

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
TUESDAY, JANUARY 20, 2009 - 7:00 P.M.
TOWN HALL CHAMBERS**

A Town Council meeting of the Old Orchard Beach Town Council was held on Tuesday, January 6, 2009 in the Town Hall Chamber. The Chairman opened the meeting at 7:01p.m.

Pledge to the Flag and Roll Call:

Present:

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

ACKNOWLEDGEMENTS:

CHAIR MACDONALD: February 10, 2009 there will be a regional school unit election. Polls will open from 8:00 a.m. to 8:00 p.m. at the Old Orchard Beach High School. Absentee Ballots are available now at the Town Clerk's office. Please call the Town Clerk's office for further information – 934-4042. The Town's new website is up. We will have some updating to do but it is looking really great and we trust that you will go on it and look at the new version and the information that has been provided. Thanks to our department heads for their involvement and also to Jason Webber, Mary Ann Conroy, George Greene and Gary Lamb for their hours of development. The web site address is www.oobmaine.com.

COUNCILOR TOUSIGNANT: Jimmy the Greeks' Mile Run for the Recreation Department was postponed because of the weather and will take place this coming Sunday.

ACCEPTANCE OF MINUTES: Town Council Meeting Minutes of January 6, 2009; Town Council Workshop of January 6, 2009; and Town Council Workshop of January 13, 2009.

COUNCILORS TOUSIGNANT AND BOLDUC: There were some suggested corrections to the Minutes and the call for a motion to consider them at the next Council meeting.

MOTION: Councilor Dayton motioned and Councilor Tousignant seconded to remove these Minutes and make the corrections necessary and return them to the next meeting for acceptance for Minutes of Town Council Meeting Minutes and Town Council Workshop Minutes of January 6, 2009 and Town Council Workshop of January 6, 2009 and Town Council workshop of January 13, 2009.

VOTE: Unanimous.

BUSINESS LICENSES: Robert Bertrand (205-6-6-4), 6 Imperial Street, Unit 4, one year round rental; Timothy Crane (305-2-1-44), 31 East Grand Avenue, #44, one year round rental; Richard & Janice Lemoine (305-3-9-105), 5 Boisvert Street, Unit 105, one year round rental; and Alaina Rivas dba/Tiny Town Grooming (311-23-6), 101 Saco Avenue, Pet Grooming Business and one year round rental.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to approve the Business Licenses as read.

VOTE: Unanimous.

SPECIAL AMUSEMENT PERMIT: Pamela Given dba/Ocean Pizza & Pasta Too (210-2-51), 2 Ocean Park Road, Entertainment.

MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to accept the Special Amusement Permit as read.

VOTE: Unanimous.

TOWN MANAGER'S REPORT: I hope that you found the overall project list in your packet and I appreciate the Department Head's help in preparing that report and believe it will be helpful in the budget preparation and consideration. I would also like to bring to your attention the Ballpark Report that is included in your packet. In the coming months you will note that we are having of a monthly public meeting on the fourth Wednesday nights at 6:00 p.m. on several important issues to the public. We understand there have been some concerns about a letter that went to taxi cab regarding an ordinance. This was brought forward by a new taxi cab applying for a license. It was not our desire to be heavy handed but we felt that the license procedure in that letter was explained and it was a process required by our ordinance and would suggest you contact that department for further understanding.

TABLED ITEM: # 5103 Discussion with Action: Approve Code Enforcement Officer as Representative to the Town in Initiating District Court Actions under Rule 80K for certain Code Violations without Assistance of Town Attorney.

Background: The following information has been provided by the Code Enforcement Officer.

RE: Request to represent the Town in initiating District Court action for certain Code violations without the assistance of the Town's Attorney.

Court action is always the absolute last resort in settling code violations. Voluntary compliance is always the goal, but in some cases, even after exhaustive efforts, this is not possible. The following is an outline of a fast, inexpensive solution to these challenges.

