

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
TUESDAY, DECEMBER 16, 2008 – 7:00 P.M.  
TOWN HALL CHAMBERS**

**A Town Council meeting of the Old Orchard Beach Town Council was held on Tuesday, December 16, 2008 in the Town Hall Chamber. The Chairman opened the meeting at 7:02 p.m.**

**Pledge to the Flag and Roll Call:**

**Present:**

**Chair Sharri MacDonald  
Vice Chair Robin Dayton  
Councilor Mike Tousignant  
Councilor Laura Bolduc  
Councilor Shawn O'Neill  
Town Manager Steve Gunty  
Assistant Town Manager V. Louise Reid**

**ACKNOWLEDGEMENTS:**

**COUNCILOR DAYTON:** I wish to express my thanks to the Chamber of Commerce and all those who volunteered in the Celebration by the Sea event, one of the outstanding yearly events that all families enjoy. In addition our thanks to the teachers and 4<sup>th</sup> graders of Loranger School for the four beautiful Christmas trees decorated by them with the theme of “Recycling” (something close to my heart) and which we are all enjoying here in the Town Hall Chamber.

**COUNCILOR TOUSIGNANT:** I want to express all our appreciation to the Public Safety and Public Works employees for the outstanding job they did during the recent ice storm.

**PRESENTATION:** Helene Whittaker, President of the Community Watch Council, Fire Chief John Glass, and Senior Advocate Nancy Rhoderick presented a report on the work of the Committee and particularly the “Vial of Life” Program being instituted in our community. She states that the Community Watch Council and Neighborhood Watch, Police and Fire Departments are working together in a community spirited endeavor. They indicated they are so proud and excited to be launching a critical and important program tonight. We are presenting the “Vial of Life” program to you and to the citizens of OOB & OP. The Community Watch Council and Neighborhood Watch would like to extend their appreciation to the Police and Fire Departments for their suggestions and enthusiasm; to Gary Curtis and the OOB 125<sup>th</sup> Anniversary committee members; the Senior Safety Agency and the Pactiv Co. (ziplock bags) for their contributions; to the Seniors and Neighborhood Watch members for their input; to Assistant Town Manager for her direction and the inspiration; and to Town Manager Steve Gunty for his support. She also expresses thanks to the Councilors for the opportunity to present this information tonight. “The Vial of Life is designed to speak for you when you can't speak for yourself. The vial contains important medical information that can assist emergency personnel in administering the proper medical treatment.”

**How does it work? Everyone receives a bag with a decal, info sheet, magnet, an extra decal and an instruction sheet. Fill out the form. Give as much information as you can.**

- **Name, age, insurance information**
- **Medications**
- **Allergies**
- **Illnesses or conditions**
- **History of illnesses or conditions**
- **People to contact**
- **Copy of EKG**
- **Picture**

1. **Place form in the vial/baggie. Place the baggy in Refrigerator door. Decal facing out.**
2. **Place the 911 magnet provided by the Police dept on the door and the additional red decal on the door.**
3. **Update the information. Consider a sheet for each family member.**

**We also suggest you make a duplicate copy and keep on your person so you can provide emergency responders with information when you are away from home. Your Doctor or Home Health Nurse may also want a copy. These vials of life kits are available at the public safety complex beginning tomorrow from either the fire or police departments. Additionally ambulance crews will carry them and distribute them as requested. Our only caution for folks is they need to remember we are in an age of identity theft and we will understand if some folks are reluctant to fill out every line on the information form but much of the information you provide will be of little use to anyone else but emergency responders. If you have any questions please call the public safety complex and we'll be glad to assist you.**

**ACCEPTANCE OF MINUTES: Town Council Minutes of December 2, 2008; Town Council Workshop of December 2, 2008; Town Council Workshop of December 3, 2008; Executive Session of December 9, 2008; and Town Council Workshop of December 9, 2008.**

**MOTION: Councilor Dayton motioned and Councilor Tousignant seconded to accept the Town Council Minutes of December 2, 2008.**

**VOTE: Unanimous.**

**MOTION: Councilor Dayton motioned and Councilor Tousignant seconded to accept the Town Council Workshop Minutes of December 2, 2008.**

