

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
Tuesday, December 4, 2012  
TOWN HALL CHAMBERS  
7:00 p.m.**

**A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, December 4, 2012. Chair MacDonald opened the meeting at 7:03 p.m.**

**Pledge to the Flag  
Roll Call**

**The following were in attendance:**

**Councilor Sharri MacDonald  
Councilor Laura Bolduc  
Councilor Michael Coleman  
Councilor Dana Furtado  
Councilor Linda Mailhot  
Councilor Bob Quinn  
Town Manager Mark Pearson  
Assistant Town Manager V. Louise Reid**

**ABSENT: Councilor Robin Dayton**

**PRESENTATION:**

**Honoring Lucien Huot  
“The Voice of the Ballpark!”  
by Chair Sharri MacDonald**

**Chair MacDonald pays tribute to Lucien Huot who throughout his whole life has given joyfully to so many causes.**

**TOWN OF OLD ORCHARD BEACH, MAINE  
P R O C L A M A T I O N**

<b>WHEREAS:</b>	<b>We pause to acknowledge the exemplary contribution of LUCIEN HUOT to the community of Old Orchard Beach who, following in his father’s service on the Town Council over a thirty-year period, Lucien’s philosophy of “service above self” was well learned;</b>
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<b>WHEREAS:</b>	<b>Lucien’s service on the Centennial Committee in 1982; on the Board of Directors of the Chamber of Commerce during the 80’s; on the</b>
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Planning Board's Long Range Planning Committee; his current service on the Ballpark Commission from 2010 to the present; currently as a Ballot Clerk from 2003 to the present; and currently on the Board of Assessment Review from 2010 to present; and a host of unnamed activities;

**WHEREAS:** We recognize a heart that completely captures the respect and love of those who know him well and those who caught a moment's glimpse and recognize the "melody" of life that plays on our heartstrings; and

**WHEREAS:** We join today in recognition and love to a man who "for all seasons" contributes to the well being of our community.

**NOW, THEREFORE:** We honor Lucien Huot this day by recognizing his "Voice of the Ballpark" where he sang the National Anthem for the first time at the opening of the Ballpark in 1984. For his voice can be heard in words so clear – "Let my song be a song of joy; a song of peace; a song of love; let my song be heard by young and old; let my song ring loud through the mountains, the seas, the Ballpark, and Old Orchard Beach."

The Chair read the inscription on the plaque presented to Lucien Huot and to be placed in the Ballpark for all times.

Lucien Huot – The Voice of the Ballpark – will be hanging at the Ballpark forever. Be it known on this day, December 4, 2012, the honor of being the Voice of the Ballpark is bestowed on the man who has given so much to the Ballpark revitalization with his inspirational voice and volunteerism and commitment we honor forever more Lucien Huot as the Voice of the Ballpark.

Lucien Huot spoke at length about history and the commitment and his love to the community.

#### **ACKNOWLEDGEMENTS:**

**COUNCILOR COLEMAN:** He acknowledged the good work of the Old Orchard Beach Police Department commenting on recent arrests for prostitution. He indicated these affect our quality of life and he spoke of the work of the Team that has been established by the Police Department to address serious issues affecting our community. He acknowledge the work of Chief Kelley and his staff.

**CHAIR MACDONALD:** She acknowledged a generous donation of \$1,000 for work with General Assistance. She indicated that he has given money each year and does not want affirmation but happy to assist in this area of contribution.

**ACCEPTANCE OF MINUTES:** Special Town Council Minutes of two Meetings held November 19, 2012; Town Council Meeting Minutes of November 20, 2012; and Special Town Council Minutes of November 27, 2012.

**MOTION:** Vice Chair Bolduc motioned and Councilor Mailhot seconded to Table the

**Minutes of the Canvas and Certification of the Municipal Election of  
November 19, 2012.**

**VOTE: Unanimous.**

**MOTION: Vice Chair Bolduc motioned and Councilor Mailhot seconded to Table  
the Inauguration Minutes of November 19, 2012.**

**VOTE: Yea: Councilors Mailhot, Furtado, Vice Chair Bolduc, Chair MacDonald.  
Nea: Councilors Coleman and Quinn**

**MOTION: Vice Chair Bolduc motioned and Councilor Mailhot seconded to Table  
the Town Council Minutes of November 20, 2012.**

**VOTE: Unanimous.**

**MOTION: Vice Chair Bolduc motioned and Councilor Mailhot seconded to Table  
the Special Town Council Meeting Minutes of November 27, 2012.**

**VOTE: Yea: Councilor Mailhot, Furtado, Chair MacDonald,  
Nea: Councilors Coleman and Councilor Quinn  
Abstain: Vice Chair Bolduc**

