

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
Tuesday, May 3, 2016  
TOWN HALL CHAMBERS  
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, May 3, 2016. Chair O'Neill opened the meeting at 7:20 p.m.

The following were in attendance:

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

**Absent:** Chair Shawn O'Neill

Pledge to the Flag  
Roll Call

**ACKNOWLEDGEMENTS:**

**VICE CHAIR THORNTON:** Words of appreciation to the Edith Belle Memorial Library for their project of collecting dog and cat food for the Community Animal Watch. Their efforts are much appreciated and will be put to good use as CAW assists seniors and their animals. Any other organization that would like to help in this way only needs to contact the Assistant Town Manager here at Town Hall and she can make arrangements with CAW. Many thanks. Thanks also to the Community Watch Council and neighbors and friends who assisted in Clean Up Day for our community and to Helene Whittaker for organizing it. Once more I have been asked to reach out to the community for any housing opportunities that could be used by our Police Reserves this summer. Call 934-4911 with any opportunities for rentals.

**ASSISTANT TOWN MANAGER:** We were fortunate to have had a visit to town hall by four third grade classes from Loranger School. To Cynthia Nye and all the teachers who accompanied the children, we express our thanks for coming and believe the visit to the different departments was a good learning experience. In addition they also visited Saco Biddeford Savings Bank and the Chamber of Commerce. Senator Linda Valentino and State Representative Justin Chenette are cordially inviting citizens to a Legislative Forum here in the Town Hall Chambers on Monday, May 16<sup>th</sup> at 6:30 p.m. to discuss legislative bills that have been passed and how they will affect you as a citizen. There will also be a question and answer period as well.

**ACCEPTANCE OF MINUTES:**

Accept the Town Council Workshop Minutes of April 13, 2016; Town Council Workshop Minutes of April 19, 2016; Town Council Meeting Minutes of April 19, 2016; and Town Council Workshop Minutes of April 21, 2016.

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

**VOTE:** Unanimous.

**PUBLIC HEARING:**

Shall We Amend Section 2-51, Regular Meetings of the Town Council Rules and Order, by adding – “unless otherwise provided by Council Resolution,” to the end of the first sentence; and change the time of the Regular Town Council Meeting from 7:00 p.m. to 6:30 p.m., keeping the same dates and location?

**CHAIR:** Although the Charter does not require a Public Hearing on changes to the Rules and Order, I wanted to give anyone opportunity to speak should they desire to do so. The Council will be voting on this agenda item later in the meeting under new business.

I open this Public Hearing at 7:21 p.m.

Both Jerome Begert and John Bird spoke about the suggestion to give more time to notify the citizens and what was the purpose of this change. The Council explained that it would start the meetings ½ hour earlier and also would not impact those who already attend the meetings and the meetings are also televised and can be viewed several times during the following week of the meeting. They were also reminded that this change was provided to many prior to this evening’s meeting.

I close this Public Hearing at 7:23 p.m.

**BUSINESS LICENSES AND APPROVAL:**

**CHAIR:** I open this Public Hearing at 7:23 p.m.

Chris & Jo-Anne Capron (107-2-9), 73 Smithwheel Road, five year round rentals; KTD Inc. dba/Bell Buoy Restaurant (205-4-5-B), 24 Old Orchard Street, Victualers with Preparation with Beer, Wine and/or Liquor on Premise; Kim McLaughlin (205-19-17), 20 Foote Street, one year round rental; Peter J. Kozak (305-6-11-4), 66 East Grand Avenue, Unit #4, one year round rental; Joseph F. Agri & Gail R. Ritchey (310-7-2-6) 64 West Grand Avenue, #6, one year round rental; and Christopher & Kimberly Connell (315-6-7-6), 22 Odessa Avenue, Unit #6, one year round rental.

**CHAIR:** I close this Public Hearing at 7:24 p.m.

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

**VOTE:** Unanimous.

**PUBLIC HEARING: AMUSEMENT PERMITS AND APPROVAL:**

**CHAIR:** I open this Public Hearing at 7:25 p.m.

**GFB Scottish Pub LLC dba/GFB Scottish Pub (205-3-1-B), 32 Old Orchard Street, D.J. & Live Music – Inside – 1:00 p.m. to 1:00 a.m.; and Jumpin Jakes LLC dba/Jumpin Jakes Seafood Café (208-3-3), 181 Saco Avenue, Music – Amplified – Outside & Inside – 12:00 p.m. to 12:00 a.m.**

**MOTION:** Councilor Blow motioned and Councilor Kelley seconded to approve the Amusement Permit for **Jumpin Jakes LLC dba/Jumpin Jakes Seafood Café (208-3-3), 181 Saco Avenue, Music – Amplified – Outside & Inside – 12:00 p.m. to 12:00 a.m.**

**VOTE:** Unanimous.

**MOTION:** Councilor Tousignant motioned and Councilor Kelley seconded to address separately the Request for an Amusement Permit for **GFB Scottish Pub LLC dba/GFB Scottish Pub (205-3-1-B), 32 Old Orchard Street, D.J. & Live Music – Inside – 1:00 p.m. to 1:00 a.m.**

**VOTE:** Unanimous.

**BOB AND CINDY GURRY:** Mr. and Mrs. Gurry are owners of Beach Villa Motel and Cottages on Imperial Street (the GFB Scottish Pub backs up to their motel.) They expressed their concerns about this agenda and were asking the Council to consider making the hours from 12:00 noon to 12:00 midnight instead of a 1:00 a.m. closing. They expressed the following opinions on why they are requesting the changes including that they have attempted over the past few years to work out any difficulties relating from noise, drunken patrons, disturbances, etc., with the owners but over the years the disrespect of some staff members has made it difficult for a one-on-one discussion. They have tried to do their best to live with the situation but unfortunately it is now impacting their business. It is a family business – the Gurry’s live on site during the summer months – and they have many young families who through the years have rented and returned. They have over the past year had some negative notes written on their Facebook because of the noise and some visitors have indicated they will not come back. This has concerned them for many of the visitors are long-term. Discussion over the years with Code was that the doors at the bar were to be kept closed to alleviate some of the noise but that has not occurred and in most instances they are left open. In addition, there are often disruptive behaviors in the parking lot which also adds to the complaints. Mr. Gurry said they are not trying to close a business down; they are just asking for some consideration to the lateness of the hour considering the constant disruptions provided by the business and some of their clients. It was noted that according to police records there were nine complaints in 2014; six complaints in 2015; and two complaints so far in 2016.