**VOTE: Unanimous.**

**MOTION: Councilor Dayton motioned and Councilor Tousignant seconded to accept the Town Council Workshop Minutes of December 3, 2008.**

**VOTE: Unanimous.**

**MOTION: Councilor Bolduc motioned and Councilor Dayton seconded to accept the Town Council Executive Session Minutes of December 9, 2008.**

**VOTE: Unanimous.**

**MOTION: Councilor Bolduc motioned and Councilor Dayton seconded to accept the Town Council Workshop Minutes of December 9, 2008.**

**VOTE: Unanimous.**

**PUBLIC HEARING: Shall We Amend the General Assistance Ordinance?**

**CHAIR MACDONALD: I open this public hearing at 7:15 p.m.**

**BACKGROUND: These are difficult days for our community. The needs of many citizens who have never felt the need to ask for assistance have come to the General Assistance office already and no doubt the need will continue as a result of our economic situation. There is a combined effort by many organizations within our community such as The Salvation Army, the Methodist Church, St. Margaret's Church, Veteran's organizations, efforts by school groups and individual citizens are making a difference. Our own Council Chair has suggested combined community efforts ensuring that all citizens in need will be assisted in these difficult times. The Administration itself has made a continual effort to make citizens aware of programs for heating and other assistance is available and the means to apply. The State sets standards for assistance but our General Assistance office also provides information and assistance in making sure that all citizens are assisted when in need.**

**EXHIBIT:**

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

**The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on December 2, 2008 at 7:00 p.m. to consider the following:**

**Shall the Town Council of the Town of Old Orchard Beach amend the General Assistance Ordinance by changing the dollar amounts allowed for Basic Necessities; Maximum levels of assistance, adopting the underscored amounts, as follows:**

**Amend Section 6.8 Basic necessities; Overall maximum levels of assistance**

No. in Household	CURRENT WEEKLY	<u>PROPOSED WEEKLY</u>	CURRENT MONTHLY	<u>PROPOSED MONTHLY</u>
1	\$185.00	<u>\$189.75</u>	\$740.00	<u>\$759.00</u>
2	\$220.00	<u>\$225.75</u>	\$880.00	<u>\$903.00</u>
3	\$285.00	<u>\$292.50</u>	\$1140.00	<u>\$1170.00</u>
4	\$359.00	<u>\$368.25</u>	\$1436.00	<u>\$1473.00</u>
5	\$385.00	<u>\$394.75</u>	\$1539.00	<u>\$1579.00</u>

**Amend Section 6.8 a) Food**

No. of Household	CURRENT WEEKLY	<u>PROPOSED WEEKLY</u>	CURRENT MONTHLY	<u>PROPOSED MONTHLY</u>
1	\$37.67	<u>\$40.93</u>	\$162.00	<u>\$176.00</u>
2	\$69.30	<u>\$75.12</u>	\$298.00	<u>\$323.00</u>
3	\$99.07	<u>\$107.67</u>	\$426.00	<u>\$463.00</u>
4	\$126.05	<u>\$136.74</u>	\$542.00	<u>\$588.00</u>
5	\$149.53	<u>\$162.33</u>	\$643.00	<u>\$698.00</u>
6	\$179.53	<u>\$194.88</u>	\$772.00	<u>\$838.00</u>
7	\$198.37	<u>\$215.35</u>	\$853.00	<u>\$926.00</u>
8	\$226.74	<u>\$246.05</u>	\$975.00	<u>\$1,059.00</u>

**Increase Additional persons from \$122.00 to \$132.00 per month.**

**CHAIRMAN MACDONALD:** I close this public hearing at 7:17 p.m.

**BUSINESS LICENSES:** Kimberly Regoulinsky & Janice Tabone dba/The Precious Present (206-4-5), 100 Saco Avenue, Novelty Store; Robert Guerino (211-1-14-3&5), 57 Old Salt Road, Units 3 & 5, two year round rentals; Bob Bertrand (304-1-2-21&23), 1 Walnut Street, Units 21 & 23, two year round rentals; Lana Hoang (304-1-14), 61 East Grand Avenue, one year round rental; Terry & Nancy Norton (314-14-1), 97 Union Avenue, three year round rentals; T. Michael McLean dba/McLean Holdings LLC (314-16-2), 63 Highland Avenue, one year round rental; and Omayya Ismail (304-1-2), 1 Walnut Street, Unit 22, one year round rental.

