

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, August 20, 2013
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, August 20, 2013. Chair O'Neill opened the meeting at 7:03 p.m.

The following were in attendance:

**Chair Shawn O'Neill
Vice Chair Bob Quinn
Council Kenneth Blow
Councilor Jay Kelley
Councilor Malorie Pastor
Councilor Joseph Thornton
Councilor Roxanne Frenette
Interim Town Manager Robert Peabody, Jr.
Assistant Town Manager V. Louise Reid**

**Pledge to the Flag
Roll Call**

PRESENTATION:

John Bird, Chairman of the Conservation Commission, presented to the Town Council three certificates from the National Wildlife Federation for conscientious planning, landscaping and sustainable gardening, so that wildlife may find quality habitat, food, water, cover, and places to raise their young.

ACKNOWLEDGEMENTS:

COUNCILOR KELLEY: The Old Orchard Beach Police Department would like to thank Ken Lafayette, owner of the Waves Oceanfront Resort, for his generosity in purchasing and donating two bicycles and the associated equipment to the Police Department. They were purchased several weeks ago and the Officers began using them this week. We would also like to express our thanks to David Putnam who each year graciously and generously provides funds to be used in our General Assistance program. We thank him for the \$750 which will be used to support that program which meets the needs of citizens in our community. We also wish to thank Paul Golzbein, owner of the Pier, for sponsoring the lobster bake and raising \$1,800 for the Jameson School.

COUNCILOR PASTOR: REVOLUTION3, in conjunction with The Town of Old orchard Beach, ME, is proud to announce the second annual Old Orchard Beach Rev3 Triathlon on Sunday, August 25, 2013. Due to last year's success, the prize purse for the professional athletes was increased from \$35,000 to \$50,000 for the 2013 race. Beautiful Veteran's Memorial Park in down town Old Orchard Beach will once again be the center of activity. sheJams, is also back for their second year as the charity partner in the race. sheJams is a major fundraiser in Maine having donated millions of dollars to local cancer research and care, women's issues

and multiple charitable programs in their local communities. Volunteers are needed. Contact Trish Caruthers, Rev3 Local Volunteer Coordinator, at rev3oobvolunteer@gmail.com.

VICE CHAIR QUINN: We would like to mention that there are several openings on a number of Boards and Committees serving the municipality and if there are individuals in our community who have the time to commit to these Boards and Committees, you will be providing the citizens with information and an opportunity to give back as well. I have been asked particularly to mention the need for members on the Recycling Committee, the Community Animal Group, and the Ballpark Commission. Please see the Town Clerk for an application.

ACCEPTANCE OF MINUTES:

Town Council Meeting Minutes of August 6, 2013; Special Town Council Meeting Minutes of August 6, 2013; and Special Town Council Meeting Minutes of August 6, 2013.

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

VOTE: Unanimous.

PUBLIC HEARINGS: Shall We Amend Chapter 54 – Traffic and Vehicles, Article V – Stopping, Standing, Parking, Division 2 – Specific Places, Section 54-187 (Restrictions and Prohibitions), (a) Town Hall?

CHAIR O'NEILL: I open this Public Hearing at 7:07.

BACKGROUND:

For the past couple of years we have had difficulty with people parking in the back parking lot and the ordinance previous to this change did not allow us to ticket cars parked illegally. The Police could put a warning but could not fine them. This would give them the opportunity to ticket and ensure a fine for illegal parking in the Town's back parking lot.

**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 August 20, 2013 at 7:00 p.m. to consider the following:

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that THE Code of Ordinances of Old Orchard Beach, Chapter 54 (TRAFFIC AND VEHICLES), Article V (STOPPING, STANDING, PARKING), Division 2 (SPECIFIC PLACES), Section 54-187 (RESTRICTIONS AND PROHIBITIONS), (a) Town Hall, is amended by adding the underscored language, as shown below:

Section 54-187 Restrictions and prohibitions.

(a) Town hall. Upper lot parking shall be limited to town hall business only, Monday through Friday. Lower lot parking and adjacent town-owned parking lot located at Veteran's Sq. (19 Imperial St. MBL: 205-3-3) shall be limited to town hall business or by parking permit only, Monday through Friday.

