

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, October 16, 2018
TOWN HALL CHAMBERS
6:30 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, October 16, 2018. Chair Thornton opened the meeting at 6:31 p.m.

The following were in attendance:

**Chair Joseph Thornton
Councilor Kenneth Blow
Councilor Jay Kelley
Councilor Michael Tousignant
Town Manager Larry Mead
Finance Director Diana Asanza**

**Absent: Vice Chair Shawn O'Neill
Assistant Town Manager V. Louise Reid**

EMERGENCY AGENDA ITEM:

CHAIR: I would like a Motion to add an Emergency Item to the Council Agenda 7263 to follow Agenda Item 7261.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Add to the Agenda Council Agenda Item # 7263 to follow Agenda Item 7261 –Discussion with Action: Approve the Special Event Permit for Jennifer Libby and Lori Voornas to have a birthday party/bonfire on the beach in front of Palace Playland on Saturday, October 27th, 2018 from 4 p.m. to 10 p.m., takedown by 11 p.m. Rain date is the day before, Friday, October 26th, 2018 same times. Applicant must obtain a State open burning permit from the fire department on the day of the event; prior to issuing the permit, the fire officer in charge that day will inspect the site for prohibited materials being burned.

VOTE: Unanimous.

CHAIR: I would like a Motion to add an Emergency Item to the Council Agenda 7264 to follow Agenda Item 7263.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to add to the Council Agenda Item #7264 - Discussion with Action: Approve the pole permit request from Consolidated Communications and Central Maine Power –Heath Street, Placement of new Pole 1 [6] approximately 8 feet southeasterly of old pole 1 [1] (to be removed) approximately 200 feet southeasterly of the intersection of Saco Avenue, one pole.

VOTE: Unanimous.

CHAIR: I would like a Motion to add an Emergency Item to the Council Agenda 7265.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Authorize the Tax Collector to declare as uncollectable outstanding property taxes and all associated outstanding interest and fees as follows: Texton Spooner, #T0670 – 5 Bayberry Drive, \$220.54 – Fiscal Year 2013.

VOTE: Unanimous.

CHAIR: I would like a Motion to add an Emergency Item # 7266.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Authorize the Treasurer to issue a Municipal Quit Clair Deed to Robert B. Sbuttoni, Jr. and Karen M. Bartlett – Sbuttoni for real property located at 3 Birch Lane and described as Map 204, Block 2, Lot 2 on file at the Town Assessor’s Office, meaning to release two Tax Lien Certificates recorded at the York County Registry of Deeds on May 7, 1981 and June 7, 1982.

VOTE: Unanimous.

ACCEPTANCE OF MINUTES: Town Council Minutes of October 2, 2018.

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

VOTE: Unanimous.

PUBLIC HEARING: Wastewater Treatment Facility Administration
Construction Project

Shall the Order #2018-2A entitled “Order to Appropriate \$1,350,000 for a Wastewater Treatment Facility Administration Building Construction Project and to Authorize the Town of Old Orchard Beach to Issue General Obligation Bonds in the Principal Amount of \$1,000,000 to Fund the Project” be Adopted?

BACKGROUND:

On September 4, 2018 the Town Council approved the Order #2018-2A entitled, “Order to Appropriate \$1,350,000 for a Wastewater Treatment Facility Administration Building Construction Project and to Authorize the Town of Old Orchard Beach to Issue General Obligation Bonds in the Principal Amount of \$1,000,000 to Fund the project”, in the form presented to this meeting.

They also approved Order #2018-2B to submit the question to voters and to call a Public Hearing.

NOTICE OF PUBLIC HEARING

TO: Kim McLaughlin, Town Clerk of the Town of Old Orchard Beach: In the name of the State of Maine you are hereby required to notify the voters of the Town of Old Orchard Beach of the Public Hearing described in this Notice of Public Hearing.

TO: The voters of the Town of Old Orchard Beach: Take notice that a public hearing will be held on October 16, 2018 at 6:30 p.m., at the Town Hall Council Chambers, 1 Portland Avenue, in Town of Old Orchard Beach on the following Question, which will be the subject of a general municipal election vote on November 6, 2018.

