the end of the study.

The Tasks discussed will be combined into a final narrative report documenting the project. At a minimum the report will include a narrative of the study process; a description of the various alternatives considered; documentation of the evaluation criteria; and illustrations of conceptual designs and cross sections for the preferred alternatives. The final report will incorporate all applicable technical memorandums.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Authorize the Town Manager to enter into an Agreement with the Maine Department of Transportation to carry out an Intersection and Mobility Assessment Study for the evaluation of safety and mobility improvements for all transportation modes at the Ocean Park, Saco Avenue, Temple Avenue, Old Salt Road, and Old Orchard Road Intersection; at the cost of \$25,000 from Account Number 50002-50506 – Capital Improvements – Road Maintenance Improvements, with a balance of \$292,176.06.

VOTE: Unanimous.

7190 Discussion with Action: Accept the quote from Southern Maine Planning & Development Commission for a Memorandum of Understanding – Comprehensive Plan Update Services – Comprehensive Plan Consultant for the Planning Department, at a cost of \$17,200, from Account Number 20201-50802 – Planning and Development Commission, with a balance of \$22,020.

This parcel was given to the Town by the former owner. The Town's Charter required that, with the exception of tax acquired property, the sale of Town-owned property must be approved by the voters. At the March 4, 2020 election, Voters approved the sale of this parcel by the Town Council. In October, 2019, the Finance Department issued a request for bids for this property. The bid of \$70,000 from Cary Seamans was the highest bid received.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Accept the bid of \$70,000 from Cary Seamans, dated October 16, 2019, to purchase Town-owned property at 32 Juniper Street, (Map 402-1-8); said sale was approved at the March 3, 2020 Special Election; and Town Manager is authorized to execute and deliver the Property Deed and all other documents necessary to complete the sale.

VOTE: Unanimous.



Serving the Municipalities of Southwestern Maine

MEMORANDUM

To: Jeff Hinderliter, Old Orchard Beach
From: Lee Jay Feldman, Director of Planning
Date: March 6, 2020
RE: Memorandum of Understanding, Comprehensive Plan Update

Memorandum of Understanding Comprehensive Plan Update Services

The following document constitutes the scope of planning services which SMPDC will provide to the Town of Old Orchard Beach to develop an update of its Comprehensive Plan Inventory update. This scope of services reflects your request for assistance, State statutes, regulations, and guidelines for a Comprehensive Plan Update.

Services

We will make every effort to provide all services and products to the Town of Old Orchard Beach according to the Budget and Workplan, and as outlined below. This assumes timely participation and response by the OOB Comprehensive Planning Committee as outlined below. SMPDC will not be held responsible for delays accruing from meeting cancellations or postponements by the Town. The Town staff is responsible for supervising and approving work products of SMPDC.

Notice to Proceed

The signing of this memorandum of understanding shall constitute our notice to proceed.

Copies and Mailing for Committee Business

SMPDC will be responsible for providing drafts to the Town of updated plan text, both in paper and in electronic form, for the town staff to print out, copy and distribute to the committee. SMPDC will handle all correspondence, telephone, and email correspondence regarding reviews of work product.

110 Main Street . Suite 1400 . Saco, Maine 04072
207.571.7065 2952 Voice . 207.571.7068 Fax
<http://www.SMPDC.org>

Inventory and Analysis

- update data from the existing plan, with the assistance of Town Department Heads if needed and draft narratives around the data for the following sections
- provide a written Draft Chapter(s) for the staff review and comment and make any changes as requested.

Housing	\$2500
Sea Level Rise	\$4000
Energy	\$4000
Transportation	DOT Paying
Local Economy	\$3500
Population	\$1200
Natural Resources	\$1000
History	\$1000

Provide other chapters as need

Estimated cost

The cost for this work would not exceed \$17200

Signed:

Printed Name, Title:

For Town of Old Orchard Beach

Signed:

Printed Name, Title:

For SMPDC

7191 Discussion with Action: Move Tina Kelly from Regular Citizen Member of the Administrative Board to Alternate Business Member, term to expire 12/31/21; move Michael Shannon from alternate Citizen Member to a regular Citizen Member, term to expire 12/31/20; and appoint Scott Eccleston as an Alternate Citizen Member, term to expire 12/31/21.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Move Tina Kelly from Regular Citizen Member of the Administrative Board to Alternate Business Member, term to expire 12/31/21; move Michael Shannon from alternate Citizen Member to a regular Citizen Member, term to expire 12/31/20; and appoint Scott Eccleston as an Alternate Citizen Member, term to expire 12/31/21.