**MOTION:** Councilor O'Neill motioned and Councilor Tousignant seconded to approve the business licenses as read.

**VOTE:** Unanimous.

**TOWN MANAGER'S REPORT:**

**Council Report Ice Storm 12-12-2008**

Beginning at apx. 2am Friday we began receiving storm related calls. These calls were for various reasons and similar calls were repeated numerous times.

<u>Reason</u>	<u>number of locations we responded to</u>
Blown Transformer	6
Unknown wire down	28
Wire on vehicle	6
Tree or branch in wires	13
Tree down	17
Tree on house	7
Tree on vehicle	4
Alarm Sounding power related	5
Water in basement	4
Public assist	7
Motor vehicle accident	3
Check wellbeing of resident	11
Carbon monoxide call	4
Emergency Medical Call	16 non-storm related

Three fulltime Fire personnel and 15 Call Force personnel reported to the station to assist. We had recorded 60 call responses by 8:00 a.m. on Friday. The activities extended throughout the weekend and we were at over 130 total responses. We also had a trailer fire in Pinehurst Tent & Trailer campground resulting in the total loss of a seasonal trailer on Sunday at 5am. Saco, Scarborough and Biddeford helped us at the scene and with coverage of our Town. We also assisted Scarborough & Saco with structure fire coverage in their Cities during the weekend. A regional shelter was established by YCEMA/Red Cross on Friday at the Saco Community Center on Franklin St.; at the Biddeford Primary School; and in North Berwick . Old Orchard Beach residents were directed there by public safety personnel. We did not open a “warming shelter” or evacuation shelter in Old Orchard Beach due to the limited resources we have available to man these facilities and no generator equipped facility. We have used this protocol in the past and have been pleased with the results. At approximately 2:00 p.m. Sunday our personnel secured the services of a power crew team from New Brunswick, Canada who responded on a “wire across a vehicle call” and we convinced them to stay in Old Orchard Beach to address some of our “long term outage” issues. They and other Canadian & U.S. crews returned Monday morning and diligently worked with our direction on areas of known outages.

The storm communication with CMP was poor and non-existent at times until we secured the crew on Sunday. There were 64 streets listed with no power or power issues when they started Sunday afternoon and 20 were resolved before their mandated “knock off” time of 8:00 p.m. Sunday. I am aware many residents have voiced frustration and contempt for the seemingly lack of progress and information of the power returning to neighborhoods and I share their frustration. We can all imagine the overload CMP is experiencing however there appears to be problems existing in communicating with community leaders in assessing areas of need. During any major storm CMP opens it’s “storm command” and all requests for power line help is channeled through York County EMA. It soon becomes impossible to reach YCEMA when the storm is widespread such as this storm. CMP approaches massive