The Maine Rules of Civil Procedure were amended to include Rule 80K. Rule 80K provides a simpler, speedier and less costly procedure for the prosecution of land use violations. The system authorizes certified non-lawyer employees (as well as lawyers) to represent municipalities, the ("DEP") and the Maine Land Use Regulation Commission ("LURC") in the prosecution of land use violations.

The Following is a list of the violations that can be handled through Rule 80K:

- Subsurface wastewater disposal rules adopted by the Maine Department of Health and Human Services;
- Local land use and zoning ordinances and other local ordinances, e.g., junkyards, automobile graveyards, electrical installations, plumbing, subsurface waste water disposal;
- The subdivision law;
- Laws pertaining to public water supplies;
- Laws administered by health officials;
- Laws pertaining to fire prevention and protection;
- Laws pertaining to the construction of buildings for the physically disabled;
- Local building and housing codes;
- Shoreland zoning ordinances;
- Laws pertaining to harbors;
- Natural resources protection laws;
- The state junkyard and automobile graveyard statute.

I have had this certification for nearly two decades and have represented Maine communities including Old Orchard Beach in District Court. Rule 80K provides a "Summary Procedure," which means it moves faster than other court proceedings. The violator can answer the Complaint orally in court rather than in writing, and the court can decide the main issues of the case with a minimum amount of formality. That reduces the time and expense involved, without sacrificing the due process rights of the person accused of the violation.

As we learned with a recent Town case, the Attorneys costs quickly reached \$10,000.00 and the Court awarded about 25% of that to the Town. These costs continue to escalate as the case moves forward. This expense would not have occurred had we used this process. Attached is a copy of my Certification and the empowerment letter that the Town Council signs to authorize my representation in these matters.

A graphic presentation by Gary Lamb and Mike Nugent of the Ordinance Violation Procedure was very helpful in defining how this is handled:

Complaint Received/Violation Observed

Contact Property Owner

Owner is unresponsive to Request to Comply

Owner Corrects Violation

Notice of violation sent – 30 Day Compliance deadline for non-life threatening violations.

Case Closed

Re-inspection of 30-day notice deadline date

Compliance Found

Violation Remains – no progress

**Partial compliance
Owner Cooperative**

**Arrange a meeting with
with Owner
extension granted**

**Owner agrees
to comply**

**Mutually agreeable
reasonable time**

**Compliance
Achieved**

**Owner declines
Opportunity to comply**

Case Closed

**If authorized by Town Manager, court
Summons prepared and served – Owner
Advised that if compliance is achieved prior
to filing with the Court, the case is closed.**

Violation Corrected

**Compliance with Court
Order**

**Still in violation, Court Date set, imposes
fines ranging from \$100 to \$2,500 per day
of violation. Orders violations to be corrected.**

**Owner refuses to
correct violations/pay
fine. Refer to Town
Attorney for contempt
of Court Action.**

TOWN MANAGER: He emphasized the ability of this technique to save the town legal fees and encouraged the Council to allow staff this authority. It would be used in cases of last resort and would go through my office and consultations with town attorney. This is a common technique and a cost savings measure.

COUNCILOR O'NEILL: Unfortunately I do not support this item at this time and it is not a lack of trust of the Code Enforcement Officer by any means. Several of our cases have gone to court and the town has acquired property for a number of reasons for the benefit of the town and I don't want to limit the town's ability.

MOTION: Councilor O'Neill moved and Councilor Tousignant seconded to Deny Code Enforcement Officer as Representative to the Town in Initiating District Court Actions under Rule 80K for certain Code Violations without Assistance of Town Attorney.

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

5105 Discussion with Action: Approve the Liquor License Renewal for Pamela Given dba/Ocean Pizza & Pasta Too (210-2-51), 2 Ocean Park Road, s-m-v in a Restaurant.

MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to Approve the Liquor License Renewal as read.

VOTE: Unanimous.

5106 Discussion with Action: Approve hours of Voter Registration office to be open in connection with the February 10, 2009 Election.