**KELLY GREENLAW:** Business owner of the Scottish Pub – she acknowledged that there has been difficulty keeping the three doors shut and that the fence needs to be reconstructed. She also indicated that the noise in the parking lot isn’t always those who have been in their business. She recognizes that the close proximity of the motel and the Scottish Pub makes it difficult to control the situation but they have tried to work together in the past and that she will make every attempt to work out a solution to this situation.

**CHIEF DANA KELLEY:** He acknowledge that the noise has been an issue in the past but one of the concerns is that the parking lot is not owned by this business owner so issues come up as to what can be done about the noise situation as it revolves around this business. The Chief also detailed that there were two meetings with the Administrative Review Board, one on May 27, 2014 and another on May 5, 2015 at which time the same complaints were raised including the reduction of the noise level; the closing of the three doors which is a problem because there is no air conditioning in the building and the establishment of a fence. The Administrative Review Board at both times felt that the business owner was making a good attempt to make adjustments and handle these complaints but they have arisen and leading to the request for the closing hour to be midnight instead of 1:00 a.m.

The Council again asked the business owners to work together but did agree that there needed to be a conditional amusement permit issues so that attention is given to the closing of the three doors, the reinstallation of the fence and the need to monitor the noise in the parking lot. It was also noted that if the complaints continue, it will come back to the Administrative Board for review and possible forwarding to the Council for a revocation of business license.

**MOTION:** Councilor Blow motioned and Councilor Kelley seconded to place conditions on the approval of the Request for an Amusement Permit for GFB Scottish Pub LLC dba/GFB Scottish Pub (205-3-1-B), 32 Old Orchard Street, D.J. & Live Music – Inside – 1:00 p.m. to 1:00 a.m. as follows:

Music- Inside will be from 1:00 p.m. to 12:00 midnight.

Three side exit doors on the west side of the building will be kept closed.

The license holder will erect and maintain a stockade-type fence of at least six (6) feet height and the width of the concrete patio northwest corner of the building.

**VOTE:** Unanimous.

**CHAIR:** I close this Public Hearing at 7:58 p.m.

#### **PUBLIC HEARING LIQUOR LICENSE PERMITS AND APPROVAL:**

**CHAIR:** I open this Public Hearing at 7:58 p.m.

KTD Inc. dba/Bell Buoy Restaurant (205-4-5), 24 Old Orchard Street, m-s-v in a Restaurant.

**CHAIR:** I close this Public Hearing at 7:58 p.m.

**MOTION:** Councilor Blow motioned and Councilor Kelley seconded to approve the Liquor License Permit as read.

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

## **TOWN MANAGER'S REPORT:**

Downtown cleaning and maintenance contractor begins this weekend. Our new provider, Defining Lines, is well known and we look forward to a good working relationship. There are two plover nests which have already been identified in Old Orchard beach. This is the first of many and it is important that all those who use the beach need to be particularly aware of these nesting area and most especially those who bring dogs to the beach. The birds are federally protected and owners of dogs are responsible for actions of their pets. Property at Union and Saco Avenue is applying to the Planning Board to expand number of year-round units from five to fourteen and the total number of units from twelve to fourteen. The Town Manager met with staff this week to review the application and staff is not in support of the application and has concerns regarding density, parking, traffic and winter rentals and will share these concerns with the Planning Board. Paving work should take place this week on Walnut and Milliken Streets. Refurbishing of the tennis courts at Memorial Park has begun with base pavement. Finish paving, striping and seal coating and fencing remains to be done. Goosefare Brook watershed management plan is about to be released. The Town is working in relationship with the City of Saco to identify and implement strategies for protecting the watershed from pollutants. Improve Goosefare Brook water quality and habitat so it meets state standards and is safe for human contact; protect the stream and its tributaries from current and future impacts; and raise public awareness and create and maintain community support for restoring Goosefare Brook. We will be looking for grant opportunities from the DEP to assist in moving forward over the next two to three years. The Town Manager has asked the Assistant Town Planner, Megan McLaughlin, to take the lead in developing a Museum in the Street program in Old Orchard Beach. This consists of establishing a self-guided walking tour to locations downtown and in Ocean Park that have historic significance, such as former locations of some of the grand hotels, the Town Hall and the OOB Pier. Signs are placed at the important historic locations that give a photograph and brief history of the building that used to be there or is still standing. You may have seen this in other communities around the country. The next step is fundraising for the signs to identify individuals or businesses willing to sponsor a sign. The goal is just over \$22,000. If the Council approves of the idea the Finance Department will set up an account for accepting donations. The Town Manager plans on bringing this back before the Council.

**#6668            Discussion with Action: Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 54, Traffic and Vehicles, Section 54-187, Restrictions and Prohibitions, adding Ocean Park Road and amending Saco Avenue.**

## **BACKGROUND:**

### **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 April 19<sup>th</sup>, 2016, at 7:00 p.m. to consider the following:

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that section 54-187, Restrictions and Prohibitions (Ocean Park Road) and (Saco Avenue), of the Town of Old Orchard Beach Traffic Ordinance is amended by adding the underscored language:

Sec. 54-187. Restrictions and prohibitions.

Ocean Park Road. No vehicle shall park on either side of Ocean Park Road from Saco Avenue to the Saco Town Line.

