

**OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, December 16, 2014
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, December 16, 2014. Chair O'Neill opened the meeting at 7:00 p.m.

The following were in attendance:

**Chair Shawn O'Neill
Vice Chair Joseph Thornton
Councilor Jay Kelley
Councilor Michael Tousignant
Town Manager Larry Mead
Assistant Town Manager V. Louise Reid
Human Resource Director Tammy Lambert
Public Works Director Bill Robertson**

Absent: Councilor Kenneth Blow

**Pledge to the Flag
Roll Call**

ACKNOWLEDGEMENTS:

COUNCILOR KELLEY: We wish to acknowledge a donation of \$150 from the United Way of York County. Last January, foundations, businesses and individual donors contributed generously to a Statewide "Keep Maine Warm Fund." United Way of York County received a portion of those proceeds for distribution across York County and sent most of the funds to Towns and organizations last winter. They made a choice to keep some of the funds in reserve in anticipation of fuel assistance needs for the upcoming winter season. There we have received this donation to support some residents of our community who perhaps do not qualify for the Low Income Home Energy Assistance program. Our thanks to the United Way of York County.

VICE CHAIR THORNTON: Many thanks to those who provided great winter events during this holiday season; thanks to the Chamber of Commerce for the "Celebration by the Sea" and to OOB 365 for the Winter Wonderland on Old Orchard Street and the New Year's Eve Celebration. Activities will be enjoyed by all who attend. To all those who contributed to organizations and churches in our community in helping those who struggled financially during these economic times, our sincere thanks. And to all – Happy Holidays.

ACCEPTANCE OF MINUTES: Town Council Minutes of December 2, 2014.

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

VOTE: Unanimous.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 7:03 p.m.

ECB Properties/Edwin Brown (315-19-1), 78 Ocean Avenue, eight year round rentals; and **Fielders Choice LLC/Michael & Susan Jillson dba/Fielders Choice** (208-2-2), 156 Saco Avenue, Victualers with Preparation, No Alcohol Sales.

CHAIR: I close this Public Hearing at 7:04 p.m.

MOTION: Councilor Tousignant motioned and Vice Chair Thornton seconded to Approve the business license as read.

VOTE: Unanimous.

TOWN MANAGER'S REPORT

Met with members of the Memorial Park Committee to discuss winter maintenance work and preliminary budget issues for FY16.

Working with the Fire Chief on current equipment maintenance issues as well as preliminary consideration of FY16 capital and operational budget issues.

Met with the staff development review team to discuss current and anticipated projects before the Planning Board. We are meeting on a monthly basis.

Met with staff to begin the process of updating the Town's emergency operations plan.

Conducted a meeting with local business owners and with international agency sponsoring agency representatives to discuss how to increase available housing for summer J-1 students, as well as ensuring that the housing is safe and legal. We will hold a second meeting in January with housing providers.

Met on site at the Libby Library with the general contractor, Library Director, architect and owners representative to assess project status. The goal is for the project to be substantially complete by March 1. The Library would then move from the temporary quarters with the goal of being operational by the end of March. Exterior work would continue in the spring with a goal of completion sometime in May.

6335 Discussion with Action: Accept the bid for new carpet installation including removal and disposal of existing flooring in Town Hall.

BACKGROUND:

The Finance Director went out to bid on November 4, 2014 soliciting proposals from qualified proposers to furnish and provide all materials, supplies, tools, equipment, labor, supervision, and expertise to properly and professionally perform the removal and disposal of the existing flooring and install new commercial grade carpet at the offices of the Town Hall, located at 1 Portland Avenue. Bids were received until Wednesday, December 3, 2014 and there were three bids received:

Contractor's Only
2 Kavanaugh Road
Old Orchard Beach Maine 04064
207-289-0003

Base Bid \$21,902.32
Alternate Bid \$17,252.32
* No references included
*Did not submit proposal utilizing
submission form with
measurements.