outages systematically by repairing and re-energizing substations and the “three phase” or large feeder lines first. This insures hospitals, major facilities and buildings, nursing homes elderly housing, schools, and other branch lines can be back on-line quickly. They then target known hazard areas such as residents on oxygen therapy equipment or other electrical run medical equipment such a dialysis machines as well as areas needing major power transmission equipment replacement. Lastly they target areas of high residential concentration such as Homewood Park, Dunegrass and Cider Hill. Small individual streets with few homes are worked last. A residence which has damage to the main panel or with line staffs pulled from the wall will be addressed only after an electrician has repaired the personal equipment. We now enter the mitigation phase of the storm in which we shall assess public damages and private damages as well as resources used and seek compensation from Federal sources. I will be looking forward to a debriefing discussion which will likely be held by YCEMA in the near future. Louise forwarded me your questions regarding the Loranger Middle School shelter status during the recent ice storm. Loranger is designated as a “soft shelter” for evacuations. This means if residents had to be temporarily evacuated we could utilize the large space and kitchen facilities at the school to provide temporary shelter for evacuees in some instances. The major drawback to the Loranger School is there is *no* emergency generator to provide power if there is a power failure. There are also no cots, or facilities for special needs individuals etc. This limits the ability to use it as a shelter to certain circumstances. York County in conjunction with the Red Cross opens regional shelters during storms and provides all the necessary equipment, food, staff, and support for these shelters to operate 24 hours each day. We advise our residents to shelter with family, shelter with friends, or to take advantage of these regional shelters. Old Orchard Beach unfortunately does not have the resources to maintain a shelter for long periods of time or when the weather conditions are extremely harsh. We provide information regarding other shelters and offer assistance to them to anyone who asks through dispatch, word of mouth, and direct contact. Public Safety stays alert to invalids and home bound individuals and we do everything we can to insure their safety and comfort however we could never anticipate or provide for every individual scenario. Frequently (4 times this storm) we receive calls from concerned out of town family members who call us and request we do a welfare check on individuals and attempt to convince them to evacuate. Most people, especially elderly, refuse to leave. Pet owners also present problems as most shelters are not equipped to take pets and most owners will not be separated from their loved ones! Our best advice to everyone is to prepare before the event, stay informed, and contact emergency services for direction I would also like to thank *all* the other Town departments for their efforts, support, and assistance throughout the ordeal. DPW especially prevented a catastrophe by securing a replacement generator so that fuel for our responders was no issue. I will work with all department heads to secure FEMA reimbursement for storm emergency expenditures as well as damage claims in the next few weeks.

**COUNCILORS BOLDUC, DAYTON & CHAIR MACDONALD:** They expressed sincere appreciation for the work that was done during the ice storm by all public officials and employees.

**NEW BUSINESS:**

**# 5093 Discussion with Action:** Accept the resignation of Ivan Most from the Planning Board, effective 1/1/09; Appoint Ken MacAuley as a regular member of the Planning Board, term to expire 12/31/09; Appoint Karen Andersen as an alternate member of the Planning Board, term to expire 12/31/09; Appoint Ray DeLeo as a regular member of the Design Review Committee, term to expire 12/31/10; Appoint Ginger McMullin as a regular member of the Conservation Commission, term to expire 12/31/10; Appoint Linda Jenkins as an alternate member of the Conservation Commission, term to expire 12/31/10; Appoint Winthrop Winch as a regular member of the Planning Board, term to expire 12/31/10; Appoint Ray DeLeo as a regular member of the Zoning Board of Appeals, term to expire 12/31/11; Appoint J. Philip Denison as a regular member of the Zoning Board of Appeals, term to expire 12/31/10; Appoint Robert Quinn as an associate member of the Zoning Board of Appeals, term to expire 12/31/09; and Appoint Tina Morrison as the citizen member of the [Business License] Administrative Board, term to expire 12/31/10.

**BACKGROUND:** These are annual renewals, appointments and resignations for Committees. It is a great public service performed by those volunteering; serving now and in the past; our grateful thanks and that of the citizens of the municipality for dedicated service.

**MOTION:** Councilor O'Neill motioned and Councilor Tousignant seconded to accept Resignations and appointments as read with grateful appreciation for service rendered.

**VOTE:** Unanimous.

**# 5094 Discussion with Action:** Approve the Special Event Permit application from the Old Orchard Beach Recreation Department/Jimmy the Greek's Restaurant, for Jimmy the Greek's frozen 4-miler to occur on January 18, 2009, rain date January 26, 2009, from noon to 3 p.m. Request to waive the fee.

**MOTION:** Councilor Dayton motioned and Councilor O'Neill seconded to approve the Special Event Permit application as read."

**VOTE:** Unanimous.

**# 5095 Discussion with Action:** Approve a Blanket Letter of Approval for Beano/Bingo and Games of Chance for the Veterans of Foreign Wars (VFW), Post 7997, 76 Atlantic Avenue, from January 1, 2009 to December 31, 2010.