Saco Avenue. No vehicle shall park on either side of Saco Avenue from Old Orchard Street to where the lower portion of Jameson Hill Road intersects with Saco Avenue, the intersection of Ocean Park Road, except that parking shall be allowed on the northwesterly side from Washington Avenue to Pine Lane, two-hour parking shall be allowed on the northwesterly side from School Street to St. John's Street, and 30 minute parking shall be allowed on the beach side of Saco Avenue from 15<sup>th</sup> Street to Pleasant Street. Five parking spaces shall be allowed on the beach side of Saco Avenue from Staples Street toward Old Orchard Street during church services only.

**MOTION:** Councilor Blow motioned and Councilor Kelley seconded to Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 54, Traffic and Vehicles, Section 54-187, Restrictions and Prohibitions, adding Ocean Park Road and amending Saco Avenue.

**VOTE:** Unanimous.

# 6669      Discussion with Action: Amend the Town of Old Orchard Beach Code of Ordinances as follows: Chapter 54 – Traffic and Vehicles; Article V – Stopping, Standing, Parking; Division 2 – Specific Places; Section 54-187 – and Prohibitions, *Smithwheel Road.*

**BACKGROUND:**

The proposal to be considered is an amendment to the Traffic and Vehicles Ordinance, Sec. 54-187, Smith Wheel Rd. The amendment includes exempting delivery vehicles from the 9,000 lb. gross weight limit along a portion of Smith Wheel Rd., beginning at the Smith Wheel/Ocean Park Rd. intersection continuing north along Smith Wheel for 310 feet (see attachment). The currently adopted language prohibits all vehicles with a gross weight limit exceeding 9,000 lb., except emergency and municipal vehicles, from traveling over Smith Wheel Rd. from Ocean Park Rd. to Vallee Lane. The purpose of this amendment is to allow delivery vehicles to access the recently approved Dunking Donuts.

As you may know, Dunking Donuts approval includes a single entrance to the site which is via Smith Wheel Rd. Originally, the proposal included a second entrance off Ocean Park Rd. Town staff and Maine Department of Transportation determined this access could prove to be dangerous so it was eliminated. This resulted in the Smith Wheel Rd. access as the only entrance to the site. During Planning Board review, the 9,000 lb. restriction was discussed and the Board decided this was a matter the applicant and town will need to address separately from the Board's decision on the proposal.

**MOTION:** Councilor Tousignant motioned and Councilor Blow seconded to Amend the Town of Old Orchard Beach Code of Ordinances as follows: Chapter 54 – Traffic and Vehicles; Article V – Stopping, Standing, Parking; Division 2 – Specific Places; Section 54-187 – and Prohibitions, *Smithwheel Road.*

**VOTE: Unanimous.**

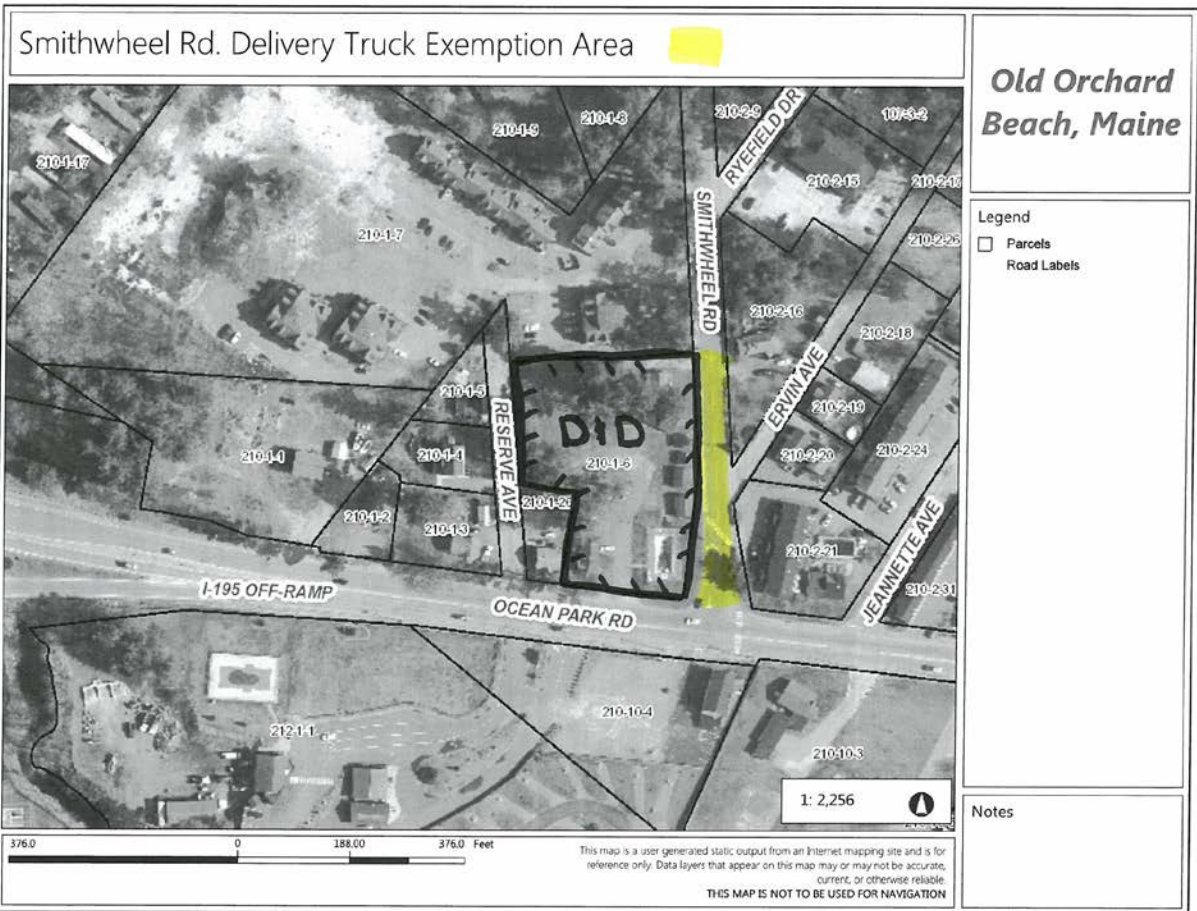
NOTICE OF PUBLIC HEARING  
MUNICIPAL OFFICERS OF THE TOWN OF  
OLD ORCHARD BEACH

