

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
Tuesday, June 16, 2015  
TOWN HALL CHAMBERS  
7:00 p.m.**

**A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, June 16, 2015. 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 Kenneth Blow  
Councilor Jay Kelley  
Councilor Michael Tousignant  
Town Manager Larry Mead  
Assistant Town Manager V. Louise Reid  
Finance Director Diana Asanza**

**Pledge to the Flag  
Roll Call**

**EMERGENCY ITEM:**

**CHAIR: We have been asked to add the following Emergency Item to the Agenda:**

**COUNCILOR KELLEY: I wish to add the following Emergency Item under Public Hearing – Business Licenses – Jodie & Jason Field (316-3-3, 5 Odena Avenue, one year round rental.**

**COUNCILOR BLOW: I second that motion.**

**VOTE: Unanimous.**

**PRESENTATION: The Recreation Department acknowledged this evening the support of the Town Council in the now open Skateboard Park. Many of the skateboarders and their parents are thrilled with the new structure and it is appropriate that they thank the Council for the support that has been given by them and the citizens of Old Orchard Beach. Speaking for the Recreation Department were Jason Webber, Recreation Director; Eric Santo and Karen Cooper. In the audience from the Skateboard Park was Adam Legassre, Ian Junking and Sam Lampert. It was noted all the good work being done by the Skateboard members in providing skateboards to young people that do not have them.**

**PRESENTATION: The Conservation Commission wishes to present a short report on working with the 4<sup>th</sup> grade class at Loranger School. In attendance were Karen Brozek, Richard Greenlea, John Bird, Bob Gierie, Kimbark Smith, and teacher Billy Corcoran and Cynthia Nye. Ms. Brozek spoke of the project. “Good evening Chair O'Neill and Council**

members. My name is Karen Brozek and I am a member of the Conservation Commission in Old Orchard Beach. I want to take this time to acknowledge some people who were involved in an amazing community project. Some members of the Conservation Commission, John Bird, Chair; Kimbark Smith, project manager of the Milliken Mills Trail; Richard Greenlee, a full-blooded American Indian of the Assiniboine Chippawa Cree tribe; and myself; had the honor of working with the 4<sup>th</sup> grade class from Loranger Middle School. Incidentally, Mr. Greenlee not only taught Indian culture to the 4<sup>th</sup> grade class but also educated approximately twenty-four classes in Biddeford this year alone. Billy Corcoran, 4<sup>th</sup> grade teacher and Cynthia Nye, literacy specialist and curriculum teacher, introduced a Project-Based Learning Model to Loranger. And it was truly amazing. Mr. Corcoran's kids were asked to help the Conservation Commission with a project for the Milliken Mills Trail. The kids were motivated, engaged and excited. They created their own website; made an I-movie; a narrated slide show of the history of the property with guidance from Charlie Milliken; and produced many more pieces that required hi-tech skills that would put most of us in this room to shame. Mr. Milliken certainly knows his ancestry. He showed the class a family tree dating all the way back to the 1600's. He brought in old photographs of Milliken Mills back in the day when it was a bustling area of activity. There was a lumber mill, an ice house and a box factory where they constructed crates that were sent down to Florida for shipping fruit. The class walked the trail on a little road trip as well. Mr. Bob Gierie, a teacher at the High School, and his students from the wood-working class, helped the 4<sup>th</sup> graders learn how to measure and build a picnic table and a bench for the trail. Mr. Corcoran is a wonderful teacher. He is innovative and certainly knows how to inspire his class. This year the 4<sup>th</sup> graders learned what "community" means and how important it is to give back in the spirit of learning and cooperation. These 10 year old children are amazing. They blossomed this year under Mr. Corcoran's and Mrs. Nye's tutelage and were very enthusiastic. Any parent who has children in Mr. Corcoran's class has more than likely seen a metamorphosis in them. There were many others who helped in this endeavor that I have not mentioned because of the time frame of this meeting tonight. It was an outstanding project and I was honored to work with everyone. Again, I'd like to thank Billy Corcoran and Cynthia Nye, from Loranger Middle School, the members and my friends in the Conservation Commission I already mentioned; and Charlie Milliken and Mr. Gierie and his students from the High school; and all the others that were a significant part of the team on this project. And in front of the Council members right now are some of the "Thank You" cards the 4<sup>th</sup> graders made for members of the Conservation Commission involved in assisting and guiding them on this project. I had to be at school many days at 8:00 a.m. which brought back the "good-old-days" a little too starkly. I feel I should graduate with them this week. All-in-all it was an amazing project that taught so many of us how a community works and learns and gives back to each other. I am a better person today having had this privilege of meeting and working with these young people. Thank you 4<sup>th</sup> graders. Councilors – if anyone has any quick questions about the Project-Based Learning Model – Mr. Corcoran would be happy to answer them now or at any later time of your choosing.

#### **ACKNOWLEDGEMENTS:**

**COUNCILOR KELLEY:** Under business licenses this evening we have two new owners. We welcome to our community "Mr. Bill's Pizza Subs & Seafood LLC, under new ownerships; and Big Sal's Smoke Shop. We are hoping for a very successful summer for all our businesses.

#### **ACCEPTANCE OF MINUTES:**

Accept the Town Council Meeting Minutes of June 2, 2015; and the Town Council Workshop Minutes of June 3, 2015.