**MOTION:** Councilor Bolduc motioned and Councilor Dayton seconded to Approve the Blanket Letter of Approval as read.

**VOTE:** Unanimous.

**# 5096 Discussion with Action:** Approve \$12,000 from Account Number 20201-50804 –

**Ballpark Improvements – with a balance of \$24,275, to repair roofs on buildings at the Ballpark.**

**BACKGROUND:** The Ballpark working group is attempting to make the abandoned Ballpark property into a field of dreams. Since May they have been putting in more than 600 hours of volunteer service in updating the ballpark. The volunteers have including children, adults, contractors and professionals. The group has also received over \$60,000 in donated services. A local roofer, Dana M. Furtado, of Old Orchard Beach has offered to re-roof the buildings on the property. The Ballpark working Group is requesting approval for \$12,000 from Account Number 20201-50804 – Ballpark Improvements – to repair roofs on buildings at the Ballpark. The offer of donated labor worth \$30,000 to install \$12,000 of roofing material (yet to be purchased) on the three buildings in front of the Ballpark has the potential future use as storage, offices and/or concessions. In order to take advantage of the roofing installation donation, the material would have to be purchased quickly in order to allow this contractor to install it before inclement weather prevails and before the contractor’s busy Spring season. The Ballpark Working Group is asking that the Manager or Council authorize the approximate \$12,000 of roofing material required out of the remaining \$24,000 security improvement authorization remaining (the original security improvement authorization was \$25,000). Congratulations to all those who have supported by hours of labor and commitment to this project. At a recent Workshop there was a consensus that the funding for the security improvements should be provided.

**MOTION:** Councilor Tousignant motioned and Councilor Dayton seconded to Approve \$12,000 from Account Number 20201-50804 – Ballpark Improvements, with a balance of \$24,275, to repair roofs on buildings at the Ballpark.

**VOTE:** Yea: Councilors Tousignant, Dayton, O’Neill, Chair MacDonald.  
Abstain: Councilor Bolduc

**# 5097 Discussion with Action: Act on Order to Call an Election of Initial Directors of Regional School Unit #23 on February 10, 2009.**

**BACKGROUND:**

**Topic: RSU Board Election Date Established for RSU # 23**

The combined school Boards of Saco, Old Orchard Beach and Dayton have established the election date for the newly consolidated Regional School Unit (RSU) which will serve the students of the three communities. The election will be held on February 10, 2009 with voters going to the polls in each of their respective communities. Nomination papers for candidates for the office of the Board of Directors for the Regional District will be available as of Monday, December 8, at the office of the town or city clerk in each of the communities. Nomination papers are also available from the office of the Interim Secretary which has been established at the Superintendent’s Office in Old Orchard Beach at 28 Jameson Hill Road.

Interested candidates will be required to gather the required number of signatures on the nomination papers and return them no later than Monday, December 22 by 4:00 p.m. Regardless of the community of residence, all nomination papers must be returned to the office of the Interim Secretary in Old Orchard on or before the deadline for filing. Potential Candidates who have questions about the RSU or serving as a member of the Board of Directors are encouraged to contact the local superintendent's office in their community. At the meeting on December 4, the board members from each of the communities were provided with a copy of the "Certificate of Organization" from the State Board of Education which designates the District as RSU # 23.

Submitted by Gerald Clockedile, Interim Secretary for RSU 23

To: Municipal Officers of Saco, Dayton and Old Orchard Beach  
Town/City Clerks

Re: RSU Board of Directors Election

Date: December 5, 2008

Please be advised that at the meeting of the joint School Boards of Saco, Dayton and Old Orchard Beach on Thursday, December 4, the Boards voted to set the election date for the RSU Board of Directors on Tuesday, February 10, 2009.

As a result of this decision, you are respectfully requested to call for a municipal election on that date and to cause the appropriate notice and warrant posting to be directed to the citizens of your community.

Nomination papers for potential candidates for the RSU Board will be available as of Monday, December 8, 2008. The deadline for return of the nomination papers is Monday, December 22, 2008 by 4:00 p.m. Nomination papers are available at the office of each town clerk and the office of the Interim Secretary at 28 Jameson Hill Road, Old Orchard Beach.

Sincerely,

Gerald S. Clockedile, Interim Secretary

**TOWN OF OLD ORCHARD BEACH  
TOWN WARRANT  
SECRET BALLOT ELECTION FOR INITIAL REGIONAL SCHOOL UNIT BOARD  
February 10, 2009**

County of York, ss.