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 April 19<sup>th</sup>, 2016, at 7:00 p.m. to consider the following:

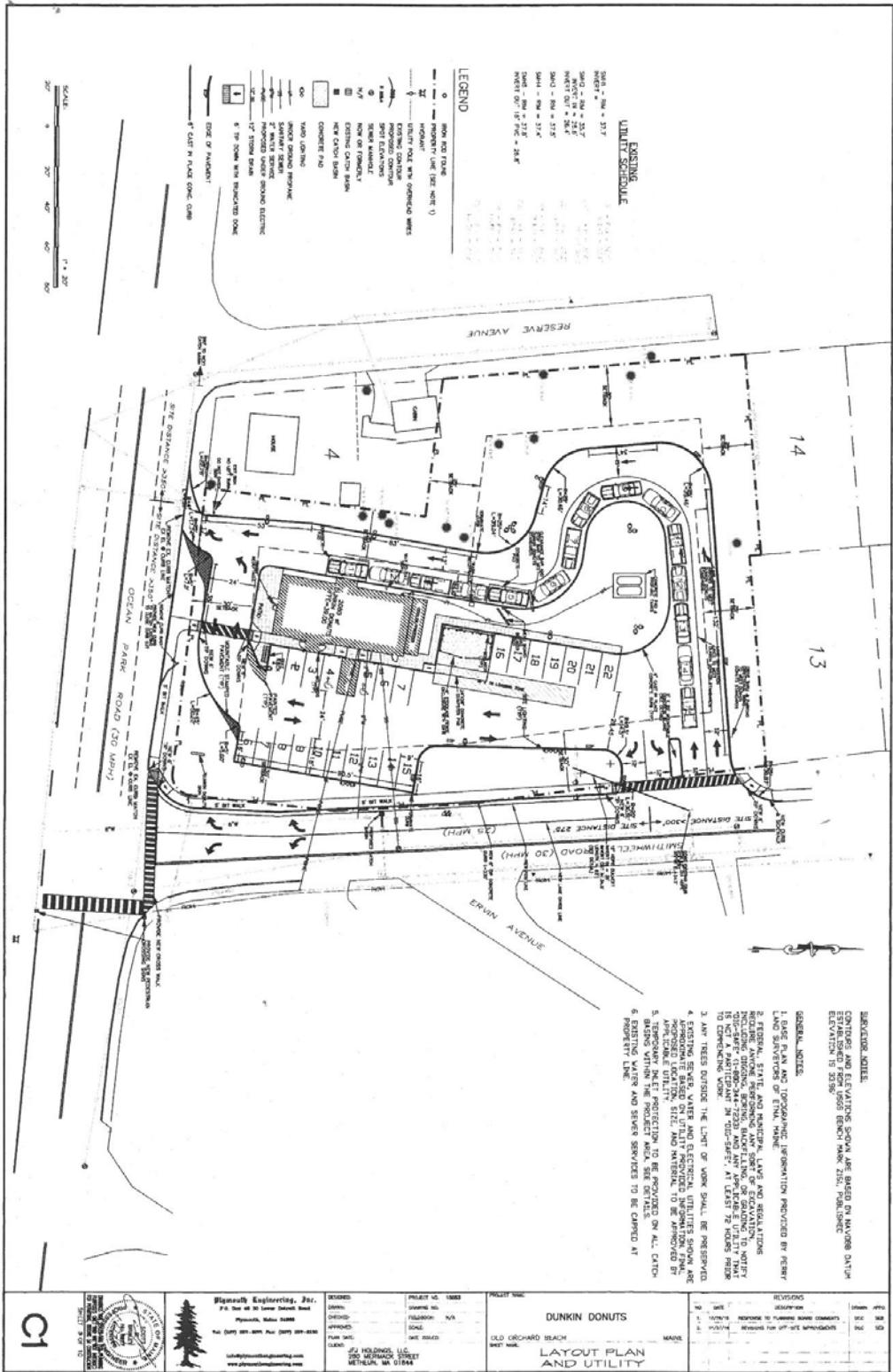
Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that Chapter 54, Traffic and Vehicles, Article V—Stopping, Standing, Parking, Division 2—Specific Places, Section 54-187, Restrictions and Prohibitions (Smithwheel Road), of the Town of Old Orchard Beach Code of Ordinances is amended by adding the underscored language, and removing the strikethrough language:

**Sec. 54-187. Restrictions and prohibitions.**

Except as identified in the exemptions below, No vehicle, except emergency or municipal vehicles, having a registered gross weight in excess of 9,000 pounds shall be operated or caused to be operated on or over Smith Wheel Road from Vallee Lane to the Ocean Park Road. Exemptions: Emergency vehicles; Municipal vehicles; Delivery vehicles for a distance of 310 feet, beginning at the Smith Wheel Road and Ocean Park Road intersection, continuing north along Smith Wheel Road.







