

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, June 7, 2016
TOWN HALL CHAMBERS
6:30 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, June 7, 2016. Chair O'Neill opened the meeting at 6:31 p.m.

The following were in attendance:

**Chair Shawn O'Neill
Vice Chair Joseph Thornton
Councilor Kenneth Blow
Councilor Jay Kelley
Councilor Michael Tousignant
Town Manager Larry Mead
Assistant Town Manager V. Louise Reid
Finance Director Diana Asanza
Police Chief Dana Kelley**

**Pledge to the Flag
Roll Call**

EMERGENCY ITEM:

CHAIR: May I have a motion to add an Emergency Item, Agenda # 6719 to follow Agenda Item 6717 this evening, per Section 404.1 of the Town Charter:

MOTION: Vice Chair Thornton motioned and Councilor Blow seconded to Authorize the waiver of the parking fee at the Milliken Street lot on Friday, June 10, 2016, to allow up to 200 motorcycles participating in the Muscular Dystrophy Association "Fill the Boot" Motorcycle Ride to use the Milliken Street lot as a rest area from approximately noon to 3:00 p.m. as they ride through New England to raise funds for the Muscular Dystrophy Association.

VOTE: Unanimous.

ASSISTANT TOWN MANAGER: We would like to have a moment of silence this evening in memory of John Bird – citizen advocate, environmental activist, community leader, and a friend. His passing has been a great shock to many and he and his presence will be missed.

MOMENT OF SILENCE

John's daughters have noted that he was a devoted and loving son, father, and grandfather, whose sense of humor, imagination, and inquisitive nature made him beloved and exceptionally entertaining to be around. John was a fervent participant in public service. He served two terms on the Old Orchard Beach town council (vice chairman and chairman; 1973, 1975), Conservation Commission (vice chairman, 2010-2011), Charter Commission (2009), Finance Committee, Recycling Committee, School Building Committee (1974), License Ordinance Revision Committee (1976), and Republican Committee (Chair, 1980). John's passion for environmentalism led him to co-found the Ocean Park Conservation Society in 1971 to foster, preserve, conserve and promote the natural physical beauty and setting of Ocean Park and its surroundings and to provide education in the ideals and goals of conservation. He served as its director until his death. His presence and his participation will be greatly missed and our love and support go out to his family. I pay my tribute

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to John this evening by sharing a personal story about John. As a rule I am the last person out of the building on nights when Council has meetings or workshops. Often, more than I can count, John would wait out in his car until he saw the lights go off inside the building, my setting the alarm and locking the door, and getting my car and leaving to go home. Then he would drive away. I appreciated that kindness and like many have indicated - the Town has lost a good protector of the Charter. "Good friends are hard to find; harder to leave; and impossible to forget."

ACKNOWLEDGEMENT:

COUNCILOR KELLEY: Many thanks to the Town Clerk for arranging the Memorial Day parade and to all those who participated we are most grateful. A great amount of credit to the OOB365 Committee for the outstanding Scottish Festival that was held last week and to Sharri MacDonald who organized this outstanding event. Great event at the Ballpark with the ribbon cutting for the handicapped Ramp and our appreciation to the Rotary Clubs for their generous contribution in this effort. Also want to recognize three new businesses opening up in Old Orchard Beach. OOB welcomes Seaside Gifts at 27 Old Orchard Street; The Rebekah Inn at 4 Cleaves Street; and Yarina Threads at 1 East Grand Avenue. Welcome and much success in your businesses.

ACCEPTANCE OF MINUTES: Town Council Meeting Minutes of May 17, 2016; Special Town Council Meeting Minutes of May 26, 2016; and Town Council Workshop Minutes of May 26, 2016.

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

VOTE: Unanimous.

PUBLIC HEARING: Community Development Block Grant Program – 2016 Safe Neighborhood Grant – Police Department Shall We Consider the Community Development Block Grant Program – Police Department?

CHAIR: I open this Public Hearing at 6:36 p.m.

BACKGROUND:

**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
2016 SAFE NEIGHBORHOOD GRANT
POLICE DEPARTMENT**

The Safe Neighborhood Program (SNP) provides resources to support new, or expanded local law enforcement and crime prevention programming in designated neighborhoods which will benefit low/moderate income (LMI) persons. These funds will help alleviate illegal drug activity, violent crime and property crime, which will benefit residents. Each applicant is required to hold a Public Hearing to permit comments from the public. The maximum grant amount is \$100,000.

The grant will be used to hire an additional police officer focusing on illegal drug activity. The grant is for a one year period. There are no matching funds required and no obligation to fund the position after the grant period.



STATE OF MAINE
DEPARTMENT OF ECONOMIC
AND COMMUNITY DEVELOPMENT



PAUL R. LEPAGE
GOVERNOR

GEORGE C. GERVAIS
COMMISSIONER

May 17, 2016

Larry S. Mead, Town Manager
Town of Old Orchard Beach
1 Portland Avenue
Old Orchard Beach, Maine 04064-1460

Dear Mr. Mead:

The Office of Community Development (OCD) has reviewed the Letter-of-Intent to apply you submitted for the 2016 Community Development Block Grant (CDBG) Safe Neighborhood Grant Program (SN). Our review showed that the Town of Old Orchard Beach, on behalf of the Old Orchard Beach Police Department, has met the requirements established by Title I of the Housing and Community Development Act of 1973, as amended and the State of Maine CDBG program. Therefore, the Town is eligible to submit an application for the activities outlined in the Letter of Intent.