Question 1: Shall Order #2018-2A entitled, "Order to Appropriate \$1,350,000 for a Wastewater Treatment Facility Administration Building Construction Project and to Authorize the Town of Old Orchard Beach to Issue General Obligation Bonds in the Principal Amount of \$1,000,000 to Fund the Project," be adopted?

TOWN OF OLD ORCHARD BEACH FINANCIAL STATEMENT

Total Town Indebtedness

Bonds outstanding and unpaid \$8,259,867.00

Bonds authorized and unissued \$ 0.00

Bonds to be issued if this Question is approved \$1,000,000.00

Total: \$9,259,867.00

Estimated Costs of Bonds

At an estimated interest rate of 2.74 percent (2.74%), for a 10-year term, the estimated costs of this bond issue will be:*

Principal \$1,000,000.00

Interest \$ 136,690.00

Total Principal & Interest to be Paid at Maturity \$1,170,800.00*

- Updated prior to printing of ballot.

Validity

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

TO: The Municipal Officers of the Town of Old Orchard Beach I have notified and warned the voters of the Town of Old Orchard Beach of the time and place of the within described public hearing by posting an attested copy of said notice as follows:

Location of Posting Date Time

Being conspicuous public places within the Town of Old Orchard Beach and being at least seven (7) days prior to the date of the public hearing.

JOHN GALLO: He spoke in favor and encouraged the vote to be positive on the Wastewater item.

CHAIR: The Chair closed the Public Hearing at 6:43 p.m.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 6:43 p.m.

Leo D. Paris (202-2-4-3B), 205 East Grand Avenue, #3B, one seasonal rental; Kevin Boyle (305-3-9-5), 5 Boisvert Street, #105, one year round rental; Alexander & Amanda Stanchfield (315-18-8) 47 Union Avenue, one year round rental; and Mark & Deborah Webb (318-8-6-8B), 146 West Grand Avenue, #8B, one year round rental.

CHAIR: I close this Public Hearing at 6:44 p.m.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Approve the business licenses as read.

VOTE: Unanimous.

NEW BUSINESS:

7255 Discussion with Action: Convey foreclosed property identified as 5 BAYBERRY DR , Parcel Number T0670-00000-000000 to owners of record (RITACCO, MARILYN) for the total amount of \$614.64 in outstanding taxes and accumulated interest INCLUDING FULL YEAR FY 2019, due on the effective date of conveyance, plus any legal costs incurred by the Town of Old Orchard Beach.

MOTION: Chair Thornton motioned and Councilor Blow_ seconded to Remove Without Prejudice the foreclosed property identified as 5 BAYBERRY DR , Parcel Number T0670-00000-000000 to owners of record (RITACCO, MARILYN) for the total amount of \$614.64 in outstanding taxes and accumulated interest INCLUDING FULL YEAR FY 2019, due on the effective date of conveyance, plus any legal costs incurred by the Town of Old Orchard Beach.

VOTE: Unanimous.

7256 Discussion with Action: Convey foreclosed property identified as 2 OCEAN PARK RD, Parcel Number 00210-00002-00051 to owners of record (OCEAN PIZZA INC) for the total amount of \$28,549.60 in outstanding taxes and accumulated interest INCLUDING FULL YEAR FY 2019, due on the effective date of conveyance, plus any legal costs incurred by the Town of Old Orchard Beach.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Convey foreclosed property identified as 2 OCEAN PARK RD, Parcel Number 00210-00002-00051 to owners of record (OCEAN PIZZA INC) for the total amount of \$28,549.60 in outstanding taxes and accumulated interest INCLUDING FULL YEAR FY 2019, due on the effective date of conveyance, plus any legal costs incurred by the Town of Old Orchard Beach.

VOTE: Unanimous.

7257 Discussion with Action: Vote to Establish a Non Lapsing Special Revenue Fund to be called the “Community Friendly Connection Fund” and to approve the acceptance of donations for the purposes as stated in the Community Friendly Connection mission statement.

BACKGROUND: The Community Friendly Connection is requesting Town Council approval for it to have a new special revenue fund established to hold fundraising monies collected for items such as the electronic Community Message Board, the ADA Recreational Equipment and other such items to be purchased once funded. The monies in this revenue fund will be carried forward from year to year.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Vote to Establish a Non Lapsing Special Revenue Fund to be called the “Community Friendly Connection Fund” and to approve the acceptance of donations for the purposes as stated in the Community Friendly Connection mission statement.