**SURVEYOR'S NOTES:**  
 ELEVATIONS AND ELEVATING POINTS ARE BASED ON NAVD83 DATUM  
 ESTABLISHED FROM MOUNT BOND MARK 2511, PARALLEL  
 ELEVATION IS 2256'

**GENERAL NOTES:**  
 1. BASE PLAN AND TOPOGRAPHIC INFORMATION PROVIDED BY PERMY  
 LAND SURVEYORS OF ETNA, MAINE. LOTS AND SECTIONS  
 REPRESENTATIVE TO LAND RECORDS. LOTS AND SECTIONS  
 INCLUDING DRIVE, DRIVE, BACK LANE, OR BUILDING TO ADJACENT  
 LOTS ARE NOT TO BE CONSIDERED AS PART OF THIS PROJECT  
 UNLESS SPECIFICALLY NOTED OTHERWISE. AT LEAST 72 HOURS PRIOR  
 TO COMMENCING WORK.  
 2. ANY TREES OUTSIDE THE LIMIT OF WORK SHALL BE PRESERVED.  
 3. ANY TREES WITHIN THE LIMIT OF WORK SHALL BE PRESERVED  
 UNLESS SPECIFICALLY NOTED OTHERWISE. ANY TREES TO BE  
 REMOVED SHALL BE REMOVED WITHIN THE SPECIFIED TIME AND  
 APPROXIMATELY 100 FEET FROM THE PROJECT PERIMETER AND  
 REPLANTED WITHIN THE PROJECT AREA. SEE DETAILS.  
 4. TEMPORARY NETTING PROTECTION TO BE PROVIDED ON ALL CUT-  
 THROUGH AREAS.  
 5. PROPERTY LINE AND STREET SERVICES TO BE CARRIED BY

	<b>Kenneth Engineering, Inc.</b> 250 Main St. 3rd Floor Portland, Maine 04101 Tel: 603.633.1111 Fax: 603.633.1112 www.kennetheng.com	PROJECT NO. 15003 SHEET NO. 01 REVISION: N/A SCALE: AS SHOWN DATE: 05/03/2016 DRAWN BY: JLD CHECKED BY: JLD APPROVED BY: JLD TITLE: LAYOUT PLAN AND UTILITY	PROJECT NAME: <b>DUNKIN' DONUTS</b> OLD ORCHARD BEACH MADE BY: <b>LAYOUT PLAN AND UTILITY</b>	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISIONS</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>05/03/2016</td> <td>ISSUED FOR PERMITS</td> </tr> <tr> <td>2</td> <td>05/03/2016</td> <td>REVISED TO REFLECT PERMITS COMMENTS</td> </tr> <tr> <td>3</td> <td>05/03/2016</td> <td>REVISED TO REFLECT PERMITS COMMENTS</td> </tr> </tbody> </table>	NO.	DATE	REVISIONS	1	05/03/2016	ISSUED FOR PERMITS	2	05/03/2016	REVISED TO REFLECT PERMITS COMMENTS	3	05/03/2016	REVISED TO REFLECT PERMITS COMMENTS
	NO.	DATE	REVISIONS													
1	05/03/2016	ISSUED FOR PERMITS														
2	05/03/2016	REVISED TO REFLECT PERMITS COMMENTS														
3	05/03/2016	REVISED TO REFLECT PERMITS COMMENTS														
	<b>JLD HOLDINGS, LLC</b> 250 MERRIMACK STREET METHUEN, MA 01460	PROJECT NO. 15003 SHEET NO. 01 REVISION: N/A SCALE: AS SHOWN DATE: 05/03/2016 DRAWN BY: JLD CHECKED BY: JLD APPROVED BY: JLD TITLE: LAYOUT PLAN AND UTILITY	PROJECT NAME: <b>DUNKIN' DONUTS</b> OLD ORCHARD BEACH MADE BY: <b>LAYOUT PLAN AND UTILITY</b>	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISIONS</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>05/03/2016</td> <td>ISSUED FOR PERMITS</td> </tr> <tr> <td>2</td> <td>05/03/2016</td> <td>REVISED TO REFLECT PERMITS COMMENTS</td> </tr> <tr> <td>3</td> <td>05/03/2016</td> <td>REVISED TO REFLECT PERMITS COMMENTS</td> </tr> </tbody> </table>	NO.	DATE	REVISIONS	1	05/03/2016	ISSUED FOR PERMITS	2	05/03/2016	REVISED TO REFLECT PERMITS COMMENTS	3	05/03/2016	REVISED TO REFLECT PERMITS COMMENTS
NO.	DATE	REVISIONS														
1	05/03/2016	ISSUED FOR PERMITS														
2	05/03/2016	REVISED TO REFLECT PERMITS COMMENTS														
3	05/03/2016	REVISED TO REFLECT PERMITS COMMENTS														

**# 6670 Discussion with Action: Amend Section 2-51, Regular Meetings of the Town Council Rules and Order, by adding – “unless otherwise provided by Council Resolution,” to the end of the first sentence; and change the time of the Regular Town Council Meeting from 7:00 p.m. to 6:30 p.m., keeping the same dates and location.**

**BACKGROUND: The Council will vote on whether to change the time of the Regular Town Council Meeting from 7:00 p.m. on the first and third Tuesdays of the month to 6:00 p.m. on the first and third Tuesdays of the month. They can do this by changing the Town Council’s Rules and Order.**

**Adding the underscored language:**

**Sec. 2-51. - Regular meetings.**

**The regular meetings of the town council shall be held at a location, time and on a day as determined by the council at its inaugural meeting, unless otherwise provided by council resolution. When any such day falls on a holiday or on election day, the regular meeting shall be held on the following day at the same time and place. The date, time and place of any regular meeting may be changed by an order or resolve passed the previous meeting upon the vote of a majority of the members of the council; provided, however, that such change is published in a newspaper having general circulation in the town at least 24 hours before the meeting.**

**(Policy of 1-6-1977, § 1; Policy of 1-15-1985; Policy of 12-2-2008)**

**From the Attorney:**

**Although Section 404 of the Charter requires the Council, at its first meeting (following the annual election), to establish a regular place and time for its regular meetings, I do not interpret this as prohibiting the Council from subsequently altering its regular meeting time during the ensuing year. Rather, I think the purpose of Section 404 is simply to require the Council, at its first meeting, to fix a time and place for its regular meetings. As the Charter is silent on subsequent alterations to the regular meeting time, I read it as not precluding the Council from making such changes whenever it deems it appropriate.**