Please remember that eligibility to submit a final application does not imply final project approval or funding. Further, no CDBG funds can be obligated or expended prior to the project receiving Environmental Clearance from the Office of Community Development.

The **SN application is due at OCD by 4:00pm on Friday, June 17, 2016**, and must meet all the requirements of the 2016 CDBG program.

You may contact Terry Ann Holden at 624-9814 or terryann.holden@maine.gov with any further questions regarding the 2016 CDBG application process.

Sincerely,

Deborah Johnson, Director
Office of Community Development

cc: Terry Ann Holden, Office of Community Development
Dana Kelly, OOB Police Dept.

59 STATE HOUSE STATION • AUGUSTA • MAINE • 04333-0059
PHONE: (207) 624-9800 • FACSIMILE: (207) 287-2861
WWW.BUSINESSINMAINE.COM

Public Hearing Notice to Comply with Title VI Requirements



Public Hearing Notice The Town of Old Orchard Beach

The Town of Old Orchard Beach will hold a Public Hearing on June 7th, 2016 at 6:30 PM, at the Old Orchard Beach Town Hall to discuss an application being submitted to the State of Maine CDBG program for a Police Department Special Enforcement Team (SET).

The purpose of the grant application is to obtain funding for the Special Enforcement Team to focus on disrupting illegal drug activities and associated crime that negatively impacts residents' quality of life and contributes to unsafe living conditions, especially for low-to-moderate income (LMI) individuals. Public comments will be solicited at this Hearing and will be submitted as part of the application. All persons wishing to make comments or ask questions about the grant application are invited to attend this Public Hearing.

Comments may be submitted in writing to: Police Chief Dana Kelley at any time prior to the Public Hearing. TDD/TTY users may call 711. If you are physically unable to access any of the City's/Town's programs or services, please call V. Louise Reid, Assistant Town Manager, 207-934-5714, ext. 1536, so that accommodations can be made.

CHIEF KELLEY: He provided information to the Council on the value of this grant and indicated that behind it in support was the Community Neighborhood Watch.

PAT BROWN: As a Vice Chair of the Community Neighborhood Watch, she encouraged the Town Council to support this effort which would in great measure benefit the Police Department.

HELEN WHITTAKER: The head of the Neighborhood Watch prepared a statement which indicated that she supported this grant. It is an opportunity to clean up the drug problems that dominate our community. Educating the residents on this drug issue will be an ongoing involvement. It is a challenge CWC looks forward to and know we can sustain.

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

PUBLIC HEARING: Shall we Consider the Time Warner Cable Television Franchise Renewal commencing on April 1, 2016 following the expiration of the current franchise; and terminating on March 31, 2028?

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

BACKGROUND:

Time Warner Cable Northeast LLC, (hereinafter "Franchisee" or "Time Warner Cable") is the duly authorized holder of a franchise to operate a Cable System in the Town of Old Orchard Beach, Maine (hereinafter the "Town"). The Franchisee filed a written request for a renewal of its franchise in conformity with the Cable Communications Policy Act of 1984. There will be a Public Hearing and an opportunity for public comment, and both parties conducted ascertainment regarding the future cable-related needs of the community, as required by Section 626(h) of the Minutes of 6 7 16 – Town Council Meeting including passage of budget

Cable Communications Policy Act. The Town Council, as the Franchising Authority, finds that the renewal of Franchisee's franchise is appropriate in light of its past performance and its renewal proposal with the parties having negotiated a mutually beneficial renewal framework as set forth in this Renewal Franchise. After due and full consideration, the Franchising Authority and Franchisee agree that this Renewal Franchise is issued upon the following terms and conditions, as set forth herein. The term of this non-exclusive Renewal Franchise shall be for a period of twelve years and shall commence on April 1, 2016, following the expiration of the current franchise, and shall terminate at midnight on March 31, 2028.

As has been announced, Time Warner's sale to Charter Communication will phase in over the next year-and-a-half. It has been said that Charter will continue to boost Internet speeds and will not have usage-based billing or caps on how much data customers can use. It's prices they say are generally lower and Charter indicated it will use its size (second largest home Internet provider and third-largest video provider in the United States) to negotiate better deals with channel owners.

The Town Manager indicated that the key elements of the renewal agreement include Section 7.8: The Town will continue to benefit through 5% of annual Time Warner revenues related to Old Orchard Beach services. This is the maximum percentage allowed under law. The annual amount has been approximately \$200,000 in recent years. Section 5.4: Upon execution of the agreement the Town will receive a one-time payment of \$70,700 from Time Warner for public access related equipment. This revenue will be used for improvements to the audio system, a projector and screen for the Council Chambers, placement of cameras in the two Town Hall towers to allow for live video through the website and Channel 3, and expansion of the broadcast equipment room. Time Warner has provided to the Department of Public Works sand/salt building, at no cost, service for broadband connection. This will give the Town some options for use of this building which currently houses the sign shop.

Melinda Poore, Vice President of Time Warner, was in attendance.

CHAIR: I close this public hearing at 6:48 p.m.

PUBLIC HEARING:

BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 6:49 p.m.