**MOTION:** Vice Chair Thornton motioned and Councilor Blow seconded to Accept the Minutes as read.

**VOTE:** Unanimous.

**PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:**

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

David Burgess (104-2-9-27), 42 Walnut Street, #27, one year round rental; Nancy Spencer (201-1-8-7B) 219 East Grand Avenue, #7B, one year round rental; James & Terry Nagle (105-4-12), 90 Ross Road, one year round rental; Corinne Hunter (204-1-9), 6 Birch Lane, one year round rental; Big Sal's Smoke Shop Corp dba/Big Sal's Smoke Shop (205-3-4), 50 Old Orchard Street, Retail; Moshe Agam (205-4-3), 26 Old Orchard Street, four seasonal rentals; Robert & Karen Baker (205-12-14), 20 Carll Avenue, one year round rental; Suzanne V. Bird (206-9-7-4), 90 Saco Avenue, # 1, one year round rental; Daniel Richard dba/Mr. Bill's Pizza Subs, Pizza & Seafood LLC (206-26-4-C), 34C Saco Avenue, Victualers with Preparation & No Alcohol Sales; Thomas Cahill (302-6-7-2), 165 East Grand Avenue, #2, one seasonal rental; Ryan Hayes (302-7-1-8), 152 East Grand Avenue, #8, one year round rental; J. G. Cutter LLC dba/Barefoot Boy Restaurant (305-4-5), 45 East Grand Avenue, Victualers, with Preparation, with Beer, Wine and/or Liquor; Beau Rivage Inc. dba/Beau Rivage Motel (305-6-7), 48 East Grand Avenue (Rear), one year round rental; Festival Hospitality LLC dba/America's Best Value Mt. Royal (307-4-1), 30 West Grand Avenue, Victualers with Preparation, with Beer, Wine and/or Liquor on premise; Pamela Golarz (309-2-6), 9 Washington Avenue, three year round rentals; Claudette Lizotte (312-11-11) 55 Atlantic Avenue, one year round rental; Donald A. Richer (313-2-4-1), 15 Bay Avenue, # 1, one year round rental; Peter Chlebus (313-2-4-5), 15 Bay Avenue, # 5, one year round rental; Jeffrey & Alicia Lastowka (314-8-5), 81 Seaview Avenue, one year round rental; Curtis Gezotis (316-4-3), 4 Odena Avenue, one year round rental; Linda & Arthur Pelletier (321-2-4), 30 Colby Avenue, one year round rental; Kenneth & Margaret Fraser & Cynthia Brown. (321-7-3), 180 West Grand Avenue, two year round rentals; Kathryn Smith (325-5-8), 1 New Salt Road, one year round rental; Jim Morande dba/The Olde Towne & Country Store (206-31-7), 37 Old Orchard Street, Sidewalk Café; and Jodie & Jason Field (316-3-3), 5 Odena Avenue, one year round rental.

**CHAIR:** I close this Public Hearing at 7:15 p.m.

**MOTION:** Councilor Tousignant motioned and Councilor Blow seconded to Approve the business licenses as read.

**VOTE:** Unanimous.

**PUBLIC HEARING SPECIAL AMUSEMENT PERMIT - NEW**

**CHAIR:** I open this Public Hearing at 7:15 p.m.

Alouette OOB Oceanfront Beach Resort Inc. dba/Alouette Beach Café Resort (303-1-11), 91 East Grand Avenue, Live & Other Types of Music – Outside & Inside – 12:00 p.m. to 9:00 p.m.

**CHAIR:** I close this Public Hearing at 7:16 p.m.

**MOTION: Councilor Tousignant motioned and Vice Chair Thornton seconded to Approve the Amusement Permit as read.**

**VOTE: Unanimous.**

**PUBLIC HEARING LIQUOR LICENSE: (NEW)**

**CHAIR: I open this Public Hearing at 7:16 p.m.**

**Festival Hospitality LLC dba/America's Best Value Mt. Royal (307-4-1), 30 West Grand Avenue, m-v in a Hotel.**

**CHAIR: I close this Public Hearing at 7:17 p.m.**

**MOTION: Councilor Kelley motioned and Councilor Blow seconded to Approve the Liquor License as read.**

**VOTE: Unanimous.**

**PUBLIC HEARING SPECIAL AMUSEMENT PERMIT: (NEW)**

**CHAIR: I open this Public Hearing at 7:17 p.m.**

**Alouette OOB Oceanfront Beach Resort Inc. dba/Alouette Beach Café Resort (303-1-11), 91 East Grand Avenue, Live & Other Types of Music – Outside & Inside – 12:00 p.m. to 9:00 p.m.**