**The Council’s Rules appear to be consistent with the Charter and with my interpretation. The Rules are silent on subsequent changes to the Council’s regular meeting schedule (although they do make provision for one-time exceptions). Consequently, I do not think the Rules prohibit a mid-year alteration to the Council’s regular meeting schedule either. Perhaps the only revision warranted to the Rules is in the first sentence of Section 2-51, which I suggest be amended to read, “ The regular meetings of the town council shall be held at a location, time and on a day as determined by the council at its inaugural meeting unless otherwise provided by council resolution.”**

**If the Council does in fact alter its regular meeting time mid-year, I suggest that notice of same be prominently posted wherever town notices are customarily posted as well as on the town’s website. It might also be advisable to publish notice of this change in a newspaper of general circulation in the area.**

**Richard P. Flewelling, Assistant Director  
Legal Services Department**  
Maine Municipal Association  
60 Community Drive, Augusta, ME 04330

**MOTION: Councilor Blow motioned and Councilor Tousignant seconded to Amend Section 2-51, Regular Meetings of the Town Council Rules and Order, by adding – “unless otherwise provided by Council Resolution,” to the end of the first sentence; and change the time of the Regular Town Council Meeting from 7:00 p.m. to 6:30 p.m., keeping the same dates and location**

**VOTE: Unanimous.**

**# 6671 Discussion with Action: Accept, with regret, the resignation of Councilor Joseph Thornton from the Biddeford Saco Old Orchard Beach Transit Committee, and Appoint Councilor Kenneth Blow.**

**BACKGROUND:**

The Councils of Old Orchard, Saco and Biddeford each have the responsibility to appoint three individuals to serve on the Biddeford Saco Old Orchard Beach Transit Committee. For several years the Assistant Town Manager has served; most recently the appointment of Kim Verreault, Director of the Old Orchard Beach Chamber of Commerce; and two years ago the Council member appointed was Councilor Joseph Thornton. Because of his work schedule it has been difficult for him to attend the meetings of the Board and he suggested that perhaps another Councilor would be appointed and able to meet the important meeting of the Transit Committee.

**MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Accept with regret, the resignation of Councilor Joseph Thornton from the Biddeford Saco Old Orchard Beach Transit Committee, and Appoint Councilor Kenneth Blow.**

**VOTE: Unanimous.**

**# 6672 Discussion with Action: Be it Ordered that the Town Council move to authorize the Town Manager to sign the Agreement for Tri Community Camera Inspection and the Asset Management Program, effective July 1, 2016, for a term of five years, between the Town of Old Orchard Beach, City of Saco, and City of Biddeford. The Town’s share for FY17 is budgeted at \$31,800, subject to final approval of the FY17 budget; and for all future years of the Agreement the budget appropriation will be subject to approval by the Town Council.**

**BACKGROUND:**

The Town of Old Orchard Beach and the City of Biddeford have in the past utilized the services and equipment of the City of Saco’s Camera Inspection Equipment and Utility Inspection Technician for inspection and asset management purposes. In this agreement they concur that a cost sharing arrangements which is equitable and established to assure that all costs incurred by Saco are reimbursed according. The Town’s share for FY17 is budgeted at \$31,800, subject to final approval of the FY17 budget; and for all future years of

the Agreement the budget appropriation will be subject to approval by the Town Council.

**MOTION:** Councilor Blow motioned and Councilor Kelley seconded to Order that the Town Council move to authorize the Town Manager to sign the Agreement for Tri Community Camera Inspection and the Asset Management Program, effective July 1, 2016, for a term of five years, between the Town of Old Orchard Beach, City of Saco, and City of Biddeford. The Town's share for FY17 is budgeted at \$31,800, subject to final approval of the FY17 budget; and for all future years of the Agreement the budget appropriation will be subject to approval by the Town Council.

**VOTE:** Unanimous.

**Agreement for Tri Community Camera Inspection and  
Asset Management Program between the  
Town of Old Orchard Beach, City of Saco and City of Biddeford.**

Whereas Chapter 203 of Title 30 M.S.R.A. permits municipalities to make the most efficient use of their powers by enabling them to cooperate with other municipalities on the basis of mutual advantage; and

Whereas the Town of Old Orchard Beach and City of Biddeford wish to utilize the services and equipment of the City of Saco's Camera Inspection Equipment and Utility Inspection Technician for inspection and asset management purposes; and

Whereas the Municipalities of Old Orchard Beach, Saco, and Biddeford concur that a cost sharing arrangement must be equitable and established to assure that all costs incurred by the City of Saco are reimbursed accordingly;

Now therefore, the Municipalities of Old Orchard Beach, Saco, and Biddeford do mutually agree that:

1. The Utility Inspection Technician shall be a full-time employee of the City of Saco and shared with the Town of Old Orchard Beach and the City of Biddeford.
2. The Utility Inspection Technician shall be available to the Town of Old Orchard Beach for 20% (1/5) of the total work hours, 40% (2/5) of the total time for the City of Biddeford, and 40% (2/5) of the total time for the City of Saco.
3. The Utility Inspection Technician shall perform sewer and storm televised inspection as well as other tasks and assignments consistent with the job description contained in Appendix A.
4. A mutually agreed upon schedule will be established to best meet the individual needs of each Municipality as designed by all the Directors.
5. Emergency calls are a priority for each community and the Utility Technician will have a cell phone at his or her disposal to respond in a timely manner. The cost of the cell phone for the Utility Inspection Technician shall be shared between the communities (Old Orchard Beach 20% - Biddeford 40% - Saco 40%).
6. The City of Saco and the Utility Inspection Technician will be responsible for tracking all of the Utility Inspection Technician's hours. The hours will be totaled on a quarterly basis and billed to the Municipalities.