Lawrence Spector (104-2-10-11), 129 Portland Avenue, Unit #11, one year round rental; Jacques Gani (205-3-6), 40 Old Orchard Street, one seasonal rental; Acer Properties & Rentals LLC (206-7-7), 10 Glenwood Lane, one year round rental; Amnon Ben dba/Seaside Gifts (206-31-20), 27 Old Orchard Street, Retail; Rebecca Trudel (208-1-1-38), 180 Saco Avenue, Unit #38, one seasonal rental; Missy Dunnells (210-6-1), 1 Maple Avenue, one year round rental; Mark E. Mooradian (305-4-1-507), 1 Cleaves Street, Unit #507, one year round rental; Denis & Daphne Rioux dba/The Rebekah Inn (305-5-6), 4 Cleaves Street, nine seasonal rentals; Pedro Baez (306-1-2-VC-1), 1 East Grand Avenue, Vending Cart, Victualers with Preparation with no Alcohol sales; Luis Cachimuel dab/Yarina Threads (306-1-2-VC-3), 1 East Grand Avenue Vending Cart, Retail; Pamela Golarz dba/Salvage Place (308-4-8), 8 Washington Avenue, two year round rentals; Susan Symington (311-12-1), 40 Wesley Avenue, one year round rental; Sergio Dias (315-14-2), 23 Ocean Avenue, one year round rental; and Lynn St. Hilaire (321-7-1), 189 West Grand Avenue, one year round rental.

CHAIR: I close this Public Hearing at 6:50 p.m.

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

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VOTE: Unanimous.

PUBLIC HEARING: AMUSEMENT PERMITS AND APPROVAL:

CHAIR: I open this Public Hearing at 6:50 p.m.

Pun Saloon LLC/Keith O'Leary dba/Uptown O'Leary's Public House (206-31-9A), 41 Old Orchard Street, Blues Trios Inside – 8:00 p.m. to 12:00 a.m.

Chief Dana Kelley spoke of the issues related to this business and the Town Council suggested that this be turned over to the Administrative Review Board and come back on the next agenda as a Tabled Item.

CHAIR: I close this Public Hearing at 6:52 p.m.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Table this item to the June 21st agenda and turn this over to the Administrative Review Board who will come forward to the Council with their recommendation. .

VOTE: Unanimous.

TOWN MANAGER'S REPORT: The Town Manager thanked those involved in the budget process, the Council, Finance Committee, Department Heads, Assistant Town Manager and primarily the Finance Director for the smooth operation. Reserve offices have started and the J1 students are visible in Town and campgrounds are getting busy – so summer is on the way. Plovers are active on the beach; there are nine nesting pairs between Ocean Park and Pine Point and we appeal to dog owners to keep their pets on leashes. Thanks to the Town Clerk and to everyone involved in the Memorial Day parade. OOB Surge had its opening day; the field looks phenomenal and the access ramp is in place. Again our thanks to the Rotary Clubs. We had a very successful Scottish Festival in town this past week and thanks to OOB for the great event. Working jointly with the City of Saco to hire a Deputy CEO – 20 hours a week and hoping to get a qualified person. Fire ladder truck is here and training and the finishing touches are being added. The Town Manager attended a storm water meeting of municipal officials to discuss how we can work together to meet our obligations for stormwater management. Regional cooperation. Final report on the recent audit was received with no financial penalties.

NEW BUSINESS:

6695 Discussion with Action: Adoption of the FY2017 Municipal Budget.

Consider FY17 Municipal Operating Budget Appropriation in the amount of \$14,846.255.

MOTION: Vice Chair Thornton motioned and Councilor Blow seconded to Approve the FY17 Municipal Operating Budget Appropriation in the amount of \$14,846.255.

VOTE: Unanimous.

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Consider FY17 Capital Improvement Budget Appropriation in the amount of \$1,153,836.

MOTION: Vice Chair Thornton motioned and Councilor Blow seconded to Approve the FY17 Capital Improvement Budget Appropriation in the amount of \$1,153,836.

VOTE: Unanimous.

Consider FY17 Non-Property Tax Revenue Appropriation in the amount of \$3,489,000.

MOTION: Vice Chair Thornton motioned and Councilor Blow seconded to Approve the FY17 Non-Property Tax Revenue Appropriation in the amount of \$3,489,000.

VOTE: Unanimous.

Consider FY17 Appropriation of \$550,000 from the Unassigned Fund Balance; \$525,000 from the Rescue Fees Revenue Billing Fund; and \$300,000 from the 2008 Road, Water and Sewer Bond Fund, for the purpose of reducing the FY17 Property Tax Commitment.

MOTION: Vice Chair Thornton motioned and Councilor Blow seconded to Consider FY17 Appropriation of \$550,000 from the Unassigned Fund Balance; \$525,000 from the Rescue Fees Revenue Billing Fund; and \$300,000 from the 2008 Road, Water and Sewer Bond Fund, for the purpose of reducing the FY17 Property Tax Commitment.

VOTE: Unanimous.

June 3, 2016

TO: Members of the Town Council
FROM: Larry Mead, Town Manager

RE: ADOPTION OF FY17 MUNICIPAL BUDGET

Based on the work done by the Council during the budget workshops the proposed FY17 municipal budget before you on Tuesday is as follows:

Gross Municipal Operating Budget	\$14,846,255.
Capital Improvement Budget Appropriation	\$ 1,153,836.

Combined this represents a gross municipal budget appropriation of \$16,000,091, which is a 3% increase from FY16.

The following revenue appropriations and transfers totaling \$4,864,000 are deducted from the gross budget amount to reduce the property tax commitment.