**PUBLIC HEARING:**

**The Chair opened the Public Hearing at 7:50 p.m.**

**(1) Shall We Amend the Town of Old Orchard Beach Code of Ordinances, Section 54-187, Restrictions and Prohibitions, amending the 10-minute Parking on West Grand Avenue by Union Avenue?**

**There was interaction with those in the audience about the changes to permit parking during the off season on both the end of Union Avenue and West Grant Avenue which previously was ten minute parking only during the summer season. A new business owner on the corner of Union Avenue and West Grand Avenue requested through former Vice Chair Michael Tousignant that something be done during the off season that would not limit those visiting the business for breakfast and lunch and not having the time necessary to complete a meal. Ricki Letewt questioned the fact that during the winter months it is not enforced and that the ordinance should be changed so the law is not broken. Councilor Quinn recommended to the Police Chief additional wording and the Planner suggested that perhaps this could be dealt with other discussions of parking issues that the Council Chair has recommended to the Town Manager already. The final discussion revolved around possibly going the Emergency Agenda Item so that it is into effect immediately and that it go on the next Council agenda accordingly.**

**The Public Hearing closed at 8:07 p.m.**

## **PUBLIC HEARING NUMBER TWO:**

**The Chair opened the Public Hearing at 8:07 p.m.**

**Shall We Adopt an Ordinance to ensure the adequate long-term operation and maintenance of post-construction best management practices (BMPs)?**

**Presenting the ordinance this evening is the Planner, Jeffrey Hinderliter, and Christine Rinehart of Wright Pierce. The Post-construction Storm Water Management Ordinance is required by Town's Small Municipal Separate Storm Sewer Systems (MS4) General permit, to be adopted by June 30, 2009; based on sample ordinance developed for Maine Municipal Association; and worked with the planner and the department of public works director to adapt the Ordinance which will go to a Public Hearing on the next agenda. The purpose of the ordinance is to reduce the impact on receiving waters from post-construction storm water discharges; and ensure adequate long-term operation and maintenance of post-construction BMPs. It applies to new development and redevelopment with construction activity of one acre, a maintenance agreement; qualified post-construction inspection; and annual certification.**

**There was discussion among those in the audience and the Council relating to the impact to the citizens although no actual cost was able to be given. It was indicated by Christine Rinehart of Wright Pierce that this was an ordinance that should have been passed in 2009. Vice Chair Bolduc asked why Old Orchard Beach is part of those having to accept this ordinance and it was explained that we are part of a large group of towns and cities in and around the City of Portland. Councilor Coleman expressed his displeasure with the additional cost to citizens and business owners. The Council asked if there were less expensive ways to comply to the requirements. John Bird and Jerome Begart although agreeing to the concept but had concerns also about the economic impact. The cost of the inspector was another issue since it is not the responsibility of the Planning or Code Office of the Town.**

**The Public Hearing ended at 8:45 p.m.**

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

**He reported that he had been part of a group of 13 communities and managers related to the closing of the MERC plant in Biddeford with respect to the Town's curbside trash contract and disposal. He said he expected to have more information at the December 18<sup>th</sup> Council meetings as the terms and conditions at this time cannot be discussed. He reported that RSU Chairman Gary Curtis has indicated that there will be a savings to the Town with respect to the RSU budget of a reduction of approximately \$80,500. The Town Manager thanked the Saco Biddeford Savings Bank for their donation of the Town's Christmas Tree and for the lighting ceremony on Sunday. He reported that he met with Chair MacDonald on various**

issues relative to the Administration. He also attended the funeral of Officer Regan's father and extended to his family our deepest condolence at the passing of his father, Michael. He conducted meetings with Human Resources, Accounts Payable, and the Finance Department on several issues. The Town Manager also stopped in at the Juvenile Community Resolution Board Seminar at the Police Department. He spoke about the Facilitation Practices Training program and introduced the Assistant Town Manager who attended the seminar for the two days.