7. The City of Saco will bill each community on a quarterly basis for the services of the Utility Inspection Technician.
8. Any overtime incurred will be billed to the respective municipality on a quarterly basis.
9. The salary of the Utility Inspection Technician shall be calculated annually by the City of Saco.
10. The City of Biddeford and the Town of Old Orchard Beach recognize that this amount will be adjusted annually accordingly, as the Utility Inspection Technician receives salary and benefit changes.
11. The City of Biddeford and the Town of Old Orchard Beach agree that the payment to pay the City of Saco will be made within 30 days from receipt of the invoice.
12. All parties agree that any amendment to this agreement may be made upon mutual written agreement and affirmation action of the governing bodies of all municipalities.
13. Repair of the equipment will be coordinated between the communities. Each community agrees to put appropriate allowances in a repair fund to cover any annual repair and maintenance costs. The communities agree to share the repair costs equally that occur due to normal circumstances.
14. A Tri-Community Capital Account has been established by the City of Saco to fund future upgrades and replacements. The annual funding over the contract period shall be as follows: Biddeford \$5,600, Saco \$5,600, Old Orchard Beach \$2,800. Contributions into the Capital Account are made in accordance with the percentage of ownership of the assets as established within this agreement.
15. The camera equipment and van shall be owned by all municipalities with the following breakdown of the total appraised value: Town of Old Orchard, 20%, City of Biddeford, 40% and the City of Saco, 40%. Title of said equipment shall be held in the name of the host municipality, the City of Saco.
16. This agreement is for a five year renewable term (July 1, 2016 – June 30, 2021). This agreement may be terminated by any party with written notification to the other municipalities by December 1st of year four.
17. Should a community terminate its portion of this agreement, buyout of the assets will be based on depreciation of the assets at the time of termination and agreeable by all parties.
18. The City of Biddeford, Town of Old Orchard Beach, City of Saco, and the shared employee shall hold each other harmless from and against all claims, suits, and causes of action, losses, damages, and judgments, including reasonable attorneys' fees, related to, arising out of or resulting from the performance of this Agreement.
19. The Public Works Directors of each community are responsible for implementing, administrating and monitoring this agreement. In Witness Whereof, We, Larry S. Mead (Town Manager for the Town of Old Orchard Beach), James A. Bennett (City Manager for the City of Biddeford), and Kevin L. Sutherland (City Administrator for the City of Saco), duly authorized by action of the Councils of the municipalities of Old Orchard Beach, Biddeford, and Saco, have hereto set our hands on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

# 6673 Discussion with Action: Approve the Agreement to rent for one month a Bulldozer from Nortrax, in the amount of \$5,400; from Account Number 20151-50506 - Public Works Rental Equipment, with a balance of \$7,331.04.

**BACKGROUND:**

Two costs were secured by Public Works for the rental of the bulldozer:

Nortrax	\$5,400
Hertz	7,500

**April 19, 2016**

Looking to rent a Dozer (John Deere 650) to finish the landfills per DEP requirement by July 1<sup>st</sup>. We needed to rent a Dozer to finish the last round of work. We contacted 2 local rental places and received these prices.

**1 Month Rental of a John Deere 650**

Nortrax \$5,400.00

Hertz \$7,500.00

**MOTION: Councilor Blow motioned and Councilor Tousignant seconded to Approve the Agreement to rent for one month a Bulldozer from Nortrax, in the amount of \$5,400; from Account Number 20151-50506 - Public Works Rental Equipment, with a balance of \$7,331.04.**

**VOTE: Unanimous.**

# 6674 Discussion with Action: Accept the bid from Poirier Guidelines, for striping in the amount of \$24,496.47; from Account Number 20151-50506 – Public Works Road Maintenance, with a balance of 33,167.83.

**BACKGROUND:**

The Public Works Department used the 2016 COG Bid – Southern Maine Planning and Development Commission collected bids from three local companies in Southern Maine.

Markings, Inc.	\$	28,798.78
Poirier Guidelines		24,496.47
Hi Way Safety Systems, Inc.		25,426.43

The Public Works Director is recommending the bid from Poirier Guidelines in the amount of \$24,496.47.



**Hi-Way Safety Systems, Inc.**

<b>Measurments</b>	<b>Per/Each</b>	<b>Cost</b>	<b>Total</b>
116,749 ft Double Yellow Centerlines	per	\$0.07	\$8,405.92
137,620 ft White Lines	per	\$0.04	\$5,023.13
11,056 ft 12 Inch Crosswalks	per	\$0.38	\$4,201.28
102 Arrows	each	\$17.00	\$1,734.00
13 Little Men	each	\$20.00	\$260.00
13 Bike Symbols	each	\$35.00	\$455.00
4 Only	each	\$28.00	\$112.00
2,363 ft of stop bars	per	\$0.38	\$897.94
5 Blue Handicap	each	\$16.00	\$80.00
3 White Handicap	each	\$16.00	\$48.00
9,296 ft of Yellow Hashing	per	\$0.21	\$1,952.16
227 Stalls	each	\$4.50	\$1,021.50
8 Railroad Crossings	each	\$30.00	\$240.00
1,991 ft of Yellow Curbing	per	\$0.50	\$995.50

**Total \$25,426.43**

**Markings, Inc**

<b>Measurments</b>	<b>Per/Each</b>	<b>Cost</b>	<b>Total</b>
116,749 ft Double Yellow Centerlines	per	\$0.08	\$9,339.92
137,620 ft White Lines	per	\$0.04	\$5,504.80
11,056 ft 12 Inch Crosswalks	per	\$0.40	\$4,602.40
102 Arrows	each	\$19.75	\$2,014.50
13 Little Men	each	\$36.50	\$474.50
13 Bike Symbols	each	\$25.75	\$334.75
4 Only	each	\$33.00	\$132.00
2,363 ft of stop bars	per	\$0.40	\$945.20
5 Blue Handicap	each	\$48.50	\$242.50
3 White Handicap	each	\$48.50	\$145.50
9,296 ft of Yellow Hashing	per	\$0.22	\$2,045.12
227 Stalls	each	\$6.00	\$1,362.00
8 Railroad Crossings	each	\$85.00	\$680.00
1,991 ft of Yellow Curbing	per	\$0.49	\$975.59