VOTE: Unanimous.

7192 Discussion with Action: Approve the Purchase, Installation and Repair of a new 20 Gallon Compressor and necessary repairs to hosing, piping and couplings for the Diesel Exhaust Evacuation from Air Cleaning Specialists for the Fire Department, in the amount of \$6,750, from Account Number 20138-50453 – Vehicle Repair, with a balance of \$39,434.32.

BACKGROUND:

On March 10, 2020, the air compressor that supplies air to the vehicle diesel exhaust ventilation system caught fire. The damage was limited to their air compressor but the compressor was beyond repair. Additionally the exhaust evacuation system itself needs numerous repairs. These items include:

Cost Breakdown as follows:

Option #1:	Systems Maintenance Parts	\$4,350
	System Labor	1,600
Option #2:	Compressor Replacement	\$ 800

Total requested for this appropriation is from Account Number 20138-50453 - \$6,750.


MOTION: Councilor Blow motioned and Councilor Kelley seconded to Approve the Purchase, Installation and Repair of a new 20 Gallon Compressor and necessary repairs to hosing, piping and couplings for the Diesel Exhaust Evacuation from Air Cleaning Specialists for the Fire Department, in the amount of \$6,750, from Account Number 20138-50453 – Vehicle Repair, with a balance of \$39,434.32.

VOTE: Unanimous.



Old Orchard Beach Fire Department

INTEROFFICE MEMORANDUM

TO: LARRY MEAD, TOWN MANAGER
FROM: FRED LAMONTAGNE, FIRE CHIEF 
SUBJECT: REPAIR OF PLYMOVENT SYSTEM
DATE: 03/12/2020
CC: LOUISE REID, ASSISTANT TOWN MANAGER
DIANA ASANZA, FINANCE DIRECTOR

On March 10th 2020, the air compressor that supplies air to the vehicle diesel exhaust ventilation system caught fire. The damage was limited to the air compressor, but the compressor was beyond repair. Additionally, the exhaust evacuation system itself needs numerous repairs. These items include There are cracked hose lines, leaky couplings and valves. I would like to exercise Option #1 and Option #2 on the attached quote to Air Cleaning Specialist. This is an existing proprietary exhaust removal system so three bids for service were not available.

Cost breakdown is as follows:

Option #1
System maintenance Parts: \$4350
System Labor: \$1600

Option#2
Compressor replacement: \$800

Total requested for this appropriation from Account 20138-50453: \$6750



1525 Hanover Street
 Hanover, MA 02339
 Phone 781-826-9755
 Fax 781-829-0240

www.aircleaningspecialistsne.com

of New England LLC

PROPOSAL

DATE:	March 12, 2020			
TO:	Old Orchard Beach Fire Department. 136 Saco Avenue Old Orchard Beach, ME 04064			
ATTN:	Chief Fred LaMontaine	PHONE	207-934-7790	FAX:

Parts:

OPTION I:

Bay #1 – Ambulance #76:

Upper hose with airline	\$ 836.00
Manual Fill Valve	\$ 425.00
Uncoupling Valve	\$ 325.00
Lower Hose	\$ 160.00

Bay #2 – Rear Pick-up #77

Upper hose with airline	\$ 836.00
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Bay #2 – Engine #72

Upper hose with airline	\$ 836.00
Bladder	\$ 392.00

Bay #3 – Engine #71

Lower hose	\$ 160.00
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Bay #4

10' Upper hose	\$ 380.00
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Parts:

\$4,350.00

Labor:

\$1,600.00

OPTION #II

COMPRESSOR

Install one (1) 20 gallon, 2 HP, 115V, 1Ø compressor

Price: \$799.00

Proposed By: Tom Perry Project Manager	Accepted By:
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PROPOSAL

OPTION III:

Convert Plymovent pneumatic to Plymovent magnetic nozzles

Price **Seven drops @** **\$1,400.00 per vehicle** **\$9,800.00**

Proposed By: Tom Perry Project Manager	Accepted By:
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7193 Discussion with Action: Accept the bid of \$70,000 from Cary Seamans, dated October 16, 2019, to purchase Town-owned property at 32 Juniper Street, (Map 402-1-8); said sale was approved at the March 3, 2020 Special Election; and Town Manager is authorized to execute and deliver the Property Deed and all other documents necessary to complete the sale.