BACKGROUND: On February 10, 2009 there will be a special election for two positions on the Regional School Unit 23 Board of Directors. In anticipation of this the Voter Registrar has requested that the hours of the Voter Registration Office be scheduled as follows:

Tuesday, February 3 from 8:00 a.m. to 6:00 p.m.;
Wednesday, February 4 from 8:00 a.m. to 4:00 p.m.;
Thursday, February 5 from 8:00 a.m. to 4:00 p.m.;
Friday, February 6 from 8:00 a.m. to 4:00 p.m., and
Monday, February 9 from 8:00 a.m. to 4:00 p.m.

COUNCILOR BOLDUC: Will the cost of the election be on the RSU rather than the Town?

TOWN MANAGER: I am not sure that I heard the entire question.

COUNCILOR BOLDUC: Will the cost of the election be on the RSU rather than the Town? I believe that was in the law and would like an have an answer to that.

TOWN MANAGER: I don't know the answer to that but will have an answer for the Council.

MOTION: Councilor Tousignant motioned and Councilor Dayton seconded to authorize hours for Voter Registration Office to be open for registration of voters in connection with the Special Election to be held on February 10, 2009, including Tuesday, February 3 from 8:00 a.m. to 6:00 p.m.; Wednesday, February 4 from 8:00 a.m. to 4:00 p.m.; Thursday, February 5 from 8:00 a.m. to 4:00 p.m.; Friday, February 6 from 8:00 a.m. to 4:00 p.m. and Monday, February 9 from 8:00 a.m. to 4:00 p.m.

VOTE: Unanimous.

5107 Discussion with Action: Appoint Mark Koenigs as a Regular Member of the Planning Board, term to expire 12/31/10; Appoint William Farley as a Regular Member of the Recycling Committee, term to expire 6/30/2010; Appoint Fred Dolgan as a Regular Member of the Recycling Committee, term to Expire 6/30/2010; Appoint Jetta Antonakos as a Regular Member of the Recycling Committee, term to expire 6/30/2010; John Bird as a Regular Member of the Recycling Committee, term to expire 6/30/2010; Appoint Philip Weyenberg as a Regular Member of the Zoning Board of Appeals, term to expire 12/31/2011; Appoint Jayne Flaherty as a Regular Member of the Conservation Commission, term to expire 12/31/2011; and Appoint Margaret Michaels as a Regular Member of the Board of Assessment Review, term to expire 12/31/2011.

CHAIR: It is very much appreciated that citizens offer the services on these Committees and in the productive work of the Municipality.

MOTION: Councilor Dayton motioned and Councilor Bolduc seconded to make appointments as read.

VOTE: Unanimous.

COUNCILOR TOUSIGNANT: I see only three people on the Recycling Committee. Are there some already on that Committee?

CHAIR MACDONALD: Yes, there are other members on it.

COUNCILOR TOUSIGNANT: Seven members?

CHAIR MACDONALD: Yes.

5108 Discussion with Action: Accept Resolution Saco Bay Working Committee.

BACKGROUND: The Planner, Gary Lamb, presented at the last Council Meeting a report on the work of the Saco Bay Working Committee and it was then recommended that the Council concur on the work of the Committee and submit a Resolution of Support.

MOTION: Councilor Dayton motioned and Councilor Tousignant seconded to Accept Resolutions dated January 20, 2009 which reads: *RESOLUTION MUST BE READ IN ITS ENTIRETY.*”

Town of Old Orchard Beach, Maine

**RESOLUTION of SUPPORT
January 20, 2009**

WHEREAS: the Old Orchard Beach Town Council appreciates the opportunity to be part of the Saco Bay Working Group’s effort collaborating with our Saco, Scarborough and Biddeford neighboring communities;

WHEREAS: the Working Group has conducted important fact finding and has written a concise report for Legislators and State officials to use as they pursue answers to our jurisdictional questions;

WHEREAS: this report outlines areas of agreement as well as issues that need much more work to resolve questions addressing future Saco Bay management and development parameters; and

WHEREAS: we are confident that this report will foster informed discussions by our State and Local Government Committee; the Attorney General’s office; and other State agencies involved with this important coastal jurisdictional debate.

