

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL SPECIAL MEETING  
Tuesday, September 20, 2016  
TOWN HALL CHAMBERS  
6:30 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, September 20, 2016. Chair O'Neill opened the meeting at 6:30 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

**EMERGENCY ITEM:**

**Chair:** May I have a motion to add under Public Hearing – Business Licenses – per Section 404.1 of the Town Charter.

**MOTION:** Vice Chair Thornton motioned and Councilor Blow seconded to add under Public Hearing – Business Licenses – Keith Grandy (103-1-5-37), 2 New Colony Drive, Unit #37, one year round rental.

**VOTE:** Unanimous.

**PRESENTATION:**

**MTCCA - CLERK OF THE YEAR**

**TOWN MANAGER:**

Kim McLaughlin, our Town Clerk, was certified as a Maine Clerk in 2004 and recertified in 2007 and life time certification in 2011. She became the Town Clerk for Old Orchard Beach on November 7, 2000. She has served as Past President of the Maine Town and City Clerk's Association and taught classes for them since 2007 in Licensing, New Clerks, Record Management, Registrar of Voters, Title 21-A, and Vital Records. She has a very impressive history having been elected to the Town Council for two terms; worked for the municipality as a dispatcher; provided service in Saco as Police Officer; served in the York County District Attorney's office as a Victim Witness Advocate. She has been involved for many years with the Town's Halloween Party; the Chamber of Commerce Car Show; Woolstock at the Ballpark; Rev 3; and is totally responsible for the Town's outstanding Memorial Day Parade. She also administers the local Television Channel 3. Her educational background is impressive. She received outstanding recommendations from our Assistant Town Manager, from Cheryl Pouloupoulos – Director of the Seaside Pavilion, from James Harmon, former head of the Old Orchard Beach Chamber of Commerce, from Police Chief Dana Kelley, and from John Myers, Jr., Buxton Town Clerk. It is with personal pride that we present this evening – the MTCCA CLERK OF THE YEAR.

## **ACKNOWLEDGEMENT:**

**COUNCILOR KELLEY:** We were thrilled with the great success of the Car Show sponsored by the Chamber of Commerce this past weekend. It was an outstanding weekend with greater crowds than we have seen in some time and congratulation Chamber of Commerce Director, Kim Verreault and her staff. We also would thank our Town Clerk, Kim McLaughlin, for her support of this event. She faithfully provides this service every year. He also thanked the Fire Department for their excellent participation and work to make this event a success.

We also want to thank Paul Golzbein for putting on the Chilfest at the Pier and for supporting funds toward the Community Animal Watch. We were hoping to raise sufficient funds for Zeus, a pet owned by a little girl by the name of Alexandria, to have a life-saving operation. Several private citizens have already sent in donations toward this cause but we are grateful for all those attending the Chilfest and for raising \$767 and for Paul Golzbein giving a donation so that we reached \$1,000. Zeus was operated on today. Thanks to everyone.

## **ACCEPTANCE OF MINUTES:**

**Discussion with Action:** Accept the Town Council Minutes of September 6, 2016.

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

**VOTE:** Unanimous.

## **BUSINESS LICENSES AND APPROVAL:**

**CHAIR:** I open this Public Hearing at 6:38 p.m.

James Citrocapes, Melissa Snyder & Steve Snyder (313-2-3), 13 Bay Avenue, three (3) seasonal rentals; Kelly Flood/Mary Edwards (105A-1-H50), 96 Wild Dunes Way, one year round rental; Cynthia Boulay (310-6-1-55), 39 West Grand Avenue, Unit #55, one year round rental; Stephanie Levelle (311-23-5), 11 Thirteenth Street, one year round rental; Stacy Maquire (312-5-11), 14 Fern Avenue, one seasonal rental; Diana Chea (312-15-7), 35 Central Park Avenue, one year round rental; Jody Foley (formerly Linda Glantz) – Caribbean Hair (306-6-1-A), 2 Old Orchard Street, Seasonal Business on the Pier; Charles Roy (202-2-4-1D), 205 East Grand Avenue, Unit 1D, one year round rental; and Keith Grandy (103-1-5-37), 2 New Colony Drive, Unit 37, one year round rental.