Non-Property Tax Revenue Appropriation	\$ 3,489,000
Unassigned Fund Balance Appropriation	\$ 550,000
Rescue Fees Revenue Fund Appropriation	\$ 525,000
2008 Road, Water/Sewer Bond Fund transfer	\$ 300,000

Municipal Tax rate to increase 2.8%

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The FY17 Net Municipal Budget total is \$11,136,091, which is a 2.8% increase from FY16. This is the amount raised from the property tax for municipal services.

Combined Tax rate projected to increase 3.6%

If the School budget and the County budget are passed as currently presented, and assuming a modest growth of ½% in the Town’s property valuation, the overall tax rate for FY17 is projected to be \$15.73 per thousand dollars of value, a 55 cent increase (3.6%) from FY16.

Effect on Average Homeowner

For a year-round resident with a home valued at \$200,000 their property tax bill would increase by a total of \$34 (1.1%). For a property valued at \$200,000 that is not a primary home and the County budget are passed as currently presented, and assuming a modest growth of ½% in the Town’s property valuation, the overall tax rate for FY17 is projected to be \$15.73 per thousand dollars of value, a 55 cent increase (3.6%) from FY16.

Effect on Average Homeowner

For a year-round resident with a home valued at \$200,000 their property tax bill would increase by a total of \$34 (1.1%). For a property valued at \$200,000 that is not a primary residence the annual increase would be \$110 (3.6%).

6696 Discussion with Action: Consider setting due dates of September 8, 2016 and March 8, 2017, for taxes for FY2017.

MOTION: Vice Chair Thornton motioned and Councilor Blow seconded to Approve setting due dates of September 8, 2016 and March 8, 2017, for taxes for FY2017.

VOTE: Unanimous.

TOWN OF OLD ORCHARD BEACH FISCAL YEAR 2017

BUDGET

Dept #	CLASSIFICATION	FY 2017
20101	Town Council	43,820.00
20102	Town Manager/Admin Expense	701,383.00
20104	Tax Collector Expense	104,014.00
20105	Treasurer/Finance Expense	179,449.00
20106	Assessing Expense	126,640.00
20107	Town Clerk Expense	140,375.00
20108	Elections Expense	32,400.00
20109	Board of Registration Expense	5,400.00
20110	Planning Expense	131,808.00
20113	Code Enforcement Expense	201,942.00
20115	Town Hall Building Maintenance Expense	78,015.00
20118	Contingency	170,000.00
20119	Employer Benefits/Insurance Expense	2,658,845.00
20131	Police Department Expense	2,468,895.00
20132	Parking Enforcement Expense	90,350.00
20137	Lifeguards Expense	150,000.00
20138	Fire/Rescue Department Expense	1,773,955.00

20140	Street and Traffic Light Expense	255,000.00
20151	Public Works Department Expense	1,531,762.00
20152	Parks Maintenance Expense	62,050.00
20161	Waste Water Treatment Expense	1,075,049.00
20163	Solid Waste Expense	617,000.00
20171	Recreation Department Expense	220,169.00
20173	Conservation Commision Expense	13,240.00
20174	Service Agency Allocation Expense	12,500.00
20175	Libby Memorial Library Expense	279,033.00
20176	Transit District Subsidy Expense	125,000.00
20221	Transfer to Ballpark	8,000.00
20177	OOB Historical Society	15,976.00
20191	General Assistance Expense	79,280.00
20196	Tax Abatement Expense	25,000.00
20197	Debt Service Expense	1,469,905.00
Gross Municipal Appropriations		14,846,255.00
Capital Projects		
51002	General Government Administration Capital	55,000.00
52002	Police Department Capital Projects	85,836.00
52002	Fire Department Capital Projects	117,000.00
50002	Public Works Capital Projects	
	Stormwater Capital Projects	135,000.00
	Sidewalk Capital Projects	50,000.00
	Sewer Capital Projects	152,000.00
	Road Maintenance Capital Projects	340,500.00
	Equipment Capital Projects	128,500.00
	Building Capital Projects	35,000.00
	Veterans Memorial Park Capital Projects	10,000.00
53002	Waste Water Treatment	45,000.00
Total Capital Projects		1,153,836.00

6697 Discussion with Action: Consider setting interest rate of 7% for delinquent taxes.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Approve setting interest rate of 7% for delinquent taxes.

VOTE: Unanimous.

6698 Discussion with Action: Consider Authorizing the Tax Collector and Treasurer to Accept Prepayments of Taxes before Commitment, at an interest rate of 0%, pursuant to 36 M.R.S.A., Section 506.

MOTION: Councilor Blow motioned and Vice Chair Thornton seconded to Authorize the Tax Collector and Treasurer to Accept Prepayments of Taxes before Commitment, at an interest rate of 0%, pursuant to 36 M.R.S.A., Section 506.

VOTE: Unanimous.

6699 Discussion with Action: Consider Authorizing the Finance Director to Set the Percentage for Sewer Rate for FY2017 to Reflect the Percentage of the Tax Bill Used for the Operation of Waste Water Treatment Plant after Approval of the Budget.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Authorize the Finance Director to Set the Percentage for Sewer Rate for FY2017 to Reflect the Percentage of the Tax Bill Used for the Operation of Waste Water Treatment Plant after Approval of the Budget.

VOTE: Unanimous.

6700 Discussion with Action: Consider Authorizing and Directing the Assessor to Prepare a Perfect List of All Taxes of the Municipality and to Commit the same to the Tax Collector.