BACKGROUND:

This parcel was given to the Town by the former owner. The Town's Charter required that, with the exception of tax acquired property, the sale of Town-owned property must be approved by the voters. At the March 4, 2020 election, Voters approved the sale of this parcel by the Town Council. In October, 2019, the Finance Department issued a request for bids for this property. The bid of \$70,000 from Cary Seamans was the highest bid received.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Accept the bid of \$70,000 from Cary Seamans, dated October 16, 2019, to purchase Town-owned property at 32 Juniper Street, (Map 402-1-8); said sale was approved at the March 3, 2020 Special Election; and Town Manager is authorized to execute and deliver the Property Deed and all other documents necessary to complete the sale.

**VOTE: Yea: Councilors Kelley, Blow, Chair Thornton,
Abstain: Councilor Tousignant**

7194 Discussion with Action: Approve the Special Event Permit Application for the Chamber of Commerce to hold their Annual Beach Olympics on the beach and in the Square (request to close the Square) on Thursday, August 13th through Saturday, August 15th, 2020. Set-up on Thursday, August 13th, delivery of flatbed around midnight, event Thursday through Saturday, August 13th thru August 15th including take down. Insurance, listing the Town as additionally insured, to be provided to the Town Clerk's Office at least two weeks prior to the event.

MOTION: Councilor Blow motioned and Councilor Tousignant seconded to Approve the Special Event Permit Application for the Chamber of Commerce to hold their Annual Beach Olympics on the beach and in the Square (request to close the Square) on Thursday, August 13th through Saturday, August 15th, 2020. Set-up on Thursday, August 13th, delivery of flatbed around midnight, event Thursday through Saturday, August 13th thru August 15th including take down. Insurance, listing the Town as additionally insured, to be provided to the Town Clerk's Office at least two weeks prior to the event.

VOTE: Unanimous.

7195 Discussion with Action: Approve the Beach Management Agreement with the U.S. Fish & Wildlife Services (USFWS); and the Maine Department of Inland Fisheries & Wildlife (MDIFW); developed for the Town of Old Orchard Beach.

BACKGROUND:

The Town works cooperatively with USFWS and MDIFW to ensure the viability and protection of piping plovers and other migratory shorebirds on the Town's beaches. This Agreement outlines the expectations of each party, including protocols related to trash collection, beach grooming, dogs and other animal control, fireworks and other activities and special events, protection of nesting areas, and regular monitoring of piping plover activity.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Approve the Beach Management Agreement with the U.S. Fish & Wildlife Services (USFWS); and the Maine Department of Inland Fisheries & Wildlife (MDIFW); developed for the Town of Old Orchard Beach.

VOTE: Unanimous.

Town of Old Orchard Beach Beach Management Agreement 2020 through 2022

In 2009, representatives of the Town of Old Orchard Beach (the Town), the U.S. Fish & Wildlife Service (USFWS), and the Maine Department of Inland Fisheries and Wildlife (MDIFW) first developed the following Beach Management Agreement for the Town of Old Orchard Beach. On February 19, 2020, representatives of the Town, MDIFW, and Maine Audubon agreed to draft a renewal of the Beach Management Agreement for 2020-2022.

The intent of this agreement is to implement measures that will protect piping plovers, least terns, and migratory shorebirds on Old Orchard Beach from predator and human-related activities and harm. Success of this agreement depends on the participation and cooperation of the Town, USFWS, and MDIFW. **This agreement does not supersede or replace any local, state, or federal statutes, regulations, or guidelines that apply to private properties.**

IMPORTANT! This agreement is in effect annually from April 1 through August 31 when ***nesting activity*** is occurring, *which is defined as when territorial pairs, nests, and chicks of Piping Plovers are present.* **When *nesting activity* is not occurring on the Town's beaches, these guidelines are not in effect.** The Town must keep in weekly communication with MDIFW or its designee to know when Piping Plover ***nesting activity*** is occurring.

This agreement allows the Town of Old Orchard Beach to continue their beach management program without filing a state Incidental Take Plan (ITP) for each Town activity that occurs near or within Piping Plover nesting areas, as long as the Town implements protection measures outlined in this agreement. Compliance with this agreement exempts the Town from Essential Habitat regulations (section IV – L) for activities specifically addressed here. Other activities that overlap with the portion of Old Orchard Beach designated as an Essential Habitat not addressed in this Agreement require MDIFW review.

There is an incentive for the Town to promote the nesting success of plovers, because plovers that nest successfully in April will fledge their chicks by mid-to-late June, thus removing restrictions on the beach. However, if April nesting fails, or the plovers are forced to nest late, the nesting and chick rearing season will extend into July and August, the peak summer months for beachgoers.