Classic Flooring
429 US Route One/P.O. Box 7004
Scarborough, Maine 04074
207-883-7847

Base Bid \$20,459.00
Alternate Bid \$18,879.00

Maine Contract Flooring
3 Karen Drive
Westbrook, Maine 04092
207-775-4779

Base Bid \$18,920.00
Alternate Bid \$12,756.00

The Town Manager is recommending the acceptance of the bid from Maine Contract Flooring in the amount of \$12,756, from Account Number 20115-50450 – Town Hall Building Repair/Maintenance, with a balance of \$35,727.72.

MOTION: Councilor Kelley motioned and Councilor Tousignant second to award the bid to Maine Contract Flooring in the amount of \$12,756, from Account Number 20115-50450 – Town Hall Repair/Maintenance, with a balance of \$35,727.72.

VOTE: Unanimous.

6336 Discussion with Action: Authorize the Town Manager to offer for sale by sealed bid two abandoned tax acquired mobile homes; one located at 23 Rockland Drive (MDL-07), Atlantic Village; and one located at 8 Goosefare Drive (MDL-02), in Old Orchard Village.

BACKGROUND:

The Town Manager is asking the Town Council to authorize him to go out to a sealed bid for two tax-acquired mobile homes; one located in Atlantic Village; and one located in Old Orchard Village. In both cases the homes have been abandoned for some time and the former owners are no longer paying rent for the lot the home is located on. Peter Pope is the owner of both Atlantic Village and Old Orchard Village. He has obtained a writ of possession for these two properties from the Biddeford District Court which effectively removes the former owners with respect to legal interest in the property.

- (1) 1994 double-wide mobile home located at 23 Rockland Drive in Atlantic Village formerly owned by Barbara Henningsen. Taxes and interest owned is \$6,966 as of November 19, 2014. Assessor George Greene recently gained access to the home and reports that there is visible evidence of water damage as well as a distinct musty odor. It is likely that there is mold growth around the shell of the home.
- (2) Second property is a 1986 single-wide home located at 8 Goosefare Drive in Old Orchard Village, formerly owned by Joseph Gratton, Jr. Taxes and interest owned is \$1,632 as of November 19, 2014. The condition of this property is undetermined.

Mr. Pope wants the structures removed so that he can locate an income producing structure in their place. He is willing to wait for the Town to go through the sealed-bid process.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Authorize the Town Manager to offer for sale by sealed bid two abandoned tax acquired mobile homes; one located at 23 Rockland Drive (MDL-07), Atlantic Village; and one located at 8 Goosefare Drive (MDL-02), in Old Orchard Village.

VOTE: Unanimous.

6337 Discussion with Approve the FY16 Municipal Budget Schedule and provide general budgetary guidance to the Town Manager for the FY16 budget.

BACKGROUND:

Charter requires the Town Council to provide general budgetary guidance to the Town Manager as it concerns the preparation and presentation of the budget each year. This evening the Council will provide that guidance to the Town Manager as he prepares for the 2016 Fiscal Budget. The following was provided to the Town Council and the Department Heads:

To: Department Heads
From: Larry Mead – Town Manager

RE: GUIDANCE FOR FY16 MUNICIPAL BUDGET AND PROPOSED SCHEDULE

The charter directs that the Town Council, six months prior to the start of the next fiscal year, provide general guidance to the Town Manager and Department Heads regarding the FY16 municipal budget in the form of “ an expected budget limit figure”. The Charter further states that the budget limit figure, while an “expectation of the Council” may be considered as a guideline, subject to change throughout the budget process.

I think that this is a difficult directive, given the numerous variables, many unpredictable, many not yet known, that will crop up during the budget process over the next five to six months.

As you are aware the Town’s tax commitment is made up of three major components; the municipal budget, the school assessment, and the County assessment. The Town Council has control over only the municipal budget, which accounts for less than 50% of the total tax levy.