To Roger Stevens, a resident of the Town of Old Orchard Beach, Maine:

You are hereby directed to notify the voters of the Town of Old Orchard Beach of the Secret Ballot Election for the Initial Regional School Unit Board described in this warrant.

**Election to be held on Tuesday, February 10, 2009 at the Old Orchard Beach High School, E. Emerson Cummings, Boulevard**

**Polls open at 8:00 a.m. and close at 8:00 p.m.**

Absentee ballots will be processed on Election Day (February 10<sup>th</sup>) every hour on the hour beginning at 9:00 a.m.

The article to be voted upon is as follows:

Article 1: To elect two directors to the regional school unit board #23 pursuant to 20-A MRSA §1472-A.

The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

Dated December 16, 2008.

MUNICIPAL OFFICERS OF THE TOWN OF OLD ORCHARD BEACH

**MOTION: Councilor Dayton motioned and Councilor Tousignant seconded to Act on Order to Call an Election of Initial Directors of Regional School Unit #23 on February 10, 2009.**

**VOTE: Unanimous.**

**# 5098 Discussion with Action: Approve change in the Maine PERS service requirement for its Police Officers, effective January 1, 2009, and are for future service rendered by the Officers only; service rendered prior to January 1, 2009 will remain under Special Plan 2C; Employees hired prior to October 12, 1992 shall be enrolled in MainePERS Special Plan 1C; and Employees hired after October 11, 1992 shall be enrolled in MainePERS Special Plan 3C.**

**TOWN MANAGER: On August 19, 2008 the Town Council adopted a Three-Year Labor Agreement with the Police Patrolmen's Association that included a provision to change the retirement package under Article 13 of the contract. To receive this change, the Association agreed to increase its Employee insurance contribution rate from 15% to 18% beginning in Year 3 to help offset the burden of additional rising costs of providing insurance by the Town, while creating consistency between most of the Town's Labor Contracts. In turn the Association was provided certain Retirement package changes that will help the Town recruit**

and retain employees as many other Departments throughout the State offer similar retirement packages, which provide incentive to stay with the Police Department longer for an enhanced retirement benefit. These plan changes could not be implemented until the Maine Public Employees Retirement System (MainePERS) provided the specific impacts of the agreed plan changes to the Police Patrolmen's Association in order to establish enrollment eligibility criteria based on date of hire. The specific cut-off dates were established and upon notification and subsequent plan change application to Stephanie D. Fecteau, the PLD Plan Administrator for MainePERS, it was indicated that the plan change cannot be implemented based on approval of an article contained within a collective bargaining agreement. Instead, MainePERS requires receipt of a separate article voted on by the Town Council specific to the plan change prior to implementation by the agreed January 1, 2009 effective date.

**COUNCILOR BOLDOC:** Is this a cost increase to the Town?

**TOWN MANAGER:** There will be an increase but we are waiting for information on the amount. However, this was taken into account during the budget process and money was set aside for the increased caused by contract negotiations.

**MOTION:** Councilor O'Neill motioned and Councilor Dayton seconded to Approve change in the Maine PERS service requirement for its Police Officers, effective January 1, 2009, and are for future service rendered by the Officers only; service rendered prior to January 1, 2009 will remain under Special Plan 2C; Employees hired prior to October 12, 1992 shall be enrolled in MainePERS Special Plan 1C; and Employees hired after October 11, 1992 shall be enrolled in MainePERS Special Plan 3C. Stephen Gunty, Town Manager is authorized to sign the contract between the Town and MainePERS on behalf of the Town.

**VOTE:** Yea: Councilors Dayton, O'Neill, Tousignant, Chair MacDonald  
Nea: Councilor Bolduc.

**GOOD AND WELFARE:**

**CHAIR MACDONALD:** Anyone wishing to speak under Good and Welfare?

**ADJOURNMENT:**

**MOTION:** Councilor O'Neill motioned and Councilor Dayton seconded to adjourn the Town Council Meeting.

**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 twelve (12) pages is a true copy of the original Minutes of the Town Council Meeting of December 16, 2008.**  
**V. Louise Reid**