**CHAIR: I close this Public Hearing at 7:18 p.m.**

**MOTION: Councilor Kelley motioned and Councilor Blow seconded to approve the Amusement Permit as read.**

**VOTE: Unanimous.**

**PUBLIC HEARING LIQUOR LICENSE – NEW:**

**CHAIR: I open this Public Hearing at 7:18 p.m.**

**Festival Hospitality LLC dba/America's Best Value Mt. Royal (307-4-1), 30 West Grand Avenue, m-v in a Hotel.**

**CHAIR: I close this Public Hearing at 7:19 p.m.**

**MOTION: Councilor Kelley motioned and Vice Chair Thornton seconded to Approve the Liquor License as read.**

**VOTE: Unanimous.**

## **TOWN MANAGER'S REPORT**

The Town Manager reported that he conducted interviews for the Public Works Director's position and has continued to fill in during the absence of a Director of Public Works. He announced that he is introducing for approval the interim directorship of Public Works to Marc Guimont. He represented the Town at a Department of Labor unemployment compensation hearing and the Town's position was upheld. Met with the Safety Committee to prepare for an upcoming Department of Labor safety compliance inspection. Submitted an application to the DEP for licensing of the Downtown trash collection program. Met with the Town's contractor and also met with the downtown property owners regarding the DEP application. Met with staff from the Police, Fire and Code to discuss nuisance properties. Met with the Planner and Wright Pierce engineer to discuss a grant application to und culvert upgrade on Free Street in order to reduce flooding between Free Street and West Grand Avenue.

# 6438            Discussion with Action: Appoint Marc Guimont as Interim Public Works Director, effective 6/17/15.

### **BACKGROUND:**

With the retirement of Bill Robertson as Public Works Director, the Council is being asked to Appoint Marc Guimont as Interim Public Works Director. Mr. Guimont is a licenses professional engineer with an extensive background in public works and transportation operations at the State and local level, including the City of Portland; eight years with the City of Augusta; twelve years with the Maine Department of Transportation; and seven years with Underwood Engineering. He is a resident of Ocean Park.

The Chair expressed his appreciation to Mr. Guimont for accepting this interim position and Mr. Guimont responded that as a citizen of Old Orchard Beach, it is his pleasure to serve in this position.

**MOTION:** Councilor Blow motioned and Councilor Kelley seconded to Appoint Marc Guimont as Interim Public Works Director, effective 6/17/15.

**VOTE:** Unanimous.

**Marc H. Guimont, P.E.**  
131 Temple Avenue, #9  
Old Orchard Beach, ME 04064  
(207) 446-6649  
marc.h.guimont@gmail.com

**Experience: Underwood Engineers, Portsmouth, NH 2006 to 2013**

**Resident Project Representative:**

Resident Engineer for several municipal projects. These included downtown revitalization and under grounding of all utilities; dam rehabilitation; sewer rehabilitation; construction of drain mains and replacement of old water lines.

Taught the OSHA 10 hour construction safety class for company employees and was involved in company marketing.

**Maine Department of Transportation**

**Region Manager, Southern Region**

Responsible for State Transportation facilities in southern Maine including: safety of personnel; safety of the public; planning maintenance activities to ensure system reliability.

**Director of Maintenance and Operations**

Senior management position responsible for directing all MDOT Bureau of Maintenance and Operations activities through a staff of 1500 engineers, technicians, support personnel and crew to keep the State's transportation system functioning effectively.

**Director of Right-of-Way**

Management of MDOT Right-of-Way Division. Work included acquisition, relocation and Management of MDOT necessary for the transportation system and for coordination of utilities within the State's rights-of-way.

**City of Augusta, Maine**

**Director of City Services**

Senior position in the City responsible for the management of the Bureaus of Code Enforcement, Engineering, Planning, Public Works and Solid Waste. Responsible for the development of city policies and capital programs for long term needs; physical plan and the implementation of these policies and programs.

**Interim City Manager**

Chief executive officer for the City of Augusta during its search for a permanent City Manager.

**City of Portland, Maine**

City Engineer of the City of Portland responsible for the management of the Engineering Division and the Public Buildings Division.

Work included design and development of municipal facilities including buildings, roads, sewers and drains and maintenance of approximately 50 public buildings.

**City of Rockland, Maine**

**UDAG Director**

Program Director and engineer for the City's Urban Development Action Grant. Work included program administration, design and construction supervision of the reconstruction of Main Street.

**Westbrook (Maine) Urban Renewal Authority**

**Executive Director**

Program management of a central business district urban redevelopment project. Work included property acquisition, relocation and management of design and construction of public improvements.

**Education:** M.Eng, Civil Engineering (Transportation Planning),  
University of New Brunswick, Canada  
B.Sc., Civil Engineering, University of Maine

**License:** Registered Professional Engineer, State of Maine, #3084

**# 6439** Discussion with Action: Cancel the Regular Town Council Meeting of Tuesday, July 7, 2015; Cancel the Regular Town Council Meeting of Tuesday, November 3, 2015, as it falls on Election Day; and Authorize the Town Manager to close Town Hall only on Thursday, December 24, 2015, with Town Hall employees taking either ½ vacation day or ½ floating holiday.

**MOTION:** Councilor Tousignant motioned and Councilor Blow seconded to Cancel the Regular Town Council Meeting of Tuesday, July 7, 2015; Cancel the Regular Town Council Meeting of Tuesday, November 3, 2015, as it falls on Election Day; and Authorize the Town Manager to close Town Hall only on Thursday, December 24, 2015, with Town Hall employees taking either ½ vacation day or ½ floating holiday.

**VOTE:** Unanimous.

**# 6440** Discussion with Action: Discussion with Action: Reenact the Emergency Ordinance establishing a Moratorium on Medical Marijuana Non-Residential Cultivation approved May 5<sup>th</sup>, 2015; and expiring on July 12, 2015 and extend for an additional sixty (60) days to expire on September 10<sup>th</sup>, 2015.