I) Introduction

The Piping Plover (*Charadrius melodus*) is a small sandy-colored shorebird that nests on beaches from Newfoundland to South Carolina and is imperiled throughout much of its range in the United States and Canada. Once common on sandy beaches in southern Maine, the Piping Plover is listed as Endangered under the Maine Endangered Species Act (MESA), and the east coast population is listed as Threatened under the federal Endangered

Town of Old Orchard Beach - Beach Management Agreement 2020-2022

Species Act (ESA). In 2019, a state record of 89 pairs of Piping Plovers nested in the entire state of Maine, an increase from 66 pairs in 2018.

Habitat loss and lack of undisturbed nest sites are two of the primary factors jeopardizing populations of Piping Plovers. Historically, Maine had more than 30 miles of suitable nesting beaches that may have supported up to 200 pairs of Piping Plovers. However, the construction of seawalls, jetties, piers, homes, parking lots, and other structures along Maine's sand-beaches has dramatically reduced the extent of suitable nesting habitat. Continuing development and intense recreational use of nesting beaches is further reducing the capacity of the remaining habitat to support nesting plovers. Ensuring the availability of this limited habitat is essential for the continued existence of Piping Plovers and other coastal wildlife, such as the state listed endangered Least Tern and federally listed Red Knot that use plover nesting beaches to rest and refuel during migration.

Historical records document that Piping Plovers nested on Old Orchard Beach in recent decades. In fact, under ideal conditions, these 3 miles of sand-beach habitat may have once supported as many as 10 pairs of Piping Plovers at densities of 3.5 pairs/mile of beach. Unfortunately, development and associated human disturbance and predation greatly reduced the ability of the habitat to support these rare birds. Piping Plovers were a rare summer resident in Maine in the late 1800s, and in the early 1900s, were extirpated as a breeding bird from the state. With protection from the Migratory Bird Treaty Act in 1918, plovers rebounded, and by 1940, they were common on sandy beaches from Kittery to Cape Elizabeth. Nesting of plovers on Old Orchard Beach resumed in 1993. From 1993 to 2008, one to three pairs of Piping Plovers consistently nested on Old Orchard Beach. With increasing support from the Town, the number of nesting Piping Plovers on Old Orchard Beach has ranged from four to nine pairs during 2014-2019; clearly, habitat management of Old Orchard Beach is essential to the recovery of Piping Plovers in Maine.

In 1995, the MDIFW designated a portion of Old Orchard Beach (PPLT04 and PPLT08) as Essential Habitat for Piping Plovers. In 2010, to incorporate recent nesting locations by Piping Plovers on Old Orchard Beach, MDIFW expanded Essential Habitat to include two more areas (PPLT14 and PPLT15).

II) Authority to Enter Agreement

Maine Endangered Species Act of 1975 (MESA)

Federal Endangered Species Act of 1973 (ESA)

III) Geographic Scope of Agreement

The area under this agreement is the entire, Town-owned beachfront commencing from the Saco/Old Orchard Beach town line at Goosefare Brook, north to the Old Orchard Beach/Scarborough town line. The beachfront includes the seaward side of the frontal dune to the mean low water mark.

The intent of this agreement is to provide a means to protect Piping Plovers on Old Orchard Beach. Success of this agreement depends on the participation and cooperation of the Town and MDIFW.

This agreement does not supersede or replace any local, state, or federal statutes, regulations, or guidelines that apply to private properties.

IV) Beach Management Guidelines for Piping Plovers

IMPORTANT! These guidelines are in effect from April 1 through August 31 when *nesting activity* is occurring, *which is defined as when territorial pairs, nests, and chicks of Piping Plovers are present.* The Town must keep in weekly communication with MDIFW or its designee to know when Piping Plover *nesting activity* is occurring. When *nesting activity* is not occurring on the Town's beaches, these guidelines are not in effect.

A) Daily Pickup of Trash Barrels on the Town's Beaches and Rights-of-ways.

The Town does not place trash barrels on the beach near plover nest sites. If the Town does decide to place trash barrels on the beach, the Town must place them as far away from areas of plover *nesting activity* as possible but no closer than 100 feet from a stake and twine symbolic fence. Any Town vehicle picking up waste from the barrels shall have a trained spotter (trained by MDIFW or its designee) walk in front of the vehicle, which shall proceed no faster than walking speed.

Trash pickup using All Terrain Vehicle (ATV) does not require a spotter if:

1. Personnel picking up trash are in weekly communication with the Town's Plover Monitoring Coordinator and MDIFW or its designee to know the location of nesting plovers and their chicks;
2. ATV operators are trained by MDIFW or its designee; and
3. ATV vehicles proceed no faster than walking speed.