**CHAIR:** I close this Public Hearing at 6:39 p.m.

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

**VOTE:** Unanimous.

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

The Town Manager reported that paving and shoulder work is completed on Cascade Road. Striping will still need to be done. Looks great. The cost of the work was split equally between the Town and the State. Next season the remainder of Cascade Road will be done between Ross Road and Portland Avenue. Most of the J-1 students have returned home by now, although some of them are still working at Landry's Market. He attended a meeting last week to discuss housing for J-1 students as well as other related issues. Housing continued to be a growing concern. The information given to the town Manager shows a significant increase in the number of students living and working here over the past two years, from 460 to almost 800. That is a 70% increase. At the same time the need for seasonal workers is growing. Very hard for many businesses to find enough people to meet their needs. Bottom line is we need more housing. Plan on meeting with local businesses and sponsoring agencies very soon to develop strategies to address the issues. The Town Manager met last week to re-start bargaining with our Fire Department Union for anew employment agreement. The Town Manager has invited property owners from First Street between Heath and Ocean Avenue to a meeting on September 28<sup>th</sup> to get information about a proposed project, including new sidewalks and drainage improvements. The proposed sidewalk work will affect the size of a number of driveway entrances and this will give property owners an opportunity to see what is planned and give there comments. On 9/11 the Town Manager was asked to speak at the flag-raising ceremony at Memorial Park to honor those who died on that horrific day. He thanked the volunteers who every single evening during the extended summer season pay tribute to our nation's veterans with a wonderful flag raising ceremony. There are two more special flag raising ceremonies remaining this year at the Park – November 11<sup>th</sup> – Veteran's Day and December 7<sup>th</sup> – Pearl Harbor Day.

6793            Discussion with Action: Approval of the Old Orchard Beach Patrolmen's Association – Maine Association of Police Union Contract, effective July 1, 2016 to June 30, 2019.

## **BACKGROUND:**

The Town and the Police Union have reached a tentative agreement for a three-year collective bargaining agreement for the period July 1, 2016 through June 30, 2019. The new agreement includes the following:

**Wages:** 2% pay increases in each of the three contract years.

**Holidays:** Employees hired after July 1, 2016 will not receive Easter as a paid holiday.

    Currently employees do receive Easter as a paid holiday.

**Shift differential:** Increase third shift differential from 25¢/hr to 50¢/hr.

**Vacation time:** Employees hired after July 1, 2016 will accrue vacation time immediately upon hire. They are allowed to carry over up to 15 days of vacation time (currently employees can carry over up to 25 days).

**Personal time:** Employees hired after July 1, 2016 will receive 2 personal leave days annually (currently employees receive 4 personal days annually).

**Education stipend:** Increase educational stipend by \$250 per year.

**Fitness requirement:** Overtime will no longer be paid to employees taking the fitness test. The fitness test will no longer qualify as a call back work situation. The fitness test is no longer a requirement of employees but those employees who meet the fitness requirement shall receive a \$500 cash bonus (the bonus amount is unchanged from the current contract).

**Health insurance:** The Town may offer alternatives in health plan coverage to employees.

Jerome Begert asked if a copy of this contract, once signed, would be available in the Town Clerk's office.

**MOTION:** Councilor Tousignant motioned and Councilor Blow seconded to Approve the Old Orchard Beach Patrolmen's Association – Maine Association of Police Union Contract, effective July 1, 2016 to June 30, 2019.

**VOTE:** Unanimous.

# 6794            Discussion with Action: Approve the purchase of and new Ford F-550 Chassis Cab XL Truck for the Public Works Department from Yankee Ford, in the amount of \$54,462; from Account Number 50002-50551 – Public Works Capital Operating Equipment, with a balance of \$109,862.98.