**BACKGROUND:**

On June 2, 2015 the Town Council held a public hearing on the Medical Marijuana Non-Residential Cultivation considering a location of the Industrial Zone. The administration will bring forward at the July 21<sup>st</sup> meeting the agenda item under new business. To allow this to move forward the Moratorium needs to be extended.

**MOTION:** Councilor Blow motioned and Councilor Tousignant seconded to Reenact the Emergency Ordinance establishing a Moratorium on Medical Marijuana Non-Residential Cultivation Ordinance. the administration will bring forward at the July 12, 2015 meeting and extend for an additional sixty (60) days the moratorium to expire on September 10<sup>th</sup>, 2015.

**VOTE:** Unanimous.

**# 6441** Discussion with Action: Approve the Special Event Permit application for the Eastern Trail Alliance to hold the "Maine Lighthouse Bike Ride" Saturday, September 12<sup>th</sup>, 2015 from 8 a.m. to 2 p.m.; 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; and a request to waive the fee.

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

**VOTE:** Unanimous.

Mr. John Bird asked what this event was supporting and it was noted that it is an event for the Maine Lighthouse Bike Program as part of the Eastern Trail Alliance and a non-profit.

# 6442 Discussion with Action: Approve the Special Event Permit application for Ever After Mustang Rescue to hold a Ford Mustang 50<sup>th</sup> Anniversary Jubilee, showing of Mustang horses, and a holding a Car Show at the Ballpark on Saturday, September 26<sup>th</sup>, 2015 from 10 a.m. to 5 p.m. 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.

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

VOTE: Unanimous.

Mr. John Bird again asked the purpose of this event and why they were not having the fee waived to which the Chair replied that they did not ask for it to be waived.

#6443 Discussion with Action: Approve the Special Event Permit application for 3C Race Productions to hold a half marathon on Saturday, October 10<sup>th</sup>, 2015, from 9 a.m. to Noon. 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. Request to waive the fee as event is co-sponsored by the Town of Old Orchard Beach Recreation Department.

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

VOTE: Unanimous.

# 6444 Discussion with Action: Approve the Liquor License Renewals for J.G. Cutter LLC dba/Barefoot Boy Restaurant (305-4-5), 45 East Grand Avenue, m-s-v in a Restaurant; and Alouette OOB Oceanfront Beach Resort Inc. dba/Alouette Beach Café Resort (303-1-11), 91 East Grand Avenue, m-v in a Hotel.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Approve the Liquor License Renewals as read.

VOTE: Unanimous.

# 6445 Discussion with Action: Canvass and certify the results of the Municipal Referendum Election and the RSU#23 Budget Validation Referendum held June 9, 2015.

**BACKGROUND:**

**RSU #23 BUDGET VALIDATION REFERENDUM**

Question #1:	Yes	353
	No	125

**OLD ORCHARD BEACH BALLOT REFERENDUM**

Question #1:        Yes            337  
                         No                141

**MOTION:** Vice Chair Thornton motioned and Councilor Blow seconded to Canvass and certify the results of the Municipal Referendum Election and the RSU#23 Budget Validation Referendum held June 9, 2015.

**VOTE:** Unanimous.

# 6446            Discussion with Action: Set a Public Hearing date of July 21<sup>st</sup>, 2015 to add Chapter 7, Sections 26-33, entitled "Sex Offender Residency Restrictions" to the Old Orchard Beach Code of Ordinances.

**BACKGROUND:**

**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 July 21, 2015, 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 Chapter 7, sections 26-33, entitled "Sex Offender Residency Restrictions", is being created by adding the underscored language below to the Old Orchard Beach Code of Ordinances:

**CHAPTER 7: SEX OFFENDER RESIDENCY RESTRICTIONS**

**Sec. 7-26. Title.**

**This Chapter shall be known as the "Town of Old Orchard Beach Sex Offender Residency Restriction Ordinance."**

**Sec. 7-27. Findings and purpose.**

**The Town promotes and strives to create a safe environment for its citizens to live and raise families and considers the promotion of the safety and welfare of children to be of paramount importance. The Town recognizes that sex offenders who prey upon children may have a high rate of recidivism. Notwithstanding the fact that certain persons convicted of sex offenses or sexually violent offenses are required to register pursuant to the Maine Sex Offender Registration and Notification Act of 1999, 34-A M.R.S.A. § 11201 et seq., as may be amended from time to time, the Town finds that further protective measures are necessary and warranted to safeguard places where children congregate. The purpose of this ordinance is to provide such further protective measures while balancing the interests and residential needs of sex offenders.**

**Sec. 7-28. Authority.**

**This ordinance is adopted in accordance with the provisions of 30-A M.R.S.A. § 3001 and 30-A M.R.S.A. § 3014, as may be amended from time to time.**

**Sec. 7-29. Definitions.**

**Setback - A 750 foot radius surrounding "Restricted Property."**

**Designated Sex Offender(s) - Person(s) convicted of Class A, B or C sex offenses**

committed against persons who had not attained 14 years of age at the time of the offense, regardless of whether the offense was committed in the State of Maine or another jurisdiction.