Amendments to Chapter 54 - TRAFFIC AND VEHICLES, Article V - STOPPING, STANDING, PARKING, Division 2 - SPECIFIC PLACES, Section 54-187 (RESTRICTIONS AND PROHIBITIONS), (a) Town Hall

1. Section 54-187 shall be amended by adding the underscore language as follows:

Sec. 54-187. Restrictions and prohibitions.

(a) Town hall. Upper lot parking shall be limited to town hall business only, Monday through Friday. Lower lot parking and adjacent town-owned parking lot located at Veteran's Sq. (19 Imperial St. MBL: 205-3-3) shall be limited to town hall business or by parking permit only, Monday through Friday.

CHAIR: Does anyone wish to speak on this issue.

CHIEF KELLEY: He explained that in the near future he would appreciate a Workshop with the Council to more extensively discuss a number of parking issues but that this will begin the process of permitting ticketing in the back parking lot which has been an issue for some time as was evident with the full parking lot this evening.

CHAIR: I close this Public Hearing at 7:10 p.m.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 7:10 p.m.

Beach Bum Properties LLC (205-6-3), 14 Francis Street, one year round rental; Ryan & Kim Marston (206-29-3), 63 Summit Street, one year round rental; Jacob & Kelly Anderson (207-2-13-301), 161 Saco Avenue, Unit #301, one year round rental; and David J. DiLibero (314-11-3), 95 Ocean Avenue, one year round rental.

CHAIR: I close this Public Hearing at 7:11 p.m.

MOTION: Councilor Blow motioned and Councilor Pastor seconded to Approve the Business Licenses as read.

VOTE: Unanimous.

PUBLIC HEARING SPECIAL AMUSEMENT PERMITS:

CHAIR: I open this Public Hearing at 7:13 p.m.
Oceanic Inn Inc. dba/One Soho Square (310-6-3), 43 West Grand Avenue, Live Music on occasion, amplified at times, 8:00 p.m. to 12:00 a.m.

CHAIR: I close this Public Hearing at 7:14 p.m.

MOTION: Vice Chair Quinn motioned and Councilor Frenette seconded to Approve the Special Amusement Permit as read.

VOTE: Unanimous.

TABLED ITEM: Business License: Erlon Townsend (211-8-4), 203 Saco Avenue, Retail.

BACKGROUND: This agenda item was tabled from the last Council Meeting with questions about the condition of the property and exactly what are the plans for the use of the property.

VICE CHAIR QUINN: I wish to state that I own property near this location and am removing myself from discussion and abstaining from voting.

MICHAEL URBANSKI – He appeared again at the Council Meeting and explained that he is not against the opportunity for business participation but he had concerns about the condition of the property and the extent of the business operation.

Councilors indicated their concern about the condition of the property and until that issue is addressed they expressed their desire to deny the permitting of a business license at this time.

PLANNER HINDERLITER: He explained that there was concern about the condition of the property and that there had been some attempt to make it more presentable but that more needed to be done. He also related that the issue is not only the individual seeking the license and that individuals plans but also the property owner who has not addressed issues when requested to do so on a number of occasions.

MOTION: Councilor Thornton motioned and Councilor Pastor seconded to deny the business license for Erlon Townsend (211-8-4), 203 Saco Avenue, Retail.

VOTE: Yea: Councilors Pastor, Blow, Frenette, Thornton, Kelley and Chair O'Neill
Abstain: Vice Chair Quinn

TOWN MANAGER'S REPORT:

Since the last Council meeting, I have held negotiating sessions with both the Public Works and Police Unions. Today I received a proposal from the Public Works union representative, which I will review, and present to you for discussion at a future meeting. I have also met with the Gallos, Old Orchard Beach Collegiate Baseball Club, LLC, regarding a one-year extension to their contract. They have put a proposal on the table that I will be reviewing with members of the Commission this Thursday. It is my understanding that the proposed contract will be part of a workshop discussion with the Ballpark Commission. Property taxes have been committed and tax bills were mailed last Friday. The first payment is due September 18th and the second half is due March 12th. Questions regarding property assessments should be directed to the Assessor's Officer. Jim Butler, Code Enforcement Officer, has accepted a position with the Town of Scarborough beginning September 16th. I have enjoyed working with Jim and appreciated his skills in dealing with several difficult land use issues. I wish him the best of luck with his new endeavor. I had an opportunity to spend the greater part of this afternoon meeting with your new manager. To the best of my ability, I brought him up to speed on a number of issues including union negotiations, policy revisions, land use issues, and personnel

matters. We will continue to be in communication as his first day approaches. Lastly, I would like to thank and acknowledge the Assistant Town Manager for representing the Town at a number of functions during the annual seven day Salvation Army Camp Meetings. It is important that the Town continue to maintain and nurture positive relations with the many fine organizations in our Town. Her willingness to give of her time to that endeavor is appreciated.

5993 Discussion with Action: Appointment of Larry S. Mead as Town Manager 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 \$105,000; \$8,000 in lieu of health benefits; and an 8% contribution to International City Management Association (ICMA); and effective September 16, 2013.

CHAIR O'NEILL: Due to a previous engagement Larry Mead could not be with us this evening so I am asking that this item be removed without prejudice and placed on the next agenda.

MOTION: Vice Chair Quinn motioned and Councilor Blow seconded to Table this Agenda Item and place on the September 3, 2013 agenda to Approve the Appointment of Larry S. Mead as Town Manager.

VOTE: Unanimous.

5994 Discussion with Action: Approve the bid from Poirier Guidelines for striping of all Town Roadways, including parking stalls, stop bars, etc. in the amount of \$24,496 from Account Number 20151-50506 – Roadway Maintenance Non-Capital, with a balance of \$41,682.26.

PUBLIC WORKS DIRECTOR ROBERTSON: The Council has been given a listing of the 2013 Pavement Marking Bid Results which give an outline of the four firms that bid: Markings, Inc.; Poirier Guidelines; L&D Safety Markings Corp.; and Hi-Way Safety Systems, Inc. and I am recommending the Poirier Guidelines bid.

MOTION: Councilor Frenette motioned and Councilor Kelley seconded to Approve the bid from Poirier Guidelines for striping of all Town Roadways, including parking stalls, stop bars, etc. in the amount of \$24,496 from Account Number 20151-50506 – Roadway Maintenance Non-Capital, with a balance of \$41,682.26.

VOTE: Unanimous.

5995 Discussion with Action: Approve the purchase of one 2013 Ford Police Interceptor Vehicle from Quirk Ford in the amount of \$27,232 from Account Number 52002-50849 – CIP – Police Vehicle, with a balance of \$27,431.

CHIEF KELLEY: This was a State bid that the local Police Department participated in.

MOTION: Councilor Kelley motioned and Councilor Frenette seconded to Approve the purchase of one 2013 Ford Police Interceptor Vehicle from Quirk Ford in the amount of \$27,232 from Account Number 52002-50849 – CIP – Police Vehicle, with a balance of \$27,431.

VOTE: Unanimous.

5996 Discussion with Action: Approve the request for additional services from RHR Smith & Co., the municipality's audit firm, to assist with the reconciliation of accounts; in the amount of \$5,000 from Account Number 20118-50350 – Contingency, with a balance of \$275,000.

TOWN MANAGER: We are requesting additional services be provided by our auditing firm, RHR Smith, Co., to assist with reconciliation of accounts that were not completed during the last audit process. Based on the audit findings from fiscal year 2012, bank account reconciliations were incomplete and not properly reconciled. This scope of audit will be for two bank accounts – payroll and general depository. This assistance and service is critical to moving forward with the FY13 audit and at the same time addressing material weaknesses noted in the FY12 audit.

VICE CHAIR QUINN: He suggested that instead of coming out of the Contingency Account that it come out of Full Time Wages, Account Number 20105-50106 – Full Time Wages, with a balance of \$131,708.14 and that he had spoken to the Finance Director who indicated that the new Finance Clerk position is not being filled until September so there would be money in that account to cover this amount.