The net municipal commitment is the component that is referenced in the Charter’s directive to provide a budget limit figure. In the current fiscal year that figure is \$10,365,151. The variables that will affect that total include changes in expenditures, changes in revenues, and use of fund balance. Clearly staff’s goal is to control expenditures, increase revenues, and minimize the use of fund balance, while striving to deliver quality services to our residents and taxpayers.

My direction to staff going into the FY16 budget process is to identify their essential budget needs, to maximize non-property tax revenues, including service fees, and to strive

for efficiencies whenever possible in order to reduce budget expenditures. I look forward to working together with you in the coming months.

Also, attached for your consideration is a proposed FY16 budget development schedule.

cc: Department Heads

The following schedule was presented:

PROPOSED FY16 BUDGET DEVELOPMENT SCHEDULE

Dec. 15-23	Dept Heads discuss capital budgets with Town Manager
January 7	Operating budget documents to Dept Heads
January 9	Dept Heads submit capital requests to Town Manager
Jan 16	Submit capital budgets to Finance Committee
Jan 26 –Feb 20	Finance Committee meetings to review capital budget
Feb 27	Finance Committee submit CIP recommendations to Council
February 6	Dept heads submit budgets to Town Manager
Feb 11- March 13	Town Manager meets with dept heads for review/revise
March 20	Submit budget to Town Council
March 26 – April 2	Initial budget presentations to Council
April 6 – April 30	Continue presentations to Council
May 5	First reading of Budget by Town Council
May 19	Town Council Adopts Budget

The Chair indicated that the Council would like the budget to be within a 3% increase with the exception of the CIP budget considerations.

The Town Manager indicated that he will be meeting with each Department Head to review their requests and working with the Finance Committee in the budget considerations as well. The Finance Committee Chair, Mike Gray, gave an update on the workings of the Finance Committee and a recent meeting with department heads and a visit to the facilities which enhanced the Committee's understanding of some of the needs. Mike Gray indicated that he was thrilled that the town is looking at a ten year plan which is exactly what it should be doing.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Approve the FY16 Municipal Budget Schedule and provide general budgetary guidance to the Town Manager for the FY16 budget.

VOTE: Unanimous.

6338 Discussion with Action: Approve the Special Event Permit application for the Bicycle Coalition of Maine to hold their overnight camping and meal preparation/service for their bike riders in Memorial Park from Saturday, September 13th, 2015, at 7:30 a.m. until September 14th, 2015, at 10 a.m. Request to waive the fee. Request for a banner, location to be determined by the Town; Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk's Office at least one month prior to the event.

Zack Schmessen spoke on behalf of Bike Maine and explained the purposes of the race and what it would bring to the community. The Council expressed delight that they have chosen Old Orchard Beach as their site for the race. John Bird asked the question as to who would benefit from this race since they are asking for the waiving of the fee. The Chair indicated that the question had been answered by Zack Schmensen and indeed the Town would benefit.

MOTION: Councilor Tousignant motioned and Vice Chair Thornton seconded to Approve the Special Event Permit with the change of the day from Saturday, September 13, 2013 to Sunday, September 13th.

VOTE: Unanimous.

6339 Discussion with Action: Consider authorizing the Town Manager, per Title 30-A S/S 3106, to provide notice to the former owners of tax-acquired property at 146 Portland Avenue (MBL 104-1-18), for removal of personal property.

BACKGROUND:

The Town Council at their meeting on December 2, 2014 requested the Town Manager to provide to Mr. Kenny Allen, owner of property located at 146 Portland Avenue, Old Orchard Beach, an agreement that would establish the conditions under which the Town would return to him ownership of the Portland Avenue property which is now owned by the Town through tax foreclosure. This would include full payment of property taxes as well as accumulated interest charges. Payment to the Town, in full, any other costs incurred by the Town between 2009 when the automatic foreclosure took place and whatever date the Town transfers ownership of the property. Other costs include, but are not limited to, legal services cost and any cost born by the Town related to the removal of debris or other property from the site. All materials currently located on the property must be removed from the site, including any sheds, structures or partial structures, such that the property is left in a natural vegetated condition to the satisfaction of the Town Manager or his designee. Materials currently located on the property may not be transferred or relocated to the neighboring parcel at 146A Portland Avenue. The Town Manager, as provided by Maine law, will establish a date which you will need to remove from the site any property that the party wishes to retain.