Residence – The temporary or permanent occupation or use of a place, including, but not limited to a domicile, for the purpose of living, residing or dwelling.

Restricted Property – (i) The real property comprising a public or private elementary, middle or secondary school; and (ii) the real property comprising a municipally owned property or State-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreation facility that is open to the public where children are the primary users.

#### Sec. 7-30. Restricted Property map; restrictions.

(a) The Planning Department, with the assistance of the Police Department, shall prepare and file with the Town Clerk and Police Department an official map showing Restricted Property as defined by this ordinance. Said map is hereby incorporated herein and made a part of this ordinance. The Planning Department, with the assistance of the Police Department, shall by July 1 of each year recommend updates to the map to the Town Council to reflect any changes in the locations of any Restricted Property and Setbacks. The Town Council may amend the Restricted Property official map by Council Order, and any amended official map shall be filed with the Town Clerk and the Police Department.

(b) No Designated Sex Offender shall reside within the Setback of any Restricted Property.

#### Sec. 7-31. Exceptions.

A Designated Sex Offender maintaining a residence within the Setback of a Restricted Property is not in violation of this ordinance if the residence was established and consistently maintained as a residence prior to August 4<sup>th</sup>, 2015, the date of adoption of this ordinance. A Designated Sex Offender is not in violation of this ordinance if the Restricted Property is created, moved or enlarged and such creation, movement or enlargement results in a Designated Sex Offender residing within the Setback of a Restricted Property, as long as the residence was in place and consistently maintained prior thereto.

#### Sec. 7-32. Violations and penalties.

(a) A Designated Sex Offender who, thirty (30) days after actual receipt of written notice sent by regular mail or hand-delivered from the Town, acting by and through its Police Department, is in violation of this ordinance shall be subject to an action brought by the Town to enforce the requirements of this ordinance. The Town may file a legal action against the violator seeking any and all remedies to which it is entitled pursuant to State and local laws, including, without limitation, declaratory and injunctive relief.

(b) The Town may also seek a penalty in the minimum amount of \$500.00 per day. Each day of violation shall constitute a separate violation. In the event the Town is the prevailing party in any action under this ordinance, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the Town. All civil penalties shall inure to the benefit of the Town of Old Orchard Beach.

**Sec. 7-33. Severability.**

**If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and**

**such holding shall not affect the validity of the remaining portions thereof.**

**MOTION: Councilor Blow motioned and Councilor Kelley seconded to Set a Public Hearing date of July 21<sup>st</sup>, 2015 to add Chapter 7, Sections 26-33, entitled "Sex Offender Residency Restrictions" to the Old Orchard Beach Code of Ordinances.**

**VOTE: Unanimous.**

**# 6447            Discussion with Action: Donate the 2005 GMC ¾ ton Pickup Truck with broken frame including plow, previously used by the Fire Chief, to the RSU23.**

**BACKGROUND:**

**This previously owned fire-department vehicle did not pass inspection for emergency services because of a broken frame. Using it for a plow and occasional use for the School is quite different than using it as an emergency vehicle towing a heavy trailer possibly to an out-of-town incident with five or six firefighters on it. The School would have one person in it. It could not be certified as an emergency services vehicle but the School is getting it welded and the Welder said he will certify it for non-emergency use only. The emergency vehicle that was purchased for the Fire Department will be used for going to meetings out-of-town; carrying training props we borrow from out-of-town back to Old Orchard; and if there is a group going to a training session they use this vehicle. The purchased emergency vehicle is used on a daily basis and responds to all types of emergency calls.**

**MOTION: Vice Chair Thornton motioned and Councilor Blow seconded to donate the 2005 GMC ¾ ton Pickup Truck with broken frame including plow, previously used by the Fire Chief, to the RSU23.**

**VOTE: Unanimous.**

**# 6448            Discussion with Action: Approval of Line Item Transfers for the following departments: Town Manager; Town Clerk; Planning; Insurance Expense; Police Department; Public Safety Building; Fire Department; Public Works; Waste Water Transfer Facility; Recreation; and General Assistance; as authorized by the Town Charter, Section 706 and 708.**

**21,000 from Contingency account number 20118-50350 with a balance of 75,571.69 to Town Manager General Legal Services 20102-50301 with a balance of (5615.45), and**

**5,500 from Town Manager Service Contracts account number 20102-50310 with a balance of 9,128.56, to Town Manager Postage/Shipping Expense 20102-50325 with a balance of (3,333.71), and**

**17,800 from Town Clerk Part-Time Wages account number 20107-50107 with a balance of 19,457.14 to Town Clerk Full-Time Wages 20107-50106 with a balance of (19,947.03), and**

1,000 from Elections Computer Support account number 20108-50454 with a balance of 1,324.51 to Town Clerk Full Time Wages 20107-50106 with a balance of (19,947.03), and

900.00 from Elections Printing/Copying account number 20108-50502 with a balance of 916.10 to Town Clerk Full Time Wages 20107-50106 with a balance of (19,947.03), and

2,600.00 from Board of Registrations Part-Time Wages account number 20109-50107 with a balance of 2,650.00 to Town Clerk Full Time Wages 20107-50106 with a balance of (19,947.03) and

3,000 from Code Enforcement Engineering Expense account number 20113-50300 with a balance of 9,033.77 to Planning Dept Advertising Expense 20110-50320 with a balance of (2060.60), and