VOTE: Unanimous.

7258 Discussion with Action: Accept the bid in the amount of \$33,033 from Quirk Ford of Augusta, for one 2018 Ford Explorer Utility for the Police Department, from Account Number 52002-50849 - Capital Improvement – Police Vehicle Expense, with a balance of, \$50,105.31.

BACKGROUND: This purchase was approved in the 2018-2019 budgets and is a component of the police cruiser lease/purchase plan that was negotiated with Androscoggin bank last year. The five year plan was for the lease of five vehicles in the first year of the plan (completed in the 2017-2018 budget year); and the purchase of one vehicle in each of the following four fiscal years. Quirk Ford is again the recipient of this year's State bid for police cruisers

MOTION: Councilor Kelley motioned and Councilor Tousignant seconded to Accept the bid the in the amount of \$33,033 from Quirk Ford of Augusta, for one 2018 Ford Explorer Utility for the Police Department, from Account Number 52002-50849 - Capital Improvement – Police Vehicle Expense, with a balance of, \$50,105.31.

VOTE: Unanimous.

7259 Discussion with Action: Amend the Town of Old Orchard Beach’s Code of Ordinances, Chapter 2, Administration, adding Article VII, Property Tax Relief.

BACKGROUND:

As part of the FY19 municipal budget process the Town Council appropriated \$35,000 to fund a property tax relief program for residents 70 years of age or older who had lived in Old Orchard Beach for at least 10 years. The purpose of the program is to provide tax relief to residents who have limited income but who are seeing increased taxes due to rising property values of residential property in Old Orchard Beach. The program being presented for Council review utilizes the State’s existing Property Tax Fairness Credit Program to determine financial eligibility of residents. The State program is incorporated into the filing of Maine income tax forms that provides the basis for income qualification. The advantage of using the State program as the basis for qualification is that the Town does not have to collect and analyze income information from resident applicants and residents do not have to respond to two different processes, State and local. As proposed this program would be implemented in 2019 based on taxes paid and income earned in calendar year 2018.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Amend the Town of Old Orchard Beach’s Code of Ordinances, Chapter 2, Administration, adding Article VII, Property Tax Relief.

VOTE:

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on October 2nd, 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 2, Administration, adding Article VII, Property Tax Assistance Ordinance, by adopting the underscored language as follows:

**TOWN OF OLD ORCHARD BEACH
PROPERTY TAX ASSISTANCE ORDINANCE
Chapter 2, Article VII, Town of Old Orchard Beach Code of
Ordinances**

Section 2-480. Purpose

The purpose of this Ordinance is to establish a program pursuant to Chapter 907-A of Title 36 of the Maine Revised Statutes to provide property tax assistance to qualifying persons who reside in the Town of Old Orchard Beach. Under this program, the Town of Old Orchard Beach may provide tax rebate and rental rebate payments to those individuals who meet the criteria established by this Ordinance.

Section 2-481. Definitions

Homestead: For purposes of this Ordinance, "homestead" shall have the same meaning as defined in 36 M.R.S.A. § 5219-KK(1)(C). Generally, a homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be a permanent residence, occupied by that person and that person's dependents as a home. Homestead Exemption: The State of Maine property tax exemption for all individuals who have owned a permanent residence in Maine for twelve (12) months as of April 1. Established by the State of Maine pursuant to 36 M.R.S.A. §683, as may be amended from time to time.

Property Tax Assistance Program: The program established by the Town of Old Orchard Beach under this Ordinance. Also referred to as the "Program." Property Tax Assistance Program Fund: The special revenue fund established by the Town of Old Orchard Beach under this Ordinance. Also referred to as the "Program Fund."

Property Tax Fairness Credit Program: The property tax credit established by the State of Maine pursuant to 36 M.R.S.A. §5219-KK, as may be amended from time to time.

Qualifying applicant: A qualifying applicant is a person who is determined, after review of a complete application under Section 4 of this Ordinance, to be eligible for a tax rebate or rental rebate payment under the terms of this Ordinance.

Program Administrator: The Town Manager or his/her designee.