MOTION: Vice Chair Quinn motioned and Councilor Frenette seconded to Approve the request for additional services from RHR Smith & Co., the municipality's audit firm, to assist with the reconciliation of accounts; in the amount of \$5,000 from Account Number 20105-50106 – Full Time Wages, with a balance of \$131,708.14.

VOTE: Unanimous.

5997 Discussion with Action: Approval of Consent regarding property at 13 Old Orchard Street (Tax Map 307, Block 3, Lot 4) allowing revocable license for locating structures and equipment on adjacent Town property and payment of fine for alleged violation of Town's Code of Ordinances.

TOWN MANAGER: The Council will be presented with an Agreement between the Town of Old Orchard Beach and the Harrisburg Group and Big Daddy's Bar and Grill. If the Agreement is signed Harrisburg and Big Daddy's will pay a fine; the Town will grant a revocable license to continue locating structures and equipment on Town property; and there will be a yearly payment for use of the property.

MOTION: Councilor Blow motioned and Councilor Frenette seconded to Approve a Consent regarding property at 13 Old Orchard Street (Tax Map 307, Block 3, Lot 4) allowing revocable license for locating structures and equipment on adjacent Town property and payment of fine for alleged violation of Town's Code of Ordinances.

VOTE: Unanimous.

5998 Discussion with Action: Set Public Hearing date of September 3rd, 2013 to Amend the General Assistance Ordinance, Section 6.8, Basic Necessities; Overall Maximum Levels of Assistance.

BACKGROUND: The change in Overall Maximum Level of Assistance (in Section 6.8 Basic Necessities) Increases the monthly maximum level of assistance by 10 percent.

History: In Fiscal Year 2013 GA was required by the State Legislature to REDUCE the maximum income guidelines by 10% for 1 year only. This increase represents a return to the maximum level of assistance for 2012.

MOTION: Councilor Frenette motions and Councilor Pastor seconds to Set Public Hearing date of September 3rd, 2013 to Amend the General Assistance Ordinance, Section 6.8, Basic Necessities; Overall Maximum Levels of Assistance.

VOTE: Unanimous.

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

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on September 3rd, 2013 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 and Overall Maximum levels of assistance, by deleting the strikethrough amounts and adopting the underscored amounts, as follows:

Amend Section 6.8 Basic necessities; Overall maximum levels of assistance

No. in Household	CURRENT MONTHLY	<u>PROPOSED</u> <u>MONTHLY</u>
1	\$731.00	<u>\$750.00</u>
2	\$868.00	<u>\$888.00</u>
3	\$1124.00	<u>\$1148.00</u>
4	\$1416.00	<u>\$1444.00</u>
5	\$1517.00	<u>\$1546.00</u>
6	\$1585.00	<u>\$1653.00</u>

Per Order of the Municipal Officers this _____ day of August, 2013.

A True Copy
Attest:

Kim M. McLaughlin, Town Clerk

5999 Discussion with Action: Set Public Hearing date of September 3rd, 2013 to Amend the General Assistance Ordinance, Section 6.8, Basic Necessities; Housing Maximums, Electricity Maximums, Fuel, Personal Care and Household Supplies, to take effect October 1, 2013.

BACKGROUND: OOB has historically used the York County HMFA (HUD METRO FAIR MARKET) housing guidelines. These guidelines are supplied to the town by Dept. of Health and Human Services (Augusta). These have increased for the first time in many years. I believe these numbers more fairly and accurately represent the low-end of the rental market in OOB. Sadly these numbers were established after the budget was completed so much

careful consideration will be necessary for each application. Annually the Council must establish and approve the maximum income guidelines for eligibility for General Assistance. Once approved the "adoption form" must be signed and forwarded to DHHS. I am also asking the board to approve for adoption on 10/1/2013 the maximum expense allowances (Food, Non-Food, Utilities, Diapers and Rent) established by DHHS as a guideline. I believe these numbers are reasonable with the only change being an increase in the allowed expense for Electricity that includes electrically heated hot water. General Assistance continues to be the avenue of last resort for persons who have exhausted or are waiting for determinations regarding other resources; i.e. subsidized housing, Veteran's Benefits, SSI or SSDI, Workers Comp, UE etc. The first goal of general assistance is to reduce the client's dependence on this program."