NOW, THEREFORE: We, the Town Council of Old Orchard Beach, Maine, do hereby support and endorse on behalf of the citizens of Old Orchard Beach the work and the

report of the Saco Bay Working Group; and request that the State and Local Government Committee seek legal determination of Saco Bay local jurisdictional boundaries from the Attorney General's office.

Sharri MacDonald, Chair

Robin Dayton, Vice Chair

Shawn O'Neill, Councilor

Laura Bolduc, Councilor

Michael Tousignant, Councilor

VOTE: Unanimous.

5109 Discussion with Action: Approve the bid of \$396,559 from Seagrave Fire Apparatus LLC from Account Number 30141-50850 – Rescue Billing Fund, with a balance of \$507,422.89 for the purchase of a demonstration model Fire Apparatus.

BACKGROUND: The Town Council authorized the Fire Chief to seek bids for a new fire engine in this budget year. An apparatus committee was formed prior to that authorization to determine what type apparatus would be the most advantageous for us to consider for fire operations within the Town limits. After much investigation and test driving several manufacturers' vehicles and types of response equipment, it was determined that a rescue/engine was the most practical application for our limited manpower and response needs. This type of fire engine fulfills the normal requirements of a pumper (water delivery) apparatus and includes additional compartment space for "rescue" equipment. This "rescue equipment traditionally has had to be delivered to the scene of an incident by additional vehicles and thereby requiring more personnel or reallocation of personnel away from other responsibilities. Other major considerations were longevity of the equipment, weather resistive construction and maneuverability of the apparatus within our narrow street areas. Specifications were drafted, an RFP was printed by a local newspaper and copies of the specifications were mailed to 10 different fire apparatus manufacturers. We surprisingly received only one bid in return although many manufacturers contacted us regarding questions and stated they intended to submit a bid. The bid was from Seagrave Fire Apparatus LLC of Chicago Illinois for \$518,917.00 and met our specifications in its entirety. The truck committee and I agree this sum is astoundingly high and we believe to extravagant for our needs. Our original estimation was for an apparatus expenditure of approximately \$425,000.00. We contacted the manufacturer and advised him we would not recommend acceptance of the bid to our governing body. Their representative understood our reasoning and accepted the notification with reluctance. He did however advise us that they (the same manufacturer) have a demonstration apparatus in stock which may meet our needs and be considerably more within our desired budgetary requirements. Members of the truck committee visited the manufacturer's facility in Clintonville, Wisconsin (at Seagraves expense), evaluated the demo model and determined that with some modifications and additions it would meet 90% of our needs. This rescue/engine has a base price of \$303,850.00. Modifications to the vehicle that we would require would be an additional \$77,528.00 and

there would be a delivery and training charge of \$15,181.00. This would create a total of \$396,559.00. Hose, cords, equipment, radios, and other incidentals required to place the apparatus in service would be estimated at another \$12,000.00 creating a grand total expenditure of \$408,559.00.

Our original requirements for maneuverability (we actually drove this vehicles identical twin demo model in OOB during our initial search), extended longevity, weather resistive construction would be met by this replacement apparatus on a budget less than originally contemplated. I will also take this opportunity to include an update on our present equipment status. Engine 3 (the 30 year old reserve engine we shall be retiring from service) has been “band-aided” again recently however it no longer is able to be “rated” and cannot pass the annual pump rating tests required by NFPA. Our maintenance garage has said it needs an estimated \$40,000.00 in pump and drive train repairs to continue operation and pass the required annual tests. Engine 1, our 15 year old primary response engine, is reaching the end of its manufacturers stated lifespan and repairs are becoming more frequent and complex. It should however serve us more years as a reserve apparatus and will help us maintain our Insurance Services Office fire insurance premiums rating. This rating will be in jeopardy if we do not replace Engine 3 with a “rated” fire apparatus. The rescue billing revenue fund, which is by written Council policy used only for replacement of public safety vehicles, has a balance of \$507,422.52 as of 01-07-2009. This demo model would be considered as used with apx. 16,000 “demo” highway miles but the factory will apply warranties and guarantees as if it were new. Delivery would be within 60 days in contrast to the 8 month delivery estimates for a new apparatus. This apparatus is for sale to the first available purchaser so that factor and the mounting repair issues with both existing engines make timely action of the essence.