30,000 from Separation Pay Expense account number 20119-50115 with a balance of 30,014.25 to In Lieu of Health Insurance Expense account number 20119-50124 with a balance of (26,851.56), and

5,692.00 from Unemployment Compensation Expense account number 20119-50373 with a balance of 21,343.00 to ICMA 457 Plan – Employer Share 20119-50203 with a balance of (1,141.1), and

3,402.00 from Unemployment Compensation Expense account number 20119-50373 with a balance of 15,651.00 to General/Vehicle/Flood Insurance Expense account number 20119-50371 with a balance of (3,402.00), and

10,000 from Police Seasonal Overtime 20131-50109 with a balance of 11,037.39 to Police Seasonal Reserves 20131-50104 with a balance of (7204.78), and 15,500 from Police Conferences/Training 20131-50251 with a balance of 15,777.29 to Police Seasonal Reserves 20131-50104 with a balance of (7204.78), and

1,500 from Police Electricity Expense 20131-50400 with a balance of 2,011.86 to Police Seasonal Reserves 20131-50104 with a balance of (7204.78), and

5,000 from Police Vehicle Fuel 20131-50510 with a balance of 10,364.81 to Police Service Contracts 20131-50310 with a balance of (7,554.20), and

3,012.00 from Police Operating Supplies 20131-50501 with a balance of 17,352.61 to Police Service Contracts 20131-50310 with a balance of (7,554.20), and

3,500 from Police Operating Supplies 20131-50501 with a balance of 14,340.61 to Police Heating Fuel Expense 20131-50405 with a balance of (1,351.11), and

2,988.00 from Police Operating Supplies 20131-50501 with a balance of 10,840.61 to Police Building Repair/Maintenance 20131-50450 with a balance of (4,137.40), and

500.00 from Police Travel/Food/Lodging Expense 20131-50252 with a balance of 567.81 to Police Building Repair/Maintenance 20131-50450 with a balance of (4137.40), and

1,012.00 from Police Networking/Internet Expense 20131-50404 with a balance of 2,335.81 to Police Building Repair/ Maintenance 20131-50450 with a balance of (4137.40), and

**5,500.00 from Police Operating Supplies 20131-50501 with a balance of 7,852.61 to Police Operating Equipment Repair 20131-50452 with a balance of (4,909.72), and**

**1,913.00 from Public Safety Electricity 20136-50400 with a balance of 2,166.18 to Public Safety Building Repair/ Maintenance 20136-50450 with a balance of (3016.66) and**

**1,322.00 from Public Safety Service Contracts 20136-50310 with a balance of 3,565.32 to Public Safety Building Repair/ Maintenance 20136-50450 with a balance of (3016.66) and**

**36,000 from Fire Dept Holiday Pay 20138-50113 with a balance of 36,000 to Fire Dept Full Time Wages 20138-50106 with a balance of (14,728.86) and**

**8,600.00 from Fire Dept Part Time Wages 20138-50107 with a balance of 20,136.37 to Fire Dept. Full Time Wages 20138-50106 with a balance of (14,728.86), and**

**3,051.00 from Fire Dept Conference/Training 20138-50251 with a balance of 3,051.41 to Fire Dept Full Time Wages 20138-50106 with a balance of (14,728.86), and**

**3,909.00 from Fire Dept Hydrant Rental 20138-50335 with a balance of 5,014.17 to Fire Dept Full Time Wages 20138-50106 with a balance of (14,728.86), and**

**9,711.00 from Fire Dept Annual Stipend 20138-50121 with a balance of 9,711.30 to Fire Dept Overtime Expense 20138-50111 with a balance of (17,900.84), and**

**6,000 from Fire Dept Operating Supplies 20138-50501 with a balance of 8,261.40 to Fire Dept Overtime Expense 20138-50111 with a balance of (17,900.84), and**

**1,200.00 from Fire Department Health Club – Employer Share 20138-50220 with a balance of 1,200.00 to Fire Dept Overtime Expense 20138-50111 with a balance of (17,900.84), and**

**13,477.00 from Debt Service Interest 20197-50395 with a balance of 22,689.00 to Fire Dept Overtime Expense 20138-50111 with a balance of (17,900.84), and**

**1,800.00 from Fire Dept Service Contracts 20138-50310 to Fire Dept Clothing Allowance 20138-50230 with a balance of (4,196.58), and**

**1,091.00 from Fire Dept Hydrant Rental Expense 20138-50335 with a balance of 1,105.17 to Fire Dept Clothing Allowance 20138-50230 with a balance of (4,196.58), and**

**500.00 from Fire Dept Phone/Cellular 20138-50402 with a balance of 1,007.53 to Fire Dept Clothing Allowance 20138-50230 with a balance of (4,196.58), and**

**700.00 from Fire Dept Equipment Testing 20138-50313 with a balance of 797.20 to Fire Dept Clothing Allowance 20138-50230 with a balance of (4,196.58), and**

**125.00 from Public Safety Operating Equipment Repair 20136-50452 with a balance of 651.92 to Fire Dept Clothing Allowance 20138-50230 with a balance of (4,196.58), and**

**6,720.00 from Debt Service Lease 20197-50330 with a balance of 6,720.15 to Fire Dept Operating Equipment 20138-50452 with a balance of (9,224.85), and**