MOTION: Councilor Frenette motioned and Councilor Blow seconded to Set Public Hearing date of September 3rd, 2013 to Amend the General Assistance Ordinance, Section 6.8, Basic Necessities; Housing Maximums, Electricity Maximums, Fuel, Personal Care and Household Supplies, to take effect October 1, 2013.

VOTE: Unanimous.

**NOTICE OF PUBLIC HEARING
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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 amounts allowed for housing, Electricity maximums, deleting the strikethrough amounts and adopting the underscored amounts, and re-adopting the current Fuel maximums and Personal Care and Household Supply maximums, to take effect as of 10/01/2013, as follows:

Amend Section 6.8 Basic necessities; Housing maximums

UNHEATED				
Bedrooms	CURRENT PROPOSED		CURRENT	PROPOSED
	WEEKLY	WEEKLY		
0	90.00	<u>126.00</u>	387.00	<u>541.00</u>
1	105.00	<u>126.00</u>	451.00	<u>541.00</u>
2	132.00	<u>156.00</u>	567.00	<u>672.00</u>
3	167.00	<u>216.00</u>	700.00	<u>928.00</u>
4	183.00	<u>216.00</u>	800.00	<u>928.00</u>

HEATED				
Bedrooms	CURRENT PROPOSED		CURRENT	PROPOSED
	WEEKLY	WEEKLY		
0	100.00	<u>139.00</u>	425.00	<u>596.00</u>
1	116.00	<u>147.00</u>	500.00	<u>633.00</u>
2	141.00	<u>188.00</u>	610.00	<u>810.00</u>
3	175.00	<u>259.00</u>	725.00	<u>1,114.00</u>
4	193.00	<u>266.00</u>	860.00	<u>1,143.00</u>

Electricity Maximums for Households Without Electric Hot Water. The maximum amounts allowed for utilities for lights, cooking, and other electric uses, excluding electric hot water are:

<u>Number in Household</u>	<u>Weekly</u>	<u>Proposed</u>	<u>Monthly</u>	<u>Proposed</u>
1	\$14.00		\$60.00	
2	\$15.70		\$67.50	
3	\$17.45		\$75.00	
4	\$19.20		\$82.50	
5	\$21.00	<u>\$23.10</u>	\$90.00	<u>\$99.00</u>
6	\$22.70	<u>\$25.00</u>	\$97.50	<u>\$107.00</u>

*Add \$7.50 a month for each additional family member.

Electricity Maximums for Households that Use Electrically Heated Hot Water. The maximum amount allowed for electric utilities for dwelling units that have electrically heated hot water shall be \$70 per month for the first member of the household, with an additional \$10 per month for each additional household member.

<u>Number in Household</u>	<u>Weekly</u>	<u>Proposed</u>	<u>Monthly</u>	<u>Proposed</u>
1	\$16.30	<u>\$19.10</u>	\$70.00	<u>\$82.00</u>
2	\$18.60	<u>\$23.75</u>	\$80.00	<u>\$102.00</u>
3	\$21.00	<u>\$27.70</u>	\$90.00	<u>\$119.00</u>
4	\$23.30	<u>\$32.25</u>	\$100.00	<u>\$139.00</u>
5	\$25.60	<u>\$37.30</u>	\$110.00	<u>\$160.00</u>
6	\$27.90	<u>\$41.00</u>	\$120.00	<u>\$176.00</u>

D) Fuel. Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May) provided such expenses are reasonable, and at other times during the year when the administrator determines the request for fuel assistance is reasonable and appropriate.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not responsible for back bills except in an emergency as provided in section 4.9. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless, and can show no just cause for failing to give the

administrator timely notice of their need for fuel, the administrator shall find that the emergency was not beyond the applicants' control, and process the emergency request accordingly, pursuant to section 4.9 of this ordinance.