MOTION: Councilor Blow motioned and Councilor Tousignant seconded to Authorize and Direct the Assessor to Prepare a Perfect List of All Taxes of the Municipality and to Commit the same to the Tax Collector.

VOTE: Unanimous.

6701 Discussion with Action: Consider Authorizing and Directing the Tax Collector and Treasurer, Pursuant to 36 M.R.S.A., Section 906, to Apply any Tax Payment Received from an Individual as Payment for any Property Tax Against Outstanding or Delinquent Taxes due on said Property in Chronological Order Beginning with the Oldest Unpaid Tax Bill Provided, however, that No Such Payment May Be Applied to any Tax for which an Abatement Application or Appeal is pending unless Approved in Writing by the Taxpayer.

MOTION: Councilor Blow motioned and Councilor Kelley seconded Authorizing and Directing the Tax Collector and Treasurer, Pursuant to 36 M.R.S.A., Section 906, to Apply any Tax Payment Received from an Individual as Payment for any Property Tax Against Outstanding or Delinquent Taxes due on said Property in Chronological Order Beginning with the Oldest Unpaid Tax Bill Provided, however, that No Such Payment May Be Applied to any Tax for which an Abatement Application or Appeal is pending unless Approved in Writing by the Taxpayer.

VOTE: Unanimous.

6702 Discussion with Action: Consider Amending the Code of Ordinances, Appendix A, Schedule of License, Permit and Application Fees, by amending the following sections: Ambulance Billing Fees.

June 2, 2016

FROM: Diana H. Asanza
RE: Ambulance Rates for FY 17

The following recommendation for the ambulance rate schedule beginning July 1, 2017, will position the Town to be more in line with the ambulance rates that are charged by the surrounding communities, such as Saco and Scarborough:

<u>Emergency Transport</u>	<u>Current</u>	<u>New Rates effective 7/1/16</u>
BLS	468.00	780.00
ALS 1	556.00	860.00
ALS 2	805.00	1,100.00
Mileage	10.00	12.50

MOTION: _____ motioned and _____ seconded to Amend the Code of Ordinances, Appendix A, Schedule of License, Permit and Application Fees, by amending the following sections: Ambulance Billing Fees as submitted to the Council.

VOTE: Unanimous.

6703 Discussion with Action: Consider approving the addition of one full-time sworn Police Officer as part of the FY17 municipal budget.

BACKGROUND:

During extensive budget discussions there was consensus by the Council to add the addition of one full-time sworn Police Officer to take steps toward the goal of having at least three offices on duty at any given time.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Approve the addition of one full-time Police Officer as part of the FY17 Municipal Budget.

VOTE: Unanimous.

6704 Discussion with Action: Authorize the Town Manager to Accept, if awarded, the Community Development Block Grant Program – 2016 Safe Neighborhood Grant.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Authorize the Town Manager to Accept, if awarded, the Community Development Block Grant Program – 2016 Safe Neighborhood Grant.

VOTE: Unanimous.

6705 Discussion with Action: Approve the Time Warner Cable Television Franchise Renewal commencing on April 1, 2016 following the expiration of the current franchise; and terminating on March 31, 2028.

MOTION: Vice Chair Thornton motioned and Councilor Blow seconded to Approve the Time Warner Cable Television Franchise Renewal commencing on April 1, 2016 following the expiration of the current franchise; and terminating on March 31, 2028.

VOTE: Unanimous.

6706 Discussion with Action: Approve the line item transfer for the Public Works Department in the amount of \$2,500 from Account Number 20151-50515 – Road/Salt Account, with a balance of \$13,718.22; to Account Number 20151-50336 – Equipment Rental, with a balance of \$1,931.04; and \$8,000 from Account Number 20151-50515 – Road/Salt Account, with a balance of \$ 13,718.22; to Account number 20151-50508 Sewer Maintenance Account with a balance of (801.38).

MOTION: Vice Chair Thornton motioned and Councilor Tousignant seconded to Approve the line item transfer for the Public Works Department in the amount of \$2,500 from Account Number 20151-50515 – Road/Salt Account, with a balance of \$13,718.22; to Account Number 20151-50336 – Equipment Rental, with a balance of \$1,931.04; and \$8,000 from Account Number 20151-50515 – Road/Salt Account, with a balance of \$ 13,718.22; to Account number 20151-50508 Sewer Maintenance Account with a balance of (801.38).

VOTE: Unanimous.

6707 Discussion with Action: Approve the line item transfer for Police Department in the amount of \$7,500.00 from Account Number 20131-50106 - Full Time Wages, with a balance of \$162,039.61; to Account Number 20131-50453 - Vehicle Repair/Maintenance Account, with a balance of (\$3,203.63); and \$30,000 from Account Number 20131-50106 - Full Time Wages with a balance of \$162,039.61; to Account Number 20131-50111 – Overtime, with a balance of (\$3,884.12); and Approve the line item transfers for the Town Manager in the amount of \$65,000 from Account Number 20118-50350 - Contingency Account, with a balance of \$200,000 to Account Number 20102-50301 - General Legal Expense, with a balance of (\$25,071.88); and transfer \$18,000 from Account Number 20118-50350 - Contingency Account, with a balance of \$200,000 to Account Number 20115-50450 - Town Hall Building Repair/Maintenance Account, with a balance of (\$14,917.98).