**2,405.85 from Debt Service Principal 20197-50394 with a balance of 5,000.00 to Fire Dept Operating Equipment 20138-50452 with a balance of (9,224.85), and**

**16,500 from Public Works Construction Overtime 20151-50110 with a balance of 16,902.85 to Public Works Overtime 20151-50111 with a balance of (11,672.43), and**

**1,350.00 from Public Works Water Expense 20151-50401 with a balance of 1,889.40 to Public Works Overtime Expense 20151-50111 with a balance of (11,672.43), and**

**4,100.00 from Public Work Dept Head Salary 20151-50101 with a balance of 8,317.40 to Public Works Equipment Rental Expense 20151-50336 with a balance of (7,870.00), and**

**3,000 from Public Works Operating Supplies 20151-50501 with a balance of 5,386.31 to Public Works Equipment Rental Expense 20151-50336 with a balance of (7,870.00), and**

**250.00 from Public Works Water Expense 20151-50401 with a balance of 539.40 to Public Works Equipment Rental Expense 20151-50336 with a balance of (7,870.00), and**

**520.00 from Public Works Phone/Cellular Expense 20151-50402 with a balance of 1,132.23 to Public Works Equipment Rental Expense 20151-50336 with a balance of (7,870.00), and**

**12,000.00 from Public Works Electrical Repairs Expense 20151-50455 with a balance of 12,489.11 to Public Works Operating Equipment Repair 20151-50452 with a balance of (24,903.16), and**

**12,000.00 from Public Works Professional Engineering 20151-50300 with a balance of 15,033.79 to Public Works Operating Equipment Repair 20151-50452 with a balance of (24,903.16), and**

**1,000 from Public Works Heating Fuel 20151-50405 with a balance of 2,101.96 to Public Works Operating Equipment Repair 20151-50452 with a balance of (24,903.16), and**

**31,380.00 from Debt Service Interest 20197-50395 with a balance of 54,069.00 to Public Works Road Salt Expense 20151-50515 with a balance of (31,379.73), and**

**9,212.00 from Debt Service Interest 20197-50395 with a balance of 22,689.00 to Public Works Vehicle Fuel 20151-50510 with a balance of (3,412.24)**

**5,000.00 from Waste Water Tipping Expense 20161-50340 with a balance of 40,221.94 to Waste Water Overtime Expense 20161-50111 with a balance of (3,241.46)**

**6,000 from Waste Water Tipping Expense 20161-50340 with a balance of 35,221.94 to Waste Water Laboratory Expense 20161-50305 with a balance of (4,325.01)**

**7,000.00 from Waste Water Equipment Replacement 20161-50330 with a balance of 20,474.90 to Waste Water Building Repair/Maintenance 20161-50450 with a balance of (5,998.11), and**

**2,800.00 from Recreation Vehicle Repair 20171-50453 with a balance of 2,932.45 to Recreation Other Facilities Maintenance/Improvement 20171-50509 with a balance of (4,124.11), and**

1,000 from Recreation Vehicle Fuel 20171-50510 with a balance of 1,331.38 to Recreation Other Facilities Maintenance/Improvement 20171-50509 with a balance of (4,124.11), and

324.11 from Recreation Service Contracts 20171-50310 with a balance of 2001.05 to Recreation Other Facilities Maintenance/Improvement 20171-50509 with a balance of (4,124.11), and

2,807.00 from Finance Department Consulting/Financial Advisor 20105-50403 with a balance of 3,000 to General Assistance Dept Head Salary 20191-50101 with a balance of (24.40).

**MOTION:** Councilor Tousignant motioned and Councilor Blow seconded to approve the line item changes as read.

**VOTE:** Unanimous.

John Bird, member of the previous Charter Commission informed the Council that they have broken the Charter by not addressing these line items when they occurred rather than all at once as done this evening. The Chair responded by saying that he is aware of how the Council has addressed this issue and recognizes that a line item budget helps us stay focused on where the money is going each month and detailing the total revenue stream and allotting it out in increments for specific expenditures. Creating a line items budget helps us get a handle on where the money is needed and where it is going and assists us in the aligning of the new budget to our needs. He said he was satisfied with the Administration's approach to this issue to which Mr. Bird said they were breaking charter.

**# 6449            Discussion with Action: Adoption of the FY 2016 Municipal Budget.**

The Chair commented that the budget process was very well conducted and thanked the Town Manager and Finance Director and the Department Heads for their outstanding work in putting the budget together. The budget was very frugally put together so there were very few areas where cuts could be made. Over the past years the Council have sought not to raise taxes but at this point in time, and probably in the future, that is not possible. We have many services that need to be funded; and salaries do get increased; and our infrastructure is in bad need of upgrades; so all these issues need us to recognize that tax increases are necessary. It would appear that with the assumption of our town assessed value that this will be a \$.40 increase in the tax rate. He again thanked all those including the Finance Committee who did a marvelous job of contributing to the direction of the Council and their commitment was invaluable.

**VICE CHAIR THORNTON** motioned to Approve an FY16 Municipal Operating Budget Appropriation in the amount of \$14,259,186.