When considering requests for heating fuel, eligible applicants will be granted assistance with the actual amount necessary up to the following maximums:

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallon:</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
	May	50	

E) Personal Care and Household Supplies. Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items, up to the maximums below. Personal and household supplies include: hand soap, toothpaste, shampoo, shaving cream, deodorant, dish detergent, laundry supplies and costs, household cleaning supplies, razors, paper products such as toilet paper, tissues, paper towels, garbage/trash bags, and light bulbs

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

For each additional person add \$1.25 per week or \$5.00 per month.

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55
2	\$17.40	\$75
3	\$23.30	\$100
4	\$27.90	\$120

6000 Discussion with Action: Accept, with regret, the resignation of Kelly Roy from the Ballpark Commission.

MOTION: Councilor Frenette motioned and Councilor Blow seconded Accept, with regret, the resignation of Kelly Roy from the Ballpark Commission.

VOTE: Unanimous.

6001 Discussion with Action: Approve the Special Event Permit application for The Pier Patio Pub Inc. to hold the Old Orchard Beach Bike fest on Saturday, September 7th, 2013 from 11 a.m. to 1 a.m. in the Square. Request to close the Square to motorcycles and bicycles only.

RICH REDMOND: He addressed the Council and explained about the event and how successful it had been over the past few years.

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

VOTE: Unanimous.

6002 Discussion with Action: Approve the Special Event Permit for the Old Orchard Beach Community Food Pantry to set up a donation table in the Square, manned by three to four volunteers, on Friday, August 23, 2013 and Friday, August 30, 2013 from 4:00 p.m. to 8:00 p.m., with a request to waive the fee.

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

VOTE: Unanimous.

6003 Discussion with Action: Approve the Special Event Permit application for Andrea Berlin to hold a bonfire on the beach in front of 20 Puffin Street on Saturday, August 24th, 2013 from 7 p.m. to 11 p.m. Insurance listing the Town of Old Orchard Beach as additionally insured, to be delivered to the Town Clerk's Office by August 22nd, 2013.

MOTION: Councilor Frenette motioned and Councilor Pastor seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

6004 Discussion with Action: Approve the Special Event Permit application for OOB365 to hold Field of Screams Haunted Hayrides in the Ballpark on October 18th-20th, 25th-27th, and the 31st, 2013, from 5 p.m. to 10 p.m. Request for a banner at the intersection of E. Emerson Cummings Blvd. and Saco Avenue from October 1st thru the 31st. Request to waive the fee. Fire Department to inspect event displays and overall plans prior to event.

MOTION: Councilor Frenette motioned and Councilor Thornton seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

6005 Discussion with Action: Approve the Special Event Permit application for King Weinstein to hold a wedding on the beach on Monday, September 2nd, 2013 from 5 p.m. to 10 p.m., with the fireworks at 10 p.m. Pyrotechnics Company approval by the State Fire Marshall's Office, and insurance listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk's Office at least one week prior to the event. Any costs associated with Police/Fire protection to be invoiced to the applicant.

MOTION: Vice Chair Quinn motioned and Councilor Thornton seconded to Remove the Agenda Item without Prejudice at the request of the Applicant.

VOTE: Unanimous.

6006 Discussion with Action: Permit the permanent removal of eight seats in the Ballpark and to use one of the existing seats from the unused Sky Boxes to honor our Veterans and to place in the spot from which the seats are removed.

JOHN GALLO: He explained that they want to obtain permission to place a permanent "empty seat" in the Ballpark Stadium in honor of all the men and women who have never returned from World War 1, World War 2, Korea, Vietnam, the Cold War, Iraq, and Afghanistan. There is a movement by the Rolling Thunder Motor Cycle organization, POW/MIA organization, and Major, Minor and Collegiate League sports teams to place an empty seat in every stadium in the country. Much more can be found by searching for Rolling Thunder and Empty Seat. The Council is being asked to permit the permanent removal of eight seats in the Ballpark and to use one of the existing seats from the unused Sky Boxes to place in the spot from which the seats will be removed. There will be a plaque placed there as well commemorating the reason for the memorial. This movement is catching on and major league teams like the Red Sox and the Patriots have already created a memorial seat in their stadiums. Last month while at the FCBL game in Nashua, New Hampshire, a ceremony dedicating the empty seat in their stadium was conducted. As far as we know there is no other facility in Maine that has an empty seat memorial as yet and Old Orchard Beach could lead the way in this effort. We would like this dedication to take place during the POW/MIA event at the Ballpark in September. It would be a presentation from the POW/MIA, Rolling Thunder, and Raging Tide and there would be no cost to the Town. In addition to the plaque listing these three organizations, it should also list the Town of Old Orchard Beach and the Ballpark Commission. The Ballpark Commissioners agreed to this action.