All vehicles will travel as close as possible to the mean high-water mark, to assure no conflicts between piping plovers and vehicular traffic.

B) Seaweed and Debris Cleanup

The Town will follow these beach-cleaning guidelines during periods of Piping Plover nesting activity.

1. All beach-cleaning vehicle entrances/exits to the beach will be at locations agreed upon by the Town and MDIFW.
2. The Town will coordinate with the Town's Plover Monitoring Coordinator to determine current plover nest and/or brood locations. The Plover Monitoring Coordinator or a spotter, trained by MDIFW or its designee will guide all Town beach-cleaning vehicles within 500 feet of nesting areas or plover brood locations.
3. Spotters will use the map given to them by the Town's Plover Monitoring Coordinator (see Section IV, H). They will record observations of adult birds, nests, eggs, and chicks, every 100 feet of the beach prior to vehicular access to that section. If the spotter does not observe plover activity, the cleaner will rake those 100 feet while the spotter stands and watches in that zone. Records of these observations will be submitted to MDIFW at the end of the nesting season or at any time upon request.

4. The spotter will proceed to the next area (approximately 100 feet down the beach), spotting, locating, and watching before giving the signal to allow the vehicles to enter the area.
5. Beach cleaning will not occur within 100 feet of stake-and-twine symbolic fencing. This gives the birds a buffer from disturbance by vehicles and leaves additional foraging habitat intact.
6. The Town will clean rights-of-way by hand unless it is clearly outside any area of plover ***nesting activity*** or conducted outside the plover-nesting season. Instances of need for heavy seaweed removal have historically been few. However, should heavy seaweed removal require using a dump truck and an excavator, a trained spotter will be required on site. No such work will take place within 100 feet of a stake-and-twine symbolic fence.

C) Lifeguards.

Lifeguard stands will be at least 100 feet from a stake-and-twine symbolic fence. In the event that a site does not allow for the required 100-foot buffer, MDIFW and the Town will determine an appropriate placement for the lifeguard stand as far as possible from the stake-and-twine symbolic fence. This mutually agreed-upon location will maintain the public safety requirements as well as protect nesting Piping Plovers. When feasible and appropriate, as determined by the Town, lifeguards will assist in educating the public about safeguarding plovers.

D) Police, Emergency, and Non-Emergency Vehicle use

It will be the policy of the Town of Old Orchard Beach that essential (non-emergency) vehicle use will not occur within 100 feet of designated Piping Plover nesting areas. The Town will coordinate with the Town's Plover Monitoring Coordinator to determine current plover nest and/or brood locations. At least two employees shall respond to any non-emergency incident (such as removal of dead or injured marine mammals) within an area of plover ***nesting activity***, with one employee acting as the spotter to and from the scene.

The following USFWS guidelines should be followed within 500 feet of nesting areas and/or brood locations to minimize the probability that chicks will be crushed by essential (non-emergency) vehicles:

- Essential vehicles should travel through chick habitat areas only during daylight hours and should be guided by a qualified monitor who has first determined the location of all unfledged plover chicks.
- Speed of vehicles should not exceed five miles per hour.
- Use of open 4-wheel motorized all-terrain vehicles or non-motorized all-terrain bicycles are recommended whenever possible for monitoring and law enforcement because of the improved visibility afforded operators.

- Essential vehicles should avoid driving on the wrack line, and travel should be infrequent enough to avoid creating deep ruts that could impede chick movements.

All emergency response personnel will account for and avoid nesting areas and chicks to the maximum extent practicable, consistent with the nature and urgency of the emergency. All Public Safety or Town personnel assigned or normally required to use vehicles (including ATV's) on the beach shall annually receive specialized education and training from MDIFW or its designee in the spotting and protection of plover habitat (see Training below). All other personnel shall have training materials and aids available to assist in spotting plover nests, chicks, and fledglings, during their beach management activities. Training workshops shall be available for each nesting season.

E) Recreational Activities

1. **Beach parties, clambakes, volleyball, fires, etc.:** Because these activities could seriously threaten plover nests, eggs, and young, the Town will discourage such activities within 100 feet of symbolic stake-and-twine fencing.
2. **Kite, sand surfer (wind-driven sand cart), parasail, or paraboard sail.** The town will discourage these activities within 650 feet of symbolic stake and twine.
3. **Fireworks.** If the Town approves a fireworks display, MDIFW and USFWS require that:
 - a. The fireworks launch site be located a minimum of 1/2 mile from the nearest Piping Plover nesting and/or foraging area.
 - b. For smaller, weekly fireworks displays, at least one uniformed officer is available to control crowds around nesting areas.
 - c. For the annual 4th of July fireworks display, the Town has adequate law enforcement personnel, as defined by MDIFW, to protect nesting areas and assist MDIFW staff/volunteers.