There will be resale value for the discontinued model which may not be much money as it needs a lot of repair costs but there will be some return when we do sell that in surplus. This is a 125 year old company and some of the mug flaps on the apparatus say 125th anniversary.

COUNCILOR DAYTON: I appreciate all the work that you do and I am happy to see it come forward this evening.

MOTION: Councilor Tousignant motioned and Councilor Dayton seconded to Approve the bid of \$396,559 from Seagrave Fire Apparatus LLC from Account Number 30141-50850 – Rescue Billing Fund, with a balance of \$507,422.89 for the purchase of a demonstration model Fire Apparatus.

COUNCILOR TOUSIGNANT: This is a budgeted item, correct?

TOWN MANAGER: Yes, it is.

VOTE: Unanimous.

5110 Discussion with Action: Approve the expenditure of \$12,000 from Account Number 30141-50850 – Rescue Billing Fund, with a balance of \$110,863.89, for fire equipment to outfit the new fire apparatus.

BACKGROUND: The purchase of the new fire apparatus from Seagrave Fire Apparatus LLC does not include equipment to outfit the apparatus such as large diameter supply hose,

attack hose, hard suction hose, nozzles, adapters, a mobile radio, power extension cords. There is some equipment on engine 3 (the engine being replaced) which can be utilized on the new apparatus and other fire apparatus however it is under equipped however much of the available equipment is due for replacement due to age by NFPA standards.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Approve the expenditure of \$12,000 from Account Number 30141-50850 – Rescue Billing Fund, with a balance of \$110,863.89, for fire equipment to outfit the new fire apparatus.

VOTE: Unanimous.

5111 **Discussion with Action:** Approve the bid from Power Products in the amount of \$10,900, from Account Number 20204-50846 – Treatment Plant Equipment, with a balance of \$55,353, for the purchase of an Automatic Transfer Switch (ATS) for the Effluent Pump Station.

BACKGROUND:

Subject: New Automatic Transfer Switch (ATS) for the Effluent Pump Station Emergency Generator (EG)

On December 23, 2008, one of the employees discovered the EG did not transfer to “normal power” after a scheduled test run. Past issues of this nature had been traced back to the elaborate mechanical timer system that has problematic for staff. Newer ATS have built-in electronic timers and do not contain a mechanical timing system. Power Products was called in to repair the problem and indicated the issue was in the ATS itself. Diagnosing the issue would require a complete shut down of the PS and remote power would be needed to run the PS while investigating the ATS problem(s). In hopes that the parts would be minor we scheduled Power Products on January 9, 2009 to diagnose the issue. It was found that two (2) coils at \$3,900 each would need replacement. When the labor costs are factored in, the total repair cost would be close to the price of a new ATS.

The Waste Water Superintendent is recommending we replace the switch with a new one provided by Power Products at the price of \$10,900.00. This switch will have the electronic timing system and will be SCADA compatible. The delivery time is 4-6 weeks and until it is installed, staff will be required to turn the EG on and off on a manual basis as power is lost and restored. Funds for this purchase would come of Capital account #20204-50846 with a current balance of \$55,352.84.

MOTION: Councilor Dayton motioned and Councilor O'Neill motioned to Approve the bid from Power Products in the amount of \$10,900, from Account Number 20204-50846 – Treatment Plant Equipment, with a balance of \$55,353, for the purchase of an Automatic Transfer Switch (ATS) for the Effluent Pump Station.

VOTE: Unanimous.

5112 **Discussion with Action:** Accept the bid from R.C. Hazelton in the amount of \$200,000 for a 2008 Loader/Blade and Excavator from the FY09 Capital Equipment

Account Number 20203-50835 with a balance of \$225,000.