Section 2-482. Funding of the Program Fund

A special revenue fund entitled the Property Tax Assistance Program Fund as defined under the terms of this Ordinance shall be created to fund the payments under this Program.

The Town Manager may propose to the Town Council as part of his/her annual budget recommendation an appropriation of monies to fund the Program. Contributions and grants for the

purpose of property tax and rent relief will be accepted and deposited into the Property Tax Assistance Program Fund.

Payments under this Ordinance shall be conditioned upon the existence of sufficient monies in the Program Fund for the fiscal year in which participation is sought. If there are not sufficient monies in the Program Fund to pay all qualifying applicants in full under this Ordinance, payments shall be limited to the amounts available in the Program Fund on a pro-rata basis to each eligible participant based on the amount of the participant's calculated rebate under the Program. In the event that a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.

Section 2-483. Criteria for Participation

To qualify for participation in the Property Tax Assistance Program, an applicant must demonstrate all of the following:

1. That the applicant has a homestead in the Town of Old Orchard Beach at the time of application and for ten (10) continuous years prior to the date of application.
2. That the applicant has received a tax credit under the provisions of the State of Maine Residents Property Tax Fairness Credit Program.
3. That the applicant is age 70 years or older as of the application deadline of November 1st. *Additionally, if the applicant is a property owner:*
4. That the applicant has applied for and received the Homestead Exemption for the year for which the rebate is requested.
5. That the applicant has paid property taxes in full through the date of application.

Section 2-484. Application procedures and determination of eligibility

Persons seeking to participate in the Property Tax Assistance Program shall submit a written request to the Program Administrator no later than November 1 of the year for which the rebate is sought. A new application shall be required for each year in which participation in the Program is sought. The Program Administrator shall provide an application form for the Program, which shall include, at a minimum, the applicant's name, homestead address and contact information.

The Program is based on the State Property Tax Fairness Credit and relates to property taxes and rent paid in the preceding calendar year. As part of the application to the Town, the applicant shall authorize the Town to seek documentation from Maine Revenue Services of proof and dollar amount of the State Property Tax Fairness Credit received by applicant.

The Program Administrator shall review and determine if the application is complete and accurate, and if the applicant is otherwise eligible to participate in the Program. The Program Administrator shall notify an applicant if an application is determined to be incomplete or inaccurate. Applications not deemed complete by November 1 shall not be considered. The Program Administrator's decision on eligibility to participate in the Program shall be final.

Section 2-485. Determination of rebate

If the Program Administrator determines that the applicant is eligible to participate in the Program, he/she shall determine the rebate. The rebate shall be the lesser of the following amounts, but in no

case shall the Town's rebate exceed the property taxes or rent paid in the preceding calendar year, less the State Property Tax Fairness Credit:

A. The amount of credit qualified for under the Property Tax Fairness Credit Program; or

B. A pro rata share of available monies in the Program Fund based on the calculated amount of the rebate.

The Town Manager shall report to the Town Council each year the projected payments and number of eligible applicants requesting assistance from the Program fund.

Section 2-486. Timing of rebate payments

A person who qualifies for payment under the Program shall be mailed a check for the full rebate amount (or pro-rated amount of available funds) no later than December 31 of the year in which the application is submitted.

Section 2-487. Limitations upon payments

Only one qualifying applicant per homestead shall be entitled to payment under this Program each year. The right to file an application and to receive a rebate under this Ordinance is personal to the applicant and does not survive the applicant's death, but such rights may be exercised on behalf of the applicant by the applicant's legal guardian, attorney-in-fact or personal representative.

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

A True Copy

Attest:

Kim M. McLaughlin, Town Clerk

7260 Discussion with Action: Approve the Special Event Permit application for OOB365 to hold Last Blast on December 31st, 2018, 2019 and 2020 from 3:00 p.m. to 8 p.m. in the Square and on the beach, including vendors, a DJ, a bonfire and fireworks on the beach. Fireworks permit issued by Maine State Fire Marshal's Office is forwarded to the OOB Fire Department at least one week prior to each event; bonfire permit will be obtained on the day of the fire after inspection of materials to be burned are inspected by Fire Department Officer in charge; fire is completely extinguished prior to leaving the bonfire site; Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk's Office at least one month prior to the 2019 and 2020 events.