MOTION: Vice Chair Thornton motioned and Councilor Blow seconded to Approve the line item transfer for Police Department in the amount of \$7,500.00 from Account Number 20131-50106 - Full Time Wages, with a balance of \$162,039.61; to Account Number 20131-50453 - Vehicle Repair/Maintenance Account, with a balance of (\$3,203.63); and \$30,000 from Account Number 20131-50106 - Full Time Wages with a balance of \$162,039.61; to Account Number 20131-50111 – Overtime, with a balance of (\$3,884.12); and Approve the line item transfers for the Town Manager in the amount of \$65,000 from Account Number 20118-50350 - Contingency Account, with a balance of \$200,000 to Account Number 20102-

50301 - General Legal Expense, with a balance of (\$25,071.88); and transfer \$18,000 from Account Number 20118-50350 - Contingency Account, with a balance of \$200,000 to Account Number 20115-50450 - Town Hall Building Repair/Maintenance Account, with a balance of (\$14,917.98).

VOTE: Unanimous.

6708 Discussion with Action: Approve the purchase of a new permit and business licensing software application (iWorQs) for an annual amount of \$6,700; plus the one-time conversion fee of \$3,276; from Account Number 20102-50450 – Computer Systems Upgrade, with a balance of \$16,429.03.

BACKGROUND:

The Finance Director has been working closely with the Code and Planning Office researching a new permit and business licensing software application to address several areas of concerns including:

- (1) Improve the labor intensive manual process for business licensing;**
- (2) Replace the current outdated permit application program maintained by GIS Mapping and Analysis;**
- (3) Improve the current functionality for better tracking and reporting as well as up-to-date information available for employees in the field as well as employees in the office;**
- (4) New online customer service options; and**
- (5) A more efficient approval process relative to approval requirements from other departments.**



Town of Old Orchard Beach

Treasurer - Finance Director
OOB Town Hall
1 Portland Avenue
OOB, ME 04064

Diana H. Asanza
Telephone: (207) 937-5622
Fax: (207) 934-0246
Email: dasanza@oobmaine.com

May 23, 2016

TO: Larry Mead
FROM: Diana H. Asanza
RE: iWorQs Code Permit and Business License Agreement

Larry,

As you know I have been working with the Code and Planning Office researching a new permit and business licensing software application to address several areas of concern:

- Improve the labor intensive manual process for business licensing
- Replace the current outdated permit application program maintained by GIS Mapping and Analysis.
- Improve the current functionality for better tracking and reporting as well as up to date information available for employees in the field as well as employees in the office.
- New online customer service options
- A more efficient approval process relative to approval requirements from other departments

A webinar was conducted on March 10, 2016 and the following were in attendance: Dan Feeney, Megan McLaughlin, Bill Didonato, Kathy Smith, Valdine Camire, Bill Botting and Tom Burns, GIS consultant from GIS Mapping and Analysis.

On the technical side of the program Tom Burns from GIS Mapping and Analysis worked with iWorQs technical staff to ensure that the iWorQs software program can accommodate the parcel layout requirements. Bill Botting also confirmed that the system requirements are compatible with the town's computer network infrastructure.

The annual cost for iWorQs came in favorably at \$6,700.00 annually. This includes:

- Unlimited users on any computer, tablet or mobile device
- On-site backup
- 24/7 support

MOTION: Vice Chair Thornton motioned and Councilor Tousignant seconded to Approve the purchase of a new permit and business licensing software application (iWorQs) for an annual amount of \$6,700; plus the one-time conversion fee of \$3,276; from Account Number 20102-50450 – Computer Systems Upgrade, with a balance of \$16,429.03.

VOTE: Unanimous.

6709 Discussion with Action: Approve the Liquor License Renewal for Pun Saloon LLC/Keith O'Leary dba/Uptown O'Leary's Public House (206-31-9A), 41 Old Orchard Street, m-s-v in a Restaurant.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Table to the June 21st Council meeting and request the Administrative Review Board meet and bring back to that meeting recommendations.

VOTE: Unanimous.

6710 Discussion with Action: Cancel the Regular Town Council Meeting of Tuesday, July 5, 2016; and Authorize the Town Manager to close Town Hall only on Friday, December 23, 2016, with Town Hall employees taking either ½ vacation day or ½ floating holiday.

MOTION: Councilor Blow motioned and Vice Chair Thornton seconded to Cancel the Regular Town Council Meeting of Tuesday, July 5, 2016; and Authorize the Town Manager to close Town Hall only on Friday, December 23, 2016, with Town Hall employees taking either ½ vacation day or ½ floating holiday.

VOTE: Unanimous.

6711 Discussion with Action: Accept, with regret, the resignation of Jerome Begert from the Ballpark Commission and Finance Committee.

MOTION: _____ motioned and _____ seconded to Accept, with regret, the resignation of Jerome Begert from the Ballpark Commission and Finance Committee.

The Chair thanks Jerome Begert for his dedication to the process and his involvement in so many of the issues facing the municipality.

VOTE: Unanimous.

May 25, 2016

From: JEROME BEGERT

To : ALL TOWN-COUNCILORS, ALL MEMBERS OF
the FINANCE-COMMITTEE and the
BALLPARK-COMMISSION, and Town-Manager.

For purposes of my need to focus on
reversing ongoing issues of declining health,
I must regretfully retire my productive and
joyful commitment to OOB's excellent
Finance Committee and Ballpark Commission.