**BACKGROUND:**

The RFP was for two (2) Ford F-550 Cassis Cab XL. Drawing specifications were required, information on the warranty of the vehicles, and also service requirements. Delivery time was also required. Wastewater is requesting a new F-550 chassis Cab XL Regular Cab, 169 inch Wheelbase, 7L4 valve OHV power stroke v8 Turbo Diesel, b20 Engine, 6 speed Automatic with Select Shift Transmission (6r140), 4x4, 4.88 limited slip axle, dual rear wheels. Public Works Department is requesting a new Ford F-500 Chassis Cab XL Regular cab, 145 inch wheelbase, 8L3 Valve Gas SOHC EF1 NA V10 Engine, 6 Speed Automatic with Selectshift Transmission, 4x4, 4.88 Non Limited slip Axle, DRW.

The Request for Proposal was sent out to the following by e-mail to the following firms.

- Prime Motor – Saco, Maine  
[zcasey@primemotorgroup.com](mailto:zcasey@primemotorgroup.com)
- Arundel Ford – Arundel, Maine  
[jlabbe@arundelford.com](mailto:jlabbe@arundelford.com)
- Rowe Ford – Westbrook, Maine  
[bwhiting@roweford.com](mailto:bwhiting@roweford.com)
- Whited Ford Truck Center  
[tony@whitedtruck.com](mailto:tony@whitedtruck.com)
- Casco Bay Ford  
[john@casobayford.com](mailto:john@casobayford.com)
- Yankee Ford  
[Espo3399@aol.com](mailto:Espo3399@aol.com)

Bids were received from the following:

Yankee Ford:	Public Works Vehicle	\$54,462.00
Rowe Ford:		\$56,262.39

Jerome Begart asked if insurance is included in these projections and the answer was yes.

Administration has recommended the purchase from Yankee Ford.

**MOTION:** Vice Chair Thornton motioned and Councilor Tousignant seconded to Approve the purchase of and new Ford F-550 Chassis Cab XL truck for the Public Works Department from Yankee Ford, in of \$54,462; with an additional \$2,285 for the extended

warranty, for a total of 56,747, from Account Number 50002-50551 – Public Works Capital Operating Equipment, with a balance of \$109,862.98.

VOTE: Unanimous.

# 6795 Discussion with Action: Approve the purchase of and new Ford F-550 Chassis Cab XL Truck for the Wastewater Department from Yankee Ford, in the amount of \$50,005; as approved by lease purchase, from Account Number 20197-50330 – Equipment Lease Purchase, with a balance of \$201,814.79.

**BACKGROUND:**

The RFP was for two (2) Ford F-550 Cassis Cab XL. Drawing specifications were required, information on the warranty of the vehicles, and also service requirements. Delivery time was also required. Wastewater is requesting a new F-550 chassis Cab XL Regular Cab, 169 inch Wheelbase, 7L4 valve OHV power stroke v8 Turbo Diesel, b20 Engine, 6 speed Automatic with Select Shift Transmission (6r140), 4x4, 4.88 limited slip axle, dual rear wheels. Public Works Department is requesting a new Ford F-500 Chassis Cab XL Regular cab, 145 inch wheelbase, 8L3 Valve Gas SOHC EF1 NA V10 Engine, 6 Speed Automatic with Selectshift Transmission, 4x4, 4.88 Non Limited slip Axle, DRW

The RFP was sent to the following:

Prime Motor – Saco, Maine  
[zcasey@primemotorgroup.com](mailto:zcasey@primemotorgroup.com)  
Arundel Ford – Arundel, Maine  
[jlabbe@arundelford.com](mailto:jlabbe@arundelford.com)  
Rowe Ford – Westbrook, Maine  
[bwhiting@roweford.com](mailto:bwhiting@roweford.com)  
Whited Ford Truck Center  
[tony@whitedtruck.com](mailto:tony@whitedtruck.com)  
Casco Bay Ford  
[john@casobayford.com](mailto:john@casobayford.com)  
Yankee Ford  
[Espo3399@aol.com](mailto:Espo3399@aol.com)

Bids were received from the following:

*Wastewater Dept.*

- Yankee Ford \$50,005
- Rowe Ford \$50,791.59

Administration has recommended the purchase from Yankee Ford.