#### **ASSISTANT TOWN MANAGER:**

It's been my pleasure, as well as several community members, to attend this two day training seminar on Conference Facilitation Practices as part of the Juvenile Community Resolution Boards (JCRB) mission. The mission of this pilot program is an alternative to the traditional criminal justice and school disciplinary practices and provides a collaborative means to find resources to those in need of services. The JCRB board is unique in that it brings all services to the table and work towards the same goals. The purpose is to support and assist the community at large and the RSU 23 school district by maintaining a positive and safe community/school culture by providing alternatives to exclusively punitive discipline for juveniles that participate in actions that negatively impact the community. These methods have been and will continue to be effective models in dealing with community issues as well as neighborhood disputes. Under the direction of Chief Kelley, this program has been spear headed by Lt. Timothy DeLuca and the Old Orchard Beach Community Watch Council under the direction of Helene Whittaker-Chair. I was impressed at the diversity of the thirty individuals attending including representatives not only from the community but from the religious, justice, mental health, schools, the courts, the Department of Corrections, alternative education, Department of Health and Human Services (DHHS), crisis, child care, and other areas of expertise who spent the two days understanding how the JCRB will act as a bridge between stakeholders; linking these professionals in a collaborative matrix that facilitates community and unifies the actions taken. The Old Orchard Beach Police Department and Community Watch Council want to bring this program to the forefront and inform the Town Council and Community of a program being developed which will provide access to a wide range of services to those in need with an outcome positive to the individual and community. Our goals is to have this become a statewide practice.

#### **NEW BUSINESS:**

**# 5780 Discussion with Action: Appointment and Confirmation of Diana H. Asanza as Finance Director and Treasurer for a six-month probationary period, anticipating a further two year contract upon confirmation by the Town Council at the conclusion of the probationary period, at a salary of \$70,000; from Account Number 20105-50101 – Department Head Salary with a balance of \$41, 694.71, effective December 5, 2012.**

**MOTION: Councilor Coleman motioned and Councilor Quinn seconded to Appoint and Confirm the Appointment of Diana H. Asanza as Finance Director and Treasurer for a six-month probationary period, anticipating a further two year contract upon confirmation by the Town Council at the conclusion of the probationary period, at a salary of \$70,000; from Account Number 20105-50101 – Department Head Salary with a balance of \$41, 694.71, effective December 5, 2012.**

**VOTE: Yea: Councilors Coleman, Quinn, Mailhot, Furtado, Vice Chair Bolduc,  
Nea: Chair MacDonald**

**# 5781 Discussion with Action: Accept as a Town Way, Trotter Lane Warranty Deed with Warranty Covenants.**

**MOTION: Vice Chair Bolduc motioned and Councilor Furtado seconded to Remove Without Prejudice the Acceptance as a Town Way, Trotter Lane Warranty Deed with Warranty Covenants.**

**VOTE: Unanimous.**

**# 5782 Discussion with Action: Approve monies collected in the water fountain at the Square during the summer of 2013 to be designated toward the Community Animal Watch.**

**MOTION: Councilor Coleman motioned and Councilor Quinn seconded to approve monies collected in the water fountain at the Square during the summer of 2013 to be designated toward the Community Animal Watch.**

**VOTE: Unanimous.**

**# 5783 Discussion with Action: Written Expectations for the Town Manager position per Section 409.1. of the Charter.**

**MOTION: Councilor Coleman motioned and Councilor Quinn seconded to Remove Without Prejudice to the Next Meeting Written Expectations for the Town Manager position per Section 409.1 of the Charter.**

**VOTE: Yea: Councilors Mailhot, Coleman, Quinn, and Chair MacDonald  
Nea: Councilor Furtado and Vice Chair Bolduc**

**# 5784 Discussion with Action: Approve the Special Event Permit application for the Recreation Department to hold their annual Frozen 4-miler Road Race on Sunday, January 20<sup>th</sup>, 2013, with a snow date of Sunday, January 27<sup>th</sup>, 2013, from 12:30 p.m. to 2:30 p.m.; and a request to waive the fee.**

**MOTION: Vice Chair Bolduc motioned and Councilor Coleman seconded to Approve the Special Event Permit application as read.**

**VOTE: Unanimous.**

**# 5785 Discussion with Action: Move Mark Lindquist from an alternate to a regular member of the Zoning Board of Appeals, term to expire 12/31/2013; appoint Paul Weinstein as First Associate to the Zoning Board of Appeals, term to expire 12/31/2015.**

**MOTION: Councilor Mailhot motioned and Vice Chair Bolduc seconded to move Mark Lindquist from an alternate to a regular member of the Zoning Board of Appeals, term to expire 12/31/2013; appoint Paul Weinstein as First Associate to the Zoning Board of Appeals, term to expire 12/31/2015.**

**VOTE: Unanimous.**

**# 5786 Discussion with Action: Accept the resignations of Linda Mailhot and Dana Furtado from the Ballpark Commission due to their Election to the Town Council; Appoint the following regular members to the Ballpark Commission—Deborah Kulacz, term to expire 12/31/2013; Patricia Carter, term to expire 12/31/2014; and Kelly Roy, term to expire 12/31/2015.**