F) Animal Control

Dogs can be a significant source of disturbance and mortality for Piping Plovers. Ideally, dogs should not be allowed on Piping Plover nesting beaches when territorial pairs, nests, and chicks are present. According to Section 14-6 of the Town ordinances, dogs will not be permitted to enter the beach between the hours of 10:00 a.m. and 5:00 p.m. inclusive, from Memorial Day to Labor Day.

The Town agrees not to allow dogs within 100 feet of symbolic stake-and-twine fencing and to erect signs alerting beach-goers of the prohibition on dogs in those areas. Signage will be provided by MDIFW and design and verbiage agreeable between the Town and MDIFW. The Town, MDIFW, and USFWS enforcement officers will enforce this prohibition. If the enforcement of this prohibition is ineffective other options will be discussed for the next season. This prohibition will be in effect from April 1 through August 31, unless MDIFW determines that Piping Plovers are no longer attempting to nest on the beach.

- Essential vehicles should avoid driving on the wrack line, and travel should be infrequent enough to avoid creating deep ruts that could impede chick movements.

All emergency response personnel will account for and avoid nesting areas and chicks to the maximum extent practicable, consistent with the nature and urgency of the emergency. All Public Safety or Town personnel assigned or normally required to use vehicles (including ATV's) on the beach shall annually receive specialized education and training from MDIFW or its designee in the spotting and protection of plover habitat (see Training below). All other personnel shall have training materials and aids available to assist in spotting plover nests, chicks, and fledglings, during their beach management activities. Training workshops shall be available for each nesting season.

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G) Stake-and-twine Fencing and Nest Enclosures

Plover nests that are not quickly fenced are vulnerable to disturbance. In an effort to afford plovers the immediate protection they require, the Town of Old Orchard Beach grants MDIFW or its designee, approval to erect symbolic stake-and-twine fencing and nest enclosures, as needed.

Stake-and-twine Fencing: Temporary, stake-and-twine fencing and signage is for managing recreational use of the beach in the vicinity of Piping Plover nesting areas, and for protecting nesting and feeding habitat for plovers. Ideally, when courtship and nest scraping first occur, biologists erect stake-and-twine fences and signs around the nesting area. Plover nesting areas are fenced using wooden stakes and baling twine; MDIFW or its designee, provide the signs. Only persons engaged in Piping Plover monitoring should enter the fenced areas. Fenced areas should extend 150 feet on either side of the nest whenever feasible. If the 150-foot radius is inadequate to protect incubating adults and unhatched chicks, biologists may expand the fenced area. In some instances, fenced areas may encompass more than one nest. Monitoring of nesting territories should occur frequently (daily if possible) until nests are located. Stake-and-twine fencing will remain on the beach until all chicks in the vicinity have fledged.

Nest Enclosures. Predation by crows, gulls, foxes, dogs, and cats is a major source of nest failure for Piping Plovers. Therefore, MDIFW or its designee, will erect approximately eight-foot diameter nest enclosures around each nest after the birds lay their third egg; this helps protect the eggs and young until hatching is completed. Nest enclosures consist of 2 x 4-inch welded wire fence supported by metal stakes. Biologists string bird netting over the top of the enclosure to help deter avian predators. Guidelines for constructing and maintaining enclosures are in Appendix F of the federal Piping Plover Revised Recovery Plan (U.S. Fish and Wildlife Service 1996).

MDIFW or its designee will remove nest enclosures when territorial pairs, nests, and chicks are no longer present.

H) Monitoring

The goal of monitoring is to establish regular, daily observational walks to maintain an up-to-date account of Piping Plover activity on Old Orchard Beach to better protect them from predation and human activities. Monitoring of Piping Plovers requires frequent visits by plover biologists and volunteer monitors each week throughout the nesting season to ascertain nesting status, nest location, nest success, and success of young. As the season progresses, monitors may discover new nests at any time as re-nesting occurs, or as new pairs establish nests on the beach. Adult birds and their chicks commonly move 325 to 650 feet away from the nest to preferred foraging areas (wrack line and intertidal flats). Frequent visits are required to track the survival and movements of family groups.