Other speakers included Jerome Plante and Russ Warriner who also gave an update on activities of the POW/MIA as well as members of the Rolling Thunder who attended the meeting and are the center of many of these activities.

MOTION: Councilor Blow motioned and Councilor Thornton seconded to Permit the permanent removal of eight seats in the Ballpark and to use one of the existing seats from the unused Sky Boxes to honor our Veterans and to place in the spot from which the seats are removed.

VOTE: Unanimous.

6007 Discussion with Action: Grant a Blanket Letter of Approval for Games of chance and Beano/Bingo to the C. Fayette Post American Legion, 14 Imperial Street, to expire 12/31/2015.

MOTION: Councilor Blow motioned and Councilor Thornton seconded to Grant a Blanket Letter of Approval for Games of chance and Beano/Bingo to the C. Fayette Post American Legion, 14 Imperial Street, to expire 12/31/2015.

VOTE: Unanimous.

6708 Discussion with Action: Appoint David Huntington as Election Warden, term to expire August 20, 2014.

MOTION: Councilor Frenette motioned and Councilor Kelley seconded to Appoint David Huntington as Election Warden, term to expire August 20, 2014.

VOTE: Unanimous.

6009 Discussion with Action: Authorize the Town Manager to close Town Hall only on Tuesday, December 24, 2013 with Town Hall employees taking either ½ vacation day or ½ floating holiday.

TOWN MANAGER: This has been approved by the past Councils and needs to the approval of Town Council each year in order to make it an official town hall closing.

MOTION: Councilor Frenette motioned and Councilor Blow seconded to Authorize the Town Manager to close Town Hall only on Tuesday, December 24, 2013 with Town Hall employees taking either ½ vacation day or ½ floating holiday.

VOTE: Unanimous.

6010 Discussion with Action: Approve the Liquor License Renewal for Oceanic Inn Inc., dba/One Soho Square (310-6-3), 43 West Grand Avenue, m-s-v in a Hotel Optional Food.

MOTION: Councilor Frenette motioned and Councilor Pastor seconded to Approve the Liquor Renewal as read.

VOTE: Unanimous.

GOOD AND WELFARE:

JOHN BIRD: He discussed a letter that he felt should go out in the next week to individuals in Ocean Park in the area of the Goosefare Brook Water source. His concern is the results of monitoring and collecting of samples in the Goosefare Brook and the contamination found during the collection. He explained that in order to eliminate this public health risk, it is imperative that staff visit the homes and verify that sewage disposal systems are operating properly. He indicated that if we assume that most dwellings are on town sewer and we simply need to verify that, there is no need to determine which ones are on the septic system. We put dye in the systems and if it

comes out in the sewer, the dwelling is connected and probably not part of the problem. If it does not, there is a problem and further investigation is necessary.

JEROME BEGART: He spoke about his belief that the Council will have to retract their vote on Agenda Item Number 5996 relative to approving the request for additional services from RHR Smith & Co., the municipality's audit firm, to assist with the reconciliation of accounts; in the amount of \$5,000 since he believes that the Council has not followed the Charter. He talked about the scope of the audit and the responsibility of the auditor in the financial structure of the audit and that this is a conflict specifically noted in Section 413 it requires the Auditor be independent and not be otherwise employed by the Town and therefore this is working against the stipulations of the Charter.

ADJOURNMENT:

MOTION: Councilor Frenette motioned and Vice Chair Quinn seconded to adjourn the Town Council Meeting at 8:40 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 fourteen (14) pages is a copy of the original Minutes of the Town Council Meeting of August 20, 2013.

V. Louise Reid