**MOTION:** Councilor Kelley motioned and Vice Chair Thornton seconded to Approve the purchase of and new Ford F-550 Chassis Cab XL Truck for the Wastewater Department from Yankee Ford, in the amount of \$50,005; as approved by lease purchase, from Account Number 20197-50330 – Equipment Lease Purchase, with a balance of \$201,814.79.

VOTE: Unanimous.

**# 6796 Discussion with Action: Approve the services of Ted Berry Company for the annual cleaning of the wet wells at the Wastewater Treatment Facility and Pump Stations, in the amount of \$30,000 from Account Number 20161-50342 – Waste Pumping Expense, with a balance of \$30,000.**

**Background:**

This is an annual cleaning process required for the upkeep of the wet wells at the Waste Water Treatment Facility and the Pump Station which has annually been done by Ted Berry Company.

**MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Approve the services of Ted Berry Company for the annual cleaning of the wet wells at the Wastewater Treatment Facility and Pump Stations, in the amount of \$30,000 from Account Number 20161-50342 – Waste Pumping Expense, with a balance of \$30,000.**

**VOTE: Unanimous.**

**# 6797 Discussion with Action: Approve the purchase of a De-watering Screw Press for the Waste Water Department Process Building upgrades, from Huber Technology in the amount of \$218,000, subject to bond financing to be issued in Spring 2017, in the amount not to exceed \$857,000, as approved at the November 3, 2015 Municipal Referendum Election.**

**BACKGROUND:**

As part of the process building and dewatering improvement project approved by the voters this department is submitting for approval the purchase of one piece of dewatering equipment. This piece of equipment is to be purchased directly by the town. In 2015 the department facilitated the testing of multiple pieces of dewatering equipment. The vendors then submitted their proposals and performance guarantees to Wright Pierce. Wright Pierce then analyzed the proposals and graded them based on monetary and non-monetary scoring system. The technology preferred by staff is commonly referred to as a screw press. Three (3) vendors that use alternative technologies were eliminated at the beginning of the process. That left Huber, Ishigaki and FKC. Because their life estimated life cycle costs FKC was eliminated at the beginning of the process. The final vendors considered were Ishigaki and Huber. I have included the final summary in the packet as it is in a summary below.

**Budgetary cost:**

Huber: \$218,000

Ishigaki: \$150,000

**20 year life cycle costs based on equipment costs, disposal costs, electrical costs and chemical costs:**

Huber: \$2,554,862

Ishigaki: \$2,797,445

**Number of claimed US municipal installs:**

Huber: 147

Ishigaki: 5

Ishigaki made multiple changes to their proposals throughout the process. Ishigaki's first submission was for a unit that was substantially larger and more expensive than the other submissions. In the second submission Ishigaki presented a smaller unit that did not meet specifications. The third submission was for the same unit at a lower cost, but Ishigaki claimed it would now meet specifications. Using the third submission Wright Pierce reevaluated the Ishigaki and Huber. Using a monetary and non-monetary grading system this put Ishigaki and Huber in a tie.

Due to the lack of installs in this area staff was unable to view the physical operation of the Ishigaki dewatering equipment. Information from an install at the Saint-Hyacinthe Quebec wastewater facility indicates that Ishigaki did not meet the performance guarantee for multiple criteria. Huber has multiple installs in the area including Biddeford ME, Gardiner ME, Dover NH and Durham NH. After speaking with staff at these facilities Huber has met the performance guarantees.