**Total \$28,798.78**



POIRIER GUIDELINES  
1216 WEST ROYALSTON RD  
ATHOL, MA 01331  
TEL 978-249-7652  
FAX 978-249-6093

TOWN OF OLD ORCHARD  
PORTLAND AVE  
OLD ORCHARD, ME 04064

116,749 FT OF DOUBLE YELLOW CENTERLINES @.071 PER FT \$ 8,289.17  
137,620 FT OF WHITE LINES @.036 PER FT \$ 4954.32  
11,056 FT OF 12 INCH CROSSWALKS @.38 PER FT \$ 4201.28  
102 ARROWS @ \$16.00 EACH \$ 1632.00  
13 LITTLE MEN @ \$25.00 EACH \$ 325.00  
13 BIKE SYMBOLS @ \$15.00 EACH \$ 195.00  
4 ONLY @ \$30.00 EACH \$ 120.00  
2,363 FT OF STOP BARS @.38 PER FT \$ 897.94 → we use 12" stop lines  
5 BLUE HANDICAP @ \$25.00 EACH \$ 125.00 → we use the blue square with  
the white handicap loop  
3 WHITE HANDICAP @ \$15.00 EACH \$ 45.00  
9,296 FT OF YELLOW HASHING @.16 PER FT \$ 1487.36  
227 STALLS @ \$4.00 EACH \$ 908.00  
8 RAILROAD CROSSINGS @ \$65.00 EACH \$ 520.00  
1,991 FT OF YELLOW CURBING @.40 PER FT \$ 796.40

TOTAL OF \$24,496.47

**MOTION: Councilor Blow motioned and Councilor Kelley seconded to Accept the bid from Poirier Guidelines, for striping in the amount of \$24,496.47; from Account Number 20151-50506 – Public Works Road Maintenance, with a balance of 33,167.83.**

**VOTE: Unanimous.**

**# 6675 Discussion with Action: Approve the Special Event Permit application for Palace Playland and the Pier to hold Fireworks displays every Thursday at 9:45 p.m. on the beach in front of Palace Playland, starting June 30<sup>th</sup>, 2016 to August 25<sup>th</sup>, 2016, to also include July 3<sup>rd</sup> and 4<sup>th</sup>. Approval by the State Fire Marshall’s Office to be provided to the Town Clerk’s Office at least one week prior to the first display; and a request to waive the fee as the displays are co-sponsored by the Town.**

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

**VOTE: Unanimous.**

**# 6676 Discussion with Action: Approve the Special Event Permit application for the Milestone Foundation to gather in the Milliken Street Parking Lot from 9 a.m. to Noon on Saturday, September 10<sup>th</sup>, 2016 to start the motorcycle ride “Sixty Miles for Milestone”.**

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

**VOTE: Unanimous.**

**# 6677 Discussion with Action: Approve the Special Event Permit application for the Mainiac Volleyball Club to hold their Volleyball Tournament on the beach, at the courts in front of Palace Playland, on Saturday, June 4<sup>th</sup>, Saturday, July 16<sup>th</sup>, and Saturday, August 27<sup>th</sup>, 2016, from 9 a.m. to 9 p.m.**

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

**VOTE: Unanimous.**

**# 6678 Discussion with Action: Approve the Special Event Permit application for the Veteran’s Memorial Park Flag Raising Committee to hold their annual Veterans Flag Raising” at 6:00 p.m., nightly, seven days a week, from May 30<sup>th</sup> to September 5<sup>th</sup>, 2016; and at 6:00 p.m. on September 11, 2016; 11:00 a.m. on November 11, 2016; and 7:50 a.m. on December 7, 2016; and a request to waive the fee as this is a Town Committee.**

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

**VOTE: Unanimous.**

# 6679 Discussion with Action: Approve the Special Event Permit application for Duffy's Tavern to hold a wedding ceremony on the beach in front of the Sandpiper Motel, 2 Cleaves Street, on Saturday, May 28<sup>th</sup>, 2016; set-up from 11:30 a.m. to 1:30 p.m., wedding 1:30 p.m. to 2:30 p.m. and takedown from 2:30 p.m. to 3:30 p.m. Insurance, listing the Town of Old Orchard Beach as additionally insured, must be submitted 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 as read.

**VOTE:** Unanimous.

# 6680 Discussion with Action: Approve the Liquor License Renewals for GFB Scottish Pub LLC dba/GFB Scottish Pub (205-3-1B), 32 Old Orchard Street, m-s-v in a Restaurant; Jumpin Jakes LLC dba/ Jumpin Jakes Seafood Café (208-3-3), 181 Saco Avenue, m-s-v in a Restaurant/Lounge; and Chrysanthe Dikos dba/Chrys's Restaurant (306-5-1), 6 East Grand Avenue, m-v in a Restaurant.

**MOTION:** Councilor Tousignant motioned and Councilor Blow seconded to Approve the Liquor License Renewals as read.

**VOTE:** Unanimous.

**GOOD AND WELFARE:**

**SHARON PRICE:** She asked questions relative to the tennis courts and the Town Manager indicated that he would find out answers to her questions relative to the back board.

**ADJOURNMENT**

**MOTION:** Councilor Blow motioned and Councilor Kelley seconded to Adjourn the Town Council Meeting at 8:25 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 nineteen (19) pages is a copy of the original Minutes of the Town Council Meeting of May 3, 2016.

V. Louise Reid