**MOTION: Councilor Furtado motioned and Vice Chair Bolduc seconded to Accept the resignations of Linda Mailhot and Dana Furtado from the Ballpark Commission due to their Election to the Town Council; Appoint the following regular members to the Ballpark Commission—Deborah Kulacz, term to expire 12/31/2013; Patricia Carter, term to expire 12/31/2014; and Kelly Roy, term to expire 12/31/2015.**

**VOTE: Unanimous.**

**# 5787 Discussion with Action: Cancel the Regular Town Council Meeting of Tuesday, January 1, 2013; Cancel the Regular Town Council Meeting of Tuesday, November 5, 2013 as it falls on Election Day.**

**MOTION: Vice Chair Bolduc motioned and Councilor Coleman seconded to Cancel the Regular Town Council Meeting of Tuesday, January 1, 2012; Cancel the Regular Town Council Meeting of Tuesday, November 5, 2012 as it falls on Election Day.**

**VOTE: Unanimous.**

**# 5788 Discussion with Action: Authorize the Town Manager to issue a Request for Proposal (RFP) for the purchase of a swipe card/time clock for the Town Hall to improve time and attendance tracking.**

**MOTION: Councilor Furtado motioned and Councilor Mailhot seconded to Authorize the Town Manager to issue a Request for Proposal (RFP) for the purchase of a swipe card/time clock(s) for the Town to improve time and attendance tracking.**

**VOTE: Yea: Councilors Mailhot, Furtado, Chair MacDonald, Vice Chair Bolduc  
Nea: Councilors Coleman and Quinn.**

**# 5789 Discussion with Action: Authorize the Town Manager to issue a Request for Proposal for Legal Services for the Town of Old Orchard Beach.**

**MOTION:** Councilor Coleman motioned and Councilor Furtado seconded to Authorize the Town Manager to issue a Request for Proposal for Legal Services for the Town of Old Orchard Beach.

**VOTE:** Unanimous.

**#5790 Discussion with Action:** Authorize the Town Manager to issue a Request for Proposal for Payroll Services.

**MOTION:** Councilor Mailhot motioned and Vice Chair Bolduc seconded to Authorize the Town Manager to issue a Request for Proposal for Payroll Services with inclusion of weekly and bi-weekly.

**VOTE:** Unanimous.

**GOOD AND WELFARE:**

**GUY LORANGER:** Owner of Beach Bagels and Big Daddy's Restaurant and Bar brought forward a letter to the Town Council dated October 22, 2012. The subject is a notice regarding the installation of a 6 x 7 foot walk-in cooler at the rear of the above-named property behind Bib Daddy's, Rocco's Pizza and Dunkin' Donuts is town-owned land that has been used by the tenants of this building dating back to the 1960's. He wanted to make the Council aware of how this issue has been handled. His letter attached to the Minutes addresses his many concerns on the issue. Discussion continued on prior history of the town and recent information regarding the legal issues related to using the land. The Council indicated they would be addressing this issue in a timely manner.

**NEIL WEINSTEIN:** He presented a historical account of the past use of this land and in the discrepancies in the amount of land that was owned by the building owner and the Town. He also mentioned about the impact on those who work in the establishments.

**CHAIR MACDONALD:** She asked for an update on who and what authorized this issue to come forward and asked for the Council to be updated by Wednesday of next week.

**TOWN MANAGER:** He updated the Council on the recent survey that was done and the fact that nothing can be built on it and would update the Council as requested.

**MIKE TOUSIGNANT:** He reminded the Council that on the issue of payment for legal fees on the IGA, that IGA paid for those legal fees as well as a donation to the Memorial Park.

**TOWN MANAGER:** He explained what led up to the investigation of the property being done which was instruction from Council to address the questions of whether the land can be sold. Seeing the cooler raised the Code Enforcement issue.

**CHAIR MACDONALD:** She said the Council would sit down with all involved and come to a resolution.

**COUNCILOR MAILHOT:** She asked for an update on the Performance Merit System update.

**NEIL WEINSTEIN:** He presented several infrastructure needs and suggested that they be addressed. He also had a recommendation for the numbering of the elevator floors.

**VICE CHAIR BOLDUC:** She raised the question about what has been done in connection with a suggested memorial in Memorial Park to Peg Smith.

**JEROME BEGART:** He suggested that applicants for committees and suggested his participation in the Ballpark and the Finance Committee.

**ADJOURNMENT:**

**MOTION:** Councilor Coleman motioned and Vice Chair Bolduc seconded to Adjourn the Town Council Meeting at midnight.

**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 nine (9) pages is a copy of the original Minutes of the Town Council Meeting of December 4, 2012.

V. Louise Reid