It was always my preference to wait for such
an abundance of volunteers, that I could just
step aside for replacements. It was in that
spirit that I had invited Reza Namin and
John Gallo to "leapfrog" over my First-Alternate
position, so they could serve as regular
members for our Finance Committee.

Even when the Charter Commission vacancy
occurred in December 2009, I did not aspire to
fill it, but rather sought others to do so.
When it became clear nobody was interested,
I allowed myself to be a "bench-warmer".

It has been an honor to have been
entrusted by Town Councilors who shared
your votes of confidence.

Thank you all, forever.

Jerome Karl Begert

6712 Discussion with Action: Approve the Special Event Permit for the Chamber of Commerce to hold their annual Season by the Sea Celebration on Sunday, December 4th, 2016. Set-up from 7 a.m. to 10 a.m. Event from 10 a.m. to 6 p.m. and breakdown from 6 p.m. to 8 p.m., to include a parade, music, tree lighting in the Square and possibly Memorial Park. Civic organizations serving food on First Street. Possible bonfire on the beach, and Trolley Rides. Request to close First Street and the Square on December 4th. Request for a banner in the Square from November 16th, 2016 to December 5th, 2016; 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 event.

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

VOTE: Unanimous.

6713 Discussion with Action: Approve the Special Event Permit for the OOB Recreation Department to hold their 5th Annual OOB Girls High School Beach Slam Classic at the Memorial Park Basketball Courts on Saturday, July 23rd, from 6 a.m. to 6 p.m., with a rain date of July 24th, 2016, same times; request to waive the fee as it is a Town event.

MOTION: Vice Chair Thornton motioned and Councilor Tousignant seconded to approve the Special Event Permit as read.

VOTE: Unanimous.

6714 Discussion with Action: Approve the Special Event Permit application for JTG Hospitality Inc. to hold a Blues Festival at the Ballpark on Saturday, September 3rd, rain date September 4th, 2016, from noon to 7 p.m. Alcohol to be served. Requirement of one Old Orchard Beach Police Officer. Request for a banner on the corner of Saco Avenue/E. Emerson Cummings Blvd. (Fire Station) for two weeks prior to the event.

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

VOTE: Unanimous.

6715 Discussion with Action: Approve the Special Event Permit Application for the Salvation Army to host Family Fun Night, closing the section of Church Street adjacent to their property, Tuesday, August 2nd, 2016, from 2 p.m. to 9 p.m. Insurance, listing the Town as additionally insured, to be provided at least one month prior to the event.

MOTION: Councilor Blow motioned and Vice Chair Thornton seconded to approve the Special Event Permit as read.

VOTE: Unanimous.

6716 Discussion with Action: Approve the Special Event Permit application for the Chamber of Commerce to hold their Annual Car Show on Friday, September 16th, 2016, from 2 p.m. to 8:00 p.m., closing Old Orchard Street, Seavey Street, Milliken Street from Old Orchard Street to Imperial Street, and closing the Square; on Saturday, September 17th, 2016, from 6 a.m. to 5 p.m., in Memorial Park and the Milliken Street parking lot, and closing First Street. Takedown will be from 5 p.m. to 7 p.m.; request for a banner in the Square up to two weeks prior to the event. 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 event.

MOTION: Councilor Blow motioned and Vice Chair Thornton seconded to approve the Special Event Permit as read.

VOTE: Unanimous.

#6717 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 Friday, August 19th through Sunday, August 21st, 2016. Set-up on Thursday, August 18th, and takedown on Monday, August 22nd, 2016. Insurance, listing the Town as additionally insured, to be provided to the Town Clerk's Office at least one month prior to the event.

MOTION: Councilor Blow motioned and Vice Chair Thornton seconded to approve the Special Event Permit as read.

6719 Discussion with Action: Authorize the waiver of the parking fee at the Milliken Street lot on Friday, June 10, 201, to allow up to 200 motorcycles participating in the Muscular Dystrophy Association "Fill the Boot" Motorcycle Ride to use the Milliken Street lot as a rest area from approximately noon to 3:00 p.m. as they ride through New England to raise funds for the Muscular Dystrophy Association.

MOTION: Councilor Tousignant motioned and Vice Chair Thornton seconded to Authorize the waiver of the parking fee at the Milliken Street lot on Friday, June 10, 201, to allow up to 200 motorcycles participating in the Muscular Dystrophy Association "Fill the Boot" Motorcycle Ride to use the Milliken Street lot as a rest area from approximately noon to 3:00 p.m. as they ride through New England to raise funds for the Muscular Dystrophy Association.

VOTE: Unanimous.

GOOD AND WELFARE:

JOHN GARON: Good evening! I am John Garon, and own the home at 33 Ocean Ave. My mother and father purchased the house in the early 1950's. I was raised in that house, attended OOB schools and graduated U of Maine, Orono in 1975. Some of you may remember my mother, Marjorie Garon who worked at the High School as secretary for the guidance counselor Mr. Duley. I worked for the DoD in Maryland for 40 years, retiring in 2013. After my mother died in 2014 my wife and I decided to purchase this property from the estate. We love it here, over the last 2 years we have invested substantially in renovations to the home, adding my daughter to the deed with the intention that at the next generation of Garons will continue to enjoy the house and the beach. My primary

concern is the interpretation and application of zoning ordinances in the R2 residential district where I live. I have been to the town managers office, met several times with Mr Feeney and have corresponded with Jeff Hinderliter and I am now expressing my concerns to the council. The lots in my neighbor hood are 40' by 60'. Two of the lots that abut my property have multiple small buildings. NOTE the attached map. 6 Seaview Ave: The property directly behind me is a 40' X 60' lot with 2 small buildings. The front building, which has not been rented nor habitable for decades was in such bad shape OOB code enforcement told the owners they would have to tear it down and re-build. The owners are currently rebuilding and substantially expanding the footprint and raising the height to 25-35 feet. There is second structure behind this one which is approximately 26 inches from my property line. While rebuilding is not yet underway on this structure, the owners have expressed plans to build this structure to the maximum 35 feet. Compounding the situation, 31 Ocean Ave: Is a 40' by 60' lot with 3 small buildings, 2 of them just inches from my property line. The front building is the principal building. The larger back building is rented in the summer. The third small building has not been rented for decades, no longer has power, plumbing or sewer and is currently being used for storage. It is my understanding from code enforcement that ALL of these five structures can be rebuilt to the maximum height of 35ft. I was shocked to see how high 35 feet really is. If you would like to see what a 35 foot building looks like on a small lot, please take a look at 16 Seaview Ave. I want you to envision what five 35 foot buildings would look like on the two lots I described. I understand that folks love the beach, and that businessmen want to maximize profitability. I am delighted to see money invested improving property in the town. However, I am appealing to the council to consider that to zone this neighborhood as R2 residential and then to apply the zoning ordinances in a way that ignores the predominantly single family homes, drastically impacting density and ignores setback is in no one's best interest. There is a substantial difference in impact on the neighborhood when a 40' x 60' lot goes from having two small seasonal rental cottages to having two (or three) full size year round homes available for rental. My hope is for some sort of modifications to the R2 code that when multiple buildings are on such small lots that other factors are considered before granting permits. I would like to invite each of you to visit so I can show you what I am talking about and discuss options for the future. John Garon, jlgaron12@gmail.com This note is a continuation of my updates to 6 Seaview and my concern that the height is going to exceed the variance agreement of 25 feet: The roof rafters have been delivered (they are on the ground) so I was able to measure the height of those rafters. Measuring the rafters based on your description of how height is measured, that being the height at 5" across the gable. I get the following final measurements (not counting roof sheathing and shingles). Current Height to ceiling of the first floor from ground level: 186" or 15.5' Estimated height of second floor: 96" or 8' Height of roof (to five foot mark): 75.5" or 6.3'. Final height: 357.5" or 29.8" The estimated height is now 5' higher than the variance agreement of 25'. This increased height is very similar to the 55" increase I reported to you on June 1. Now what is the town going to do about the agreed height of 25'? In my opinion you have three unfavorable choices: 1. Continue to let the owner build to the 29-30 Feet, then tell him he has to lower the roof because he exceeded the variance agreement. 2. Explain to the neighbors why the 25 foot height agreement in the variance was not binding. Especially when code enforcement was warned on the first day of construction of the likelihood of exceeding 25 feet. 3. Or put in a stop work order immediately until this issue is resolved, before the owner puts more money and time into construction this building. The sooner the better. I really would like some feedback on this note.

The Code Officer in a memo indicated: "The Garon's were notified as required of the request for a variance on the property they seem to be having difficulty with. Regardless, the outcome and a variance being granted were done in the appropriate manor. The

Garon's had sufficient time to appeal the Boards approval of the setback Variance. The time has expired to protest the Variance. However, I feel they are upset at the height of the structure at this time not the setback. The allowable height in that particular zone is 35 ft. The replacement structure on the abutting land will peak at approximately 28 ft. well below the 35 maximum allowed by the ordinances and did not need review by the Appeals Board as it is simply the height designated in the Ordinances. This matter as far as I am concerned has been dealt with appropriately by this Department. This isn't a Code Issue and there is no remedy to be considered. The owner of 6 Seaview has been to the ZBA and has all his permits. He worked with the Garon's about many issues and while he didn't have to move his structure he did to get it further away from the neighbor (to be a good neighbor). This office has ¾ of an inch of e-mails to/from Garon and we have had several visits. The 6 Seaview is a legal project- nothing can limit them to less than 35' in height except the property owners wish not to build higher. The ordinance has a cap at 35'

Dan

HELENE WHITTAKER: She reminded citizens of the upcoming neighborhood watch meeting and encouraged attendance.

6718 Executive Session: Discuss Labor Negotiations: (Note: This item discusses labor contract issues related to the Old Orchard Beach Patrolmen's Association – Maine Association of Police union contract, as defined under Title 1 M.R.S.A., Section 405 (6) (D), and the Council anticipates that the discussion portion will be held in Executive Session.)

MOTION: Councilor Blow motioned and Councilor Tousignant seconded to Enter into Executive Session discuss Labor Negotiations: (Note: This item discusses labor contract issues related to the Old Orchard Beach Patrolmen's Association – Maine Association of Police union contract, as defined under Title 1 M.R.S.A., Section 405 (6) (D), and the Council anticipates that the discussion portion will be held in Executive Session.)

VOTE: Unanimous.

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

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Adjourn the Town Council Meeting at 8:50 p.m.

VOTE: Unanimous.

Respectfully Submitted,

V. Louise Reid

Town Council Secretary

I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of twenty (20) pages is a copy of the original Minutes of the Town Council Meeting of June 7, 2016.

V. Louise Reid