The Town Manager gave details and Mr. Allen who was in attendance agreed with the scenario that was presented by the Town Manager. Discussion included the need to set dates so that a timetable be set that everyone would know and there would be the ability to bring closure to this issue. As a result of the discussion and the desire of the Town for this issue to be settled, it was determined that removal of all private property

MOTION: Councilor Tousignant motioned and Vice Chair Thornton seconded to authorize the Town Manager, per Title 30-A S/S 3106, to provide notice to the former owners of tax-acquired property at 146 Portland Avenue (MBL 104-1-18), for removal of personal property which the Council established as April 1, 2015 and full payment to the Town by April 30, 2015.

VOTE: Unanimous.

6340 Discussion with Action: Re-appoint Ray Deleo as a regular member of the Design Review Committee, term to expire 12/31/16; re-appoint John Bird as a regular member of the Conservation Commission, term to expire 12/31/17; re-appoint James Duclos and Reza Namin as regular members of the Finance Committee, and Jerome Begert as an alternate to the Finance Committee, terms to expire 12/31/16; appoint John Gallo as an alternate to the Finance Committee; re-appoint Winthrop Winch as a regular member of the Planning Board, term to expire 12/31/16; re-appoint Lawrence Greenwood as a regular member of the Recreation Board, term to expire 12/31/17; re-appoint Ray Deleo and Ronald Regis as regular members of the Zoning Board of Appeals, terms to expire 12/31/17; re-appoint Tina Morrison as the citizen member and Marc Bourassa as the business member of the Business License Administrative Board, terms to expire 12/31/16; re-appoint Robert Jolicoeur and Margaret Michaels as regular members of the Board of Assessment Review, term to expire 12/31/17; re-appoint Margaret Bayles and Debbie Anischik as regular members of the Community Animal Watch Committee, terms to expire 12/31/16; re-appoint Jerome Plante as a regular member of the Ballpark Commission, term to expire 12/31/16; and re-appoint Kim McLaughlin as Registrar of Voters, term to expire 12/31/2016.

MOTION: Vice Chair Thornton motioned and Councilor Kelley seconded to Table this item with the exception of the re-appointment of Kim McLaughlin as Registrar of Voters, term to expire 12/31/16.

VOTE: Unanimous.

GOOD AND WELFARE:

6341 Executive Session: AFSCME Council 93 Local 481-06, Old Orchard Beach Public Works Department Union Contract, pursuant to 1 M.R.S.A., Section 405(6)(D). (Note: This item discusses labor negotiations, and the Council anticipates that the discussion portion will occur in Executive Session.)

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Enter into Executive Session at 7:35 p.m.

VOTE: Unanimous.

MOTION: Vice Chair Thornton motioned and Councilor Kelley seconded to Exit the Executive Session at 7:50 p.m.

VOTE: Unanimous.

Assistant Town Manager, V. Louise Reid, and Human Resource Manager, Tammy Lambert, exited the Executive Session at this time.

6342 Executive Session: Performance Evaluation of Town Manager (discussion will occur in Executive Session) pursuant to 1 M.R.S.A., Section 405(6)(A).

MOTION: Vice Chair Thornton motioned and Councilor Kelley seconded to Enter into Executive Session at 8:28 p.m.

VOTE: Unanimous

MOTION: Vice Chair Thornton motioned and Councilor Kelley seconded to Exit the Executive Session at 8:30 p.m.

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Vice Chair Thornton motioned and Councilor Tousignant seconded to Adjourn the Town Council meeting at 8:30 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 eight (8) pages is a copy of the original Minutes of the Town Council Meeting of December 16, 2015.

V. Louise Reid