BACKGROUND: This item was removed without prejudice and the Chair has asked that it be resubmitted for consideration. Public Works would like to purchase the slightly used, Kamatsu Loader/Plow blade and Excavator, as detailed below, from the FY09 Capital Equipment Program. Utilizing the extensive knowledge of our new Assistant Public Works Director, Ray Lavoie, we put a hold on purchasing a new Caterpillar Loader/Wing/Blade for quote listed below. This expertise teamed with the changes in economic and market concerns, we have solicited for more aggressive pricing of comparable, slightly used or repossessed equipment from several other dealers. Two additional companies responded with the quotes below with RC Hazelton proving a live demonstration and inspection of their equipment.

We would like the Council to include the purchase of the slightly used, 2008 Kamatsu Excavator, which is a new piece of equipment for DPW. We have rented this equipment several times throughout the construction season for culvert and open ditch work. We have considerable open ditch work planned for Cascade Road, Ross Road and Homeward Park in the upcoming year(s); with the equipment in hand and training provided by the Assistant Director, we can do more of this capital work in house...getting more work done for less money! This equipment has greater flexibility with all mechanical movements over a backhoe, allowing for a neater, more efficient, completed project. (We recently used a rented excavator for the drainage work at Town Hall and the culverts on Portland Avenue).

During the budget process this past spring, DPW presented a budget of \$300,000 for equipment purchases per our 20yr Capital Equipment Plan. We had a total of \$225,000 approved through council to replace our 1994 Loader/Wing/Blade, deferring the request for a back up loader for the Transfer Station and a used dozer for the next fiscal year. Our original quote for a loader/wing/blade from Southworth-Milton was estimated at \$225,000 in December 2008 when we were first gathering quotes for the FY09 budget process.

Before the next budget process, the DPW team will be rethinking and updating the 20yr Capital Equipment Plan to meet our current goals balanced with the economic challenges. Our entire plan will be presented to the Council along with detailed equipment specs/quotes for new and estimated amounts for used equipment. We appreciate the strong Council support with keeping our fleet of equipment/vehicles current and in good working condition. With this support, DPW can continue to maintain and upgrade the infrastructure throughout the town with continued attention to the quality and quantity of projects completed each year.

EXHIBITS: Quotes were received from the following equipment companies:

	Loader/Blade	Excavator	Total Bid Price
1. Southworth-Milton	\$148,488.00	no pricing	Loader only
2. Chadwick-Baross	\$106,238.00/\$26,488	\$76,500.00	\$209,238.00
3. RC Hazelton	\$127,000.00	\$83,000.00	\$200,000.00

(\$10,000 discount applied)

The detail quotes are as follows (we have included a copy of RC Hazeltons quote in your packet):

Southworth-Milton, Inc. Total Bid Price: \$ 148,488.00
2008 Caterpillar 930H Wheel Loader with the equipment package to include:
28,000 # class
24 Volt System

ROPS Deluxe Cab – Heat, Air Conditioning, Radio, Deluxe Digital Pkg.
Auto Shift Transmission (4 Fwd. / 3 Rev.)
Turbo Charged
Operator Warning System Indicators
Air Suspension Seat
3.3 Cu Yd. Bucket with Quick Coupler System
Wing and Plow Package as supplied from H.P. Farfield Inc.

No other piece of equipment was bid with this quote

Chadwick-Baross **Total Bid Price: \$ 209,238.00**

2008 Volvo L60F Wheel Loader w/ approx. **500** hrs. equipped as follows:

26,000 # Class

20.5R 25 tires, 3rd function hyds., boom suspension, cab w/ heat and a/c, full fenders, rotating beacon, hyd. Coupler, 2.5 cyd bucket w. b.o.e., Warranty through 01/02/10
Separate item price: \$106,250.00

2005 Volvo ECR88 Excavator w/ approx. **985** hrs. equipped as follows:

23” steel tracks, 67” dipper arm, auxiliary hyds., cab with heat and a/c, rigid coupler, 32” dig bucket, 54” hyd. Tilt bucket, hyd. Thumb. Warranty through 09/05/09
Separate item price: \$ 76,500.00

Note: Loader price did not include WING, FRAME, OR PLOW (Est. cost \$26,488)

R.C. Hazelton Co., Inc. - the most competitive bid follows:

2008 Komatsu WA 250PZ-6 Wheel Loader with **115** hours

28,000 # Class

ECSS ride control (Low Emissions, Low Fuel Usage, ECO Indicator)

Quick Coupler (all controlled from the cab by operator)

Third Spool Valve (for accessories – tool attachment)

JRB 3 Yard Street Bucket

Complete Plow and Wing Assembly Installed

ROPS Cab with AC, Heat, and AM/FM radio

4 Year / 5000 Hour Komatsu **Premier** warranty (3+ year balance)

(Bumper to Bumper all inclusive Warranty)

KOMTRAX SYSTEM Total wireless monitoring (Maint. Error codes)

Separate item price: \$127,000.00

2008 Komatsu PC78US-6 Excavator with **315** hours

18,000 # Class Turbo Charged

Cab with AC, Heat, and AM/FM radio

17” Roadliner Street Pads

7’5” Arm (Long Dipper Stick)

7’8” Front Dozer Blade

24” Trench Digging Bucket

48” Full Tilting Grading Bucket

Manual Quick Coupler

Full Hydraulic Thumb

Zero Clearance Swivel Cab Feature

3 Year / 3000 Hour Komatsu warranty (2+ year balance)

Separate item price: \$ 83,000.00

SPECIAL:

COMBINED PACKAGE PRICE IF BOTH PIECES ARE PURCHASED TOGETHER:

TOTAL \$ 200,000.00

AND: ALL WARRANTEE WORK WILL BE PICKED UP AT THE SHOP AND RETURNED TO THE SHOP AT NO COST FOR TRUCKING FOR EITHER PIECES OF EQUIPMENT

NOTE: Komatsu had more standard features than the other bid machines.

Komatsu is rated second highest in Reliability and Resale Values.

Komatsu is EPA rated Tier 3 (excellent), Low exterior noise, Low Fuel Use

Komatsu comes standard with Equipment Management Monitoring

System (EMMS) with great accessibility for service.

**PERSONAL NOTE FROM: Ray Lavoie, Assistant Public Works Director
22 yrs experience owning his own construction company**

I have had the opportunity to have owned many types of construction equipment in the twenty plus years that I have been in the construction industry. I have had many test rides from the countless equipment dealers that have tried to sell me their products. I also have rented many more units from rental shops. Some have been good and some others have left a lot to be desired.

Speaking from personal experience, I have found that the Komatsu brand construction equipment line and R.C. Hazelton has been a pleasant experience. Their product has always performed better than expected with excellent fuel miser performance, very low exterior noise, and EPA GREEN Ratings of tier 3 (excellent). I have found unusual ease of maintenance with the use of over the counter regular service items such as filters, fluids, and user replacement parts. You do not have to wait long periods of time for parts or products to be “shipped in”.

I have found that their design with emphasis on ease of servicing has made it a dream for daily servicing. I have spent a multitude of hours comparing comparable equipment in comparable weight categories. Feature for feature I believe that Komatsu has out performed the competition. They also were the only company to deliver the proposed purchased items to our facility for a complete on site, hands on, demonstration and inspection!

I would propose that with essential services that the Department of Public Services provides to the constituents of Old Orchard Beach on a daily basis and with the upcoming Capital Improvement Projects scheduled for the next five years, that Council would embrace the purchase of this great package deal from R.C. Hazelton.

RECOMMENDATION:

Public Works recommends purchasing the 2008 Loader/Blade and Excavator from RC Hazelton from FY09 Capital Equipment Account # 20203-50835 for a total of \$200,000.00 leaving a balance of \$25,000.00.

MOTION: Councilor O’Neill motioned and Councilor Tousignant seconded to move to

Accept the bid from R. C. Hazelton in the amount of \$200,000 for a 2008 Loader/Blade and Excavator from the FY09 Capital Equipment Account Number 20203-50835 with a balance of \$225,000.

COUNCILOR TOUSIGNANT: I assume this was a budgeted item as well?

TOWN MANAGER: Yes it was in capital equipment which currently is broken down and deemed needing replacement.