The keystone of the monitoring program is deployment of trained, Volunteer Plover Monitors (Monitors). The Town's Plover Monitoring Coordinator (Coordinator) recruits and supervises these Monitors.

J) Training

In support of the volunteer monitoring program, MDIFW or its designee will conduct annual training sessions for the Plover Monitoring Coordinator, Volunteer Plover Monitors, lifeguards, police and summer reserves, appropriate Department of Public Works employees, Emergency Responders, and other appropriate employees of the Town. These training sessions will be held in April and May, and will include information regarding Piping Plover biology, conservation/management, monitoring protocol, record keeping, and regulations, including dogs on the beach. When possible, MDIFW or its designee will include enforcement personnel of the USFWS and MDIFW for these training sessions to address issues of "take" under the federal ESA and Maine ESA. MDIFW will provide a Volunteer Monitoring Handbook developed by Maine Audubon, to the Volunteer Plover Monitors, which contains background and training materials, regulations (including those pertaining to dogs on the beach), and daily monitoring check-off sheets.

When feasible and appropriate, MDIFW or its designee will train all Town personnel, including the Conservation Commission, at the same time, unless it is not reasonable to do so.

K) Beach Restoration, Maintenance, Nourishment, and Dune Creation

Activities within the sand dune system at Old Orchard Beach occur within a protected resource area under the jurisdiction of the Maine Department of Environmental Protection (DEP). The U.S. Army Corps of Engineers (Corps) has federal jurisdictional responsibilities within the sand dune system; however, all federal activities are subject to review by the USFWS under the Endangered Species Act. Many projects and activities (such as moving sand, altering vegetation, repairs to jetties and seawalls) require a permit from DEP and/or the Corps. Projects located in designated Essential Habitat may need a "Project Review" from MDIFW, Old Orchard Beach will contact MDIFW regional biologist before such projects are permitted (see section L). Therefore, all proposed beach nourishment, sand fencing, planting, and trail plans should be coordinated by the Town of Old Orchard Beach and reviewed by MDIFW, DEP, USFWS, and the Corps to ensure that state and federal regulations are adhered to and that Piping Plovers are not adversely affected.

L) Permit Review Process

Landowners and the Town of Old Orchard Beach must apply for and obtain all appropriate, necessary environmental permits before conducting activities or projects that require environmental review. This Cooperative Beach Management Agreement does not negate this responsibility and legal requirement, nor does it supersede or replace state and federal law.

This Cooperative Beach Management Agreement can facilitate state and federal environmental review and permitting provided that such activities and projects are consistent with other federal and state statutes. Concurrence from the USFWS and MDIFW on any future project that could affect plovers or their habitat within the

Town of Old Orchard Beach - Beach Management Agreement 2020-2022

geographic area subject to this Agreement is contingent upon the successful implementation of all Piping Plover protection measures described in this Agreement and demonstration that these protection measures have proven adequate in avoiding "take" as defined under the federal Endangered Species Act (harass, harm, pursue, hunt, shoot, kill, trap, capture, or collect) of the federal Threatened Piping Plover (U.S. Fish and Wildlife Service 1973), or "take" as defined under the Maine Endangered Species Act (...the act or omission that results in the death of any endangered or threatened species.") (12 MRSA §12808) and "harass" as defined under state statute as any "intentional or negligent act or omission that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns" (12 MRSA §10001(29)) of the state Endangered Piping Plover.

Essential Habitat: Any project requiring a permit or license from, or to be funded or carried out by, a state agency or municipal government partly or wholly within a Piping Plover and Least Tern nesting, feeding, and brood-rearing area designated as Essential Habitat shall not be permitted licensed, funded or carried out unless MDIFW determines that the project will not significantly alter the Essential Habitat.

Old Orchard Beach is encouraged to contact MDIFW regional biologist early in the planning process of projects located within designated Essential Habitat.

Certain activities/projects described within this agreement that are located in Essential Habitat do not need a "Project Review" by MDIFW as long as the Town agrees to follow guidelines described within the agreement.

These activities/projects include:

- Daily Pickup of Trash Barrels;
- Seaweed and Debris Cleanup;
- Placement of Lifeguard stands;
- Emergency and Non-emergency Vehicle use;
- Small weekly fireworks display located off the pier

Activities/projects that will need an Essential Habitat Review include but are not limited to:

- Annual July 4th fireworks display;
- Dredging, bulldozing, or removing or displacing soil, sand, vegetation, or other materials;
- Draining, filling, including adding sand or other material to a coastal sand dune;
- Beach nourishment or dune restoration;
- Organized group activities including camping and sporting events on the beach

Situations, activities, or projects may arise that are not addressed in this Agreement that affect the Piping Plovers on Old Orchard Beach. Successful resolution of such eventualities requires communication and coordination; landowners and the Town of Old

Town of Old Orchard Beach - Beach Management Agreement 2020-2022

Orchard Beach are encouraged to seek early and frequent consultation with MDIFW and the USFWS prior to initiating activities or projects that may affect Piping Plovers.