**MOTION:** COUNCILOR BLOW seconded the motion.

**VOTE:** Unanimous.

**COUNCILOR KELLEY** motioned to Amend the main motion in order to reduce the Libby Memorial Library budget appropriation – Account Number – 20175-50350 – Annual

**Appropriation/Subsidy Expense - by \$10,000 to a total of \$245,000, resulting in an FY16 operating budget appropriation of \$14,249,186.**

**MOTION: COUNCILOR BLOW seconded the motion.**

**VOTE: Unanimous.**

**Councilor Thornton explained that he felt after discussion with the Library staff after the last workshop that \$245,000 is sufficient for them to run their program and that he hoped that next time the documentation of spending could be more definitive.**

**COUNCILOR KELLEY motioned to Approve an FY16 Capital Improvement Program Appropriation of \$1,282,000.**

**MOTION: COUNCILOR TOUSIGNANT seconded the motion.**

**VOTE: Unanimous.**

**COUNCILOR TOUSIGNANT motioned to Approve a Non-Property Tax Revenue Appropriation of \$3,135,980.**

**MOTION: COUNCILOR BLOW seconded the motion.**

**VOTE: Unanimous.**

**COUNCILOR BLOW motioned to Appropriate \$550,000 from the Undesignated Fund Balance; \$625,000 from the Rescue Fees Revenue Billing Fund; and \$384,000 from the 2008 Road, Water and Sewer Bond; for the purpose of reducing the FY16 Property Tax Commitment.**

**MOTION: VICE CHAIR THORNTON seconded the motion.**

**VOTE: Unanimous.**

**# 6450 Discussion with Action: Set due dates of 9/16/15 and 3/16/16, for taxes for FY2016.**

**MOTION: Vice Chair Thornton motioned and Councilor Blow seconded to Set due dates of 9/16/15 and 3/16/16 for taxes for FY2016.**

**VOTE: Unanimous.**

**# 6451 Discussion with Action: Set interest rate of 7% for delinquent taxes.**

**MOTION: Councilor Kelley motioned and Councilor Blow seconded to Set the Interest Rate of 7% for delinquent taxes.**

**VOTE: Unanimous.**

**# 6452 Discussion with Action: Authorize the Tax Collector and Treasurer to Accept Prepayments of Taxes before Commitment, at an interest rate of 0%, pursuant to 36 M.R.S.A., Section 506.**

**MOTION: Councilor Blow motioned and Councilor Kelley seconded to Authorize the Tax Collector and Treasurer to Accept Prepayments of Taxes before Commitment, at an interest rate of 0%, pursuant to 36 M.R.S.A., Section 506.**

**VOTE: Unanimous.**

**# 6453 Discussion with Action: Authorize the Finance Director to Set the Percentage for Sewer Rate for FY2016 to Reflect the Percentage of the Tax Bill Used for the Operation of the Waste Water Treatment Plant after Approval of the Budget.**

**MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Authorize the Finance Director to Set the Percentage for Sewer Rate for FY2016 to Reflect the Percentage of the Tax Bill Used for the Operation of the Waste Water Treatment Plant after Approval of the Budget.**

**VOTE: Unanimous.**

**# 6454 Discussion with Action: Authorize and Direct the Assessor to Prepare a Perfect List of All Taxes of the Municipality and to Commit the same to the Tax Collector.**

**MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Authorize and Direct the Assessor to Prepare a Perfect List of All Taxes of the Municipality and to Commit the same to the Tax Collector.**

**VOTE: Unanimous.**

**# 6455 Discussion with Action: Authorize and Direct the Tax Collector and Treasurer, Pursuant to 36 M.R.S.A., Section 906, to Apply any Tax Payment Received from an Individual as Payment for any Property Tax Against Outstanding or Delinquent Taxes due on said Property in Chronological Order Beginning with the Oldest Unpaid Tax Bill provided, however, that No Such Payment May Be Applied to any Tax for which an Abatement Application or Appeal is pending unless Approved in Writing by the Taxpayer.**

**MOTION: Vice Chair Thornton motioned and Councilor Blow seconded to Authorize and Direct the Tax Collector and Treasurer, Pursuant to 36 M.R.S.A., Section 906, to Apply any Tax Payment Received from an Individual as Payment for any Property Tax Against Outstanding or Delinquent Taxes due on said Property in Chronological Order Beginning with the Oldest Unpaid Tax Bill provided, however, that No Such Payment May Be Applied to any Tax for which an Abatement Application or Appeal is pending unless Approved in Writing by the Taxpayer.**

**VOTE: Unanimous.**

**GOOD AND WELFARE:**

**KING WEINSTEIN:** Mr. Weinstein brought up again to the Council the repayment of back due taxes in the amount of approximately \$130,000 on condo properties owned by Smithwheel Road LLC. Mr. Weinstein proposed to acquire the seven condo properties that are in tax foreclosure to the Town as he is working with Smithwheel LLC to pay back taxes through the LLC and then turn around and purchase from property from LLC. Mr. Weinstein asked the Council to give some consideration to this proposal. The Chair indicated it will be under advisement.

**ADJOURNMENT:**

**MOTION:** Councilor Tousignant motioned and Councilor Blow seconded to adjourn the Town Council Meeting at 8:22 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 nineteen (19) pages is a copy of the original Minutes of the Town Council Meeting of June 16, 2015.

V. Louise Reid