COUNCILOR O'NEILL: This was presented in the past spring budget. During the budget process this past spring, DPW presented a budget of \$300,000 for equipment purchases per our 20yr Capital Equipment Plan. We had a total of \$225,000 approved through council to replace our 1994 Loader/Wing/Blade, deferring the request for a back up loader for the Transfer Station and a used dozer for the next fiscal year. Our original quote for a loader/wing/blade from Southworth-Milton was estimated at \$225,000 in December 2008 when we were first gathering quotes for the FY09 budget process. I would press the Council to pass this as read.

CHAIRMAN MACDONALD: I didn't support at budget time and I cannot support it.

COUNCILOR BOLDUC: I believe this is too large a purchase for one project.

TOWN MANAGER: I would invite the Public Works Director to answer any additional questions.

PUBLIC WORKS DIRECTOR: This is replacement for a piece equipment that needs to be repaired. The loaner was rented for a month. We didn't use it for the ice storm. We were allowed to keep it until we decided to use it.

CHAIRMAN MACDONALD: It was rented for a month?

PUBLIC WORKS DIRECTOR: Yes.

COUNCILOR O'NEILL: So this is a 15 year old piece of equipment.

PUBLIC WORKS DIRECTOR: It is a 1994 Loader we are trying to replace. It is 15 years old. Some of the short end streets need that type of loader. This loader is going to be needing continuing repairs and this will be an overage on my equipment repair this year. We will need it for plowing and this 1994 is going to need continuing repairs. Those projects on that list are only those with Wright Pierce.

CHAIRMAN MACDONALD: How many loaders does the town have?

PUBLIC WORKS DIRECTOR: 2.

CHAIRMAN MACDONALD: And this is number 4?

PUBLIC WORKS DIRECTOR: There is no rhyme or reason to the numbering. When the equipment goes down we would have to rent another. I am already over my budget. It is about \$4,400 a month to rent.

CHAIR MACDONALD: I know you do a good job but I believe now is the time to spend little because of the economic situation that we find ourselves in.

COUNCILOR BOLDUC: What are the years of the other loaders?

PUBLIC WORKS DIRECTOR: I would guess about 6 years. The one with the back hoe about 2000 or 1999, not used for the same thing. The one with the back hoe is not used for plowing at all.

VOTE: Yea: Councilors Tousignant and O'Neill

Nea: Councilors Dayton, Bolduc and Chairman MacDonald

CHAIRMAN MACDONALD: That is defeated three to two.

GOOD AND WELFARE:

GARY CURTIS: The final fling of the 125th Town Anniversary is being held on February 19th at the Dunegrass Country Club at 6:00 pm. and we would like to invite all citizens to attend. Tickets can be secured for \$25 per ticket at the Chamber of Commerce, Town Clerk's office, Town Manager's office, and Saco & Biddeford Savings Institution.

ROBIN DAYTON: I would like to thank all our volunteers who are supporting our community. We appreciate the efforts and dedication by all volunteers and want to acknowledge that service.

COUNCILOR TOUSIGNANT: I had an e-mail about this foreclosure and money that may be coming to the town.

GARY LAMB: This is part of one of the stimulus packages and we are outlined to have \$776,000 and it is to be used to repurchase foreclosure properties and update them and other criteria that is now being discussed and this is a still in process program. By your February meeting we will have more information. The money would go to the purchaser or the bank; through the process you would have contractors work on it. Any money left over would be returned. I am working with Linda Hardacker on this project and will have more information for you at your next meeting.

COUNCILOR TOUSIGNANT: The question being asked is does it go to the Town's general fund or where does it go?

GARY LAMB: There will be contracts with contractors and money would go to them for the fixing of the properties. Anything left over would go back to the program.

JOHN BIRD: What happens if money is left over and what if it is a wash? Would repayment be to Uncle Sam?

GARY LAMB: That is a question that I don't have an answer to but I will find out what I can.

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 fifteen (15) pages is a true copy of the original Minutes of the Town Council Meeting of January 20, 2009.

V. Louise Reid