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

VOTE: Unanimous.

7261 Discussion with Action: Approve the Special Event Permit application for the Special Olympics of Maine to hold their annual Lobster Dip on the beach by the Brunswick on Tuesday, January 1st, 2019 from 9:00 a.m. to when the "Dip" takes place at noon; clean up by 1:00 p.m. No parking allowed on West Grand Avenue; two police officers required; Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk's Office at least one week prior to the event.

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

VOTE: Unanimous.

7263 Discussion with Action: Approve the Special Event Permit for Jennifer Libby and Lori Voornas to have a birthday party/bonfire on the beach in front of Palace Playland on Saturday, October 27th, 2018 from 4 p.m. to 10 p.m., takedown by 11 p.m. Rain date is the day before, Friday, October 26th, 2018 same times. Applicant must obtain a State open burning permit from the fire department on the day of the event; prior to issuing the permit, the fire officer in charge that day will inspect the site for prohibited materials being burned.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Approve the Special Event Permit for Jennifer Libby and Lori Voornas to have a birthday party/bonfire on the beach in front of Palace Playland on Saturday, October 27th, 2018 from 4 p.m. to 10 p.m., takedown by 11 p.m. Rain date is the day before, Friday, October 26th, 2018 same times. Applicant must obtain a State open burning permit from the fire department on the day of the event; prior to issuing the permit, the fire officer in charge that day will inspect the site for prohibited materials being burned.

VOTE: Unanimous.

7264 Discussion with Action: Approve the pole permit request from Consolidated Communications and Central Maine Power –Heath Street, Placement of new Pole 1 [6] approximately 8 feet southeasterly of old pole 1 [1] (to be removed) approximately 200 feet southeasterly of the intersection of Saco Avenue, one pole.

MOTION: Councilor Kelley motioned and Councilor Blow seconded Approve the pole permit request from Consolidated Communications and Central Maine Power –Heath Street, Placement of new Pole 1 [6] approximately 8 feet southeasterly of old pole 1 [1] (to be removed) approximately 200 feet southeasterly of the intersection of Saco Avenue, one pole.

VOTE: Unanimous.

7265 Discussion with Action: Authorize the Tax Collector to declare as uncollectable outstanding property taxes and all associated outstanding interest and fees as follows: Texton Spooner, #T0670 – 5 Bayberry Drive, \$220.54 – Fiscal Year 2013.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Authorize the Tax Collector to declare as uncollectable outstanding property taxes and all associated outstanding interest and fees as follows: Texton Spooner, #T0670 – 5 Bayberry Drive, \$220.54 – Fiscal Year 2013.

VOTE: Unanimous.

7266 Discussion with Action: Authorize the Treasurer to issue a Municipal Quit Clair Deed to Robert B. Sbuttoni, Jr. and Karen M. Bartlett – Sbuttoni for real property located at 3 Birch Lane and described as Map 204, Block 2, Lot 2 on file at the Town Assessor’s Office, meaning to release two Tax Lien Certificates recorded at the York County Registry of Deeds on May 7, 1981 and June 7, 1982.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Authorize the Treasurer to issue a Municipal Quit Clair Deed to Robert B. Sbuttoni, Jr. and Karen M. Bartlett – Sbuttoni for real property located at 3 Birch Lane and described as Map 204, Block 2, Lot 2 on file at the Town Assessor’s Office, meaning to release two Tax Lien Certificates recorded at the York County Registry of Deeds on May 7, 1981 and June 7, 1982.

VOTE: Unanimous.

7262 Executive Session pursuant to 1 M.R.S.A Section 405(6)(E) with the Town’s Attorney concerning the Town’s rights, duties and responsibilities related to pending or contemplated litigation matter.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to enter into Executive Session.

VOTE: Unanimous.

MOTION: Councilor Blow motioned and Councilor Tousignant seconded to exit the Executive Session.

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Councilor Blow motioned and Councilor Tousignant seconded to Adjourn the Town Council Meeting.

VOTE: Unanimous.

Respectfully Submitted,

**V. Louise Reid (Minutes taken via the video from the Council Meeting.
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 ten (10) pages is a copy of the original Minutes of the Town Council Meeting of October 16, 2018.
V. Louise Reid**