V) Time Frame of Agreement

Recognizing that habitat and other management issues may arise that could require modified management, appropriate members of the Town as determined by the Town Council, USFWS, and MDIFW will meet annually in the winter to review this agreement. This Agreement will commence April 1, 2020 and terminate on October 1, 2022.

VI) Amendments

Amendments to this agreement can be made with the concurrence of all signatory parties to the agreement. Amendments shall not be effective unless documented in writing, dated, signed by all parties, and attached to the agreement.

Signatories to the Agreement

DATE:

Old Orchard Beach Town Manager

Chairman, Old Orchard Beach Town Council



Maine Department of Inland Fisheries & Wildlife

February 26, 2020

7196 Discussion with Action: Approve the Special Event Permit Application for the Old Orchard Beach Recreation Department to hold Round Robin Basketball Games at the Memorial Park Basketball Courts on Saturday, July 25th, 2020, with a rain date of Sunday, July 26th, 2020, from 7 a.m. to 7 p.m.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Approve the Special Event Permit Application for the Old Orchard Beach Recreation Department to hold Round Robin Basketball Games at the Memorial Park Basketball Courts on Saturday, July 25th, 2020, with a rain date of Sunday, July 26th, 2020, from 7 a.m. to 7 p.m.

VOTE: Unanimous.

7197 Discussion with Action: Approve the Democrat Ballot Clerks, terms to expire May 1st, 2022.

Democrat Ballot Clerks approved at
Caucus – 3/820 - at 2020 Caucus

LAST NAME	FIRST NAME	MAILING ADDRESS
Anderson	Pamela	1 Wild Dunes Way, #77
Brown	Patricia	1 Fourth Avenue
Clark	Jo Ellen	P.O. Box 7002, Ocean Park
Darling	Jo	17 Center Street
Dayton	Robin	59 Fern Avenue
DeVaney	Barbara	1 Maplewood Avenue
Doherty	Janet	111 Ocean Avenue
Dowling	Brenda	1 Sandpiper Road
Dresser	Andrea	30 Highland Avenue
Dube	Robin	1 Ocean Park Road
Eramo	Anthony	45 Milliken Mills Road
Fontaine	Guy	12 Old Salt Road
Graf	Gretel	8 Benoit Avenue
Hanson	Arlene	14 Laurene Drive
Harkins	Sharon	15 Pearl Avenue
Henry	Jeanette	12 Cookman Avenue
Johnson	Cris	8 Walden Avenue
King	Patricia	1 Seacliff Ave, #D3/new Wild Dunes Way, #28
Labrecque	Charlene	16 Kavanaugh Road
Lacasse	Joan	196 Saco Avenue
Marshall	Kathleen	20 Lucette Avenue/new address 63 Portland Avenue
Marshall	Stephanie	P.O. Box 7197, Ocean Park
McCallum	Marie	20 Manor St, Unit 214
McKenna-Brand	Barbara	1 Wild Dunes Way, #32
Newell	Ralph	7 Gables Way
Tetzl	Roslyn	135 Portland Avenue, #806
Ultsch	Barbara	8 Marshview Road
Wickens	Carol	79 MacIntosh Lane
Wilkinson	Melissa	180 Saco Avenue, Unit 39

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Approve the Democrat Ballot Clerks, terms to expire May 1st, 2022.

VOTE: Unanimous.

7198 Discussion with Action: Approve the Renewal Liquor License for Jeanne LaChance dba/JJ's Eatery Too (306-4-1F), 12 B Old Orchard Street, m-s-v in a Restaurant.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Approve the Renewal Liquor License for Jeanne LaChance dba/JJ's Eatery Too (306-4-1F), 12 B Old Orchard Street, m-s-v in a Restaurant.

VOTE: Unanimous

ADJOURNMENT

MOTION: Councilor Kelley motioned and Councilor Tousignant seconded to Adjourn the Town Council Meeting at 7:35 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 thirty-six (36) pages is a copy of the original Minutes of the Town Council Meeting of March 19, 2020.

V. Louise Reid