Based on the Wright Pierce report, data from the onsite pilot tests and multiple discussions staff are recommending the town purchase the Huber dewatering screw press.

**MOTION:** Vice Chair Thornton motioned and Councilor Tousignant seconded to Approve the purchase of a De-watering Screw Press for the Waste Water Department Process Building upgrades, from Huber Technology in the amount of \$218,000, subject to bond financing to be issued in Spring 2017, in the amount not to exceed \$857,000, as approved at the November 3,2015 Municipal Referendum Election.

**VOTE:** Unanimous.

# 6798      Discussion with Action: Accept the quote of \$5,272.68 from Champion Auto for the refurbishing of Public Works Truck 9 Cab and Chassis, from Account Number 50002-50551 – Public Works Equipment, with a balance of \$109,862.98.

**BACKGROUND:**

The Public Works Department received two quotes from companies that do this type of work.

CHAMPION AUTO	CAB	\$3,247.90	
	CHASSIS	2,024.72	
	TOTAL		\$ 5,272.62
COACHWORKS	CAB	\$2,736.98	
	CHASSIS	2,882.53	
	TOTAL		\$5,619.51

**MOTION:** Councilor Kelley motioned and Councilor Tousignant seconded to Accept the quote of \$5,272.68 from Champion Auto for the refurbishing of Public Works Truck 9 Cab and Chassis, from Account Number 50002-50551 – Public Works Equipment, with a balance of \$109,862.98.

**VOTE:** Unanimous.

**# 6799 Discussion with Action:** Consider condition of sale on tax-acquired property at 19 Fern Avenue.

**BACKGROUND:**

The Town has taken possession through foreclosure of a dilapidated, uninhabitable single-family house at 19 Fern Ave (the corner of 2<sup>nd</sup> and Fern). The Town Manager proposes to advertise the property for sale as permitted by the Town charter and under the policy for disposition of tax-acquired property. There are several individuals who have expressed an interest in purchasing the property, including people who own property nearby. If the Council agrees, conditions would be placed on the sale so that the property continues to be used for residential purposes and not for off-street parking, and so that improvements are made to the property within a reasonable period of time.

Taxes have not been paid on the property since 1997. Unpaid taxes amount to over \$31,000. Interest charges are in excess of \$28,000, leaving the total amount due at \$59,331. Almost no maintenance was done to the structure for many years. There is significant water damage in numerous places. The roof is structurally deficient. The electrical wiring is not up to code. As a result the house is, at best, in need of total renovation, and probably would more practically be demolished.

Conditions of sale could include the following:

A performance bond would be required of the buyer.

The only permissible use of the property would be residential. The property may not be used for parking other than that which is permitted for any residential use of the property. This condition would be recorded with the deed.

The property may not be used for short-term rentals (less than monthly). This condition would be recorded with the deed.

Within one year of transfer of property the structure must be either demolished or, if not demolished, substantial progress shall have been achieved in the renovation of the existing structure. Substantial progress shall mean that the renovated structure shall be structurally sound and weather tight, with completed exterior siding, as determined by the Town enforcing the Maine uniform building code. Failure to meet this condition of sale would result in the forfeiture of the performance bond.

A certificate of occupancy for a residential structure will be secured within 18 months of the sale of the property. Failure to meet this condition would result in the forfeiture of the performance bond.

There are a number of properties in this neighborhood that have recently undergone investment in improvements and upgrades. The proposed conditions would result in a

property that contributes to the neighborhood and provides an incentive for future investment by other nearby property owners.

Under the Town's charter the sale of the property will be by sealed bid. The Council has the right to reject any bid in its discretion. The Council may also wish to establish a minimum bid amount.

The Town Council thanked the Town Manager for the extensive work done on this proposal. There were questions as to the fairness of the recommendation in light of a regular home owner could not follow the same procedure. That is not the case since a homeowner can stipulate certain reservations in a sale, perhaps to the extent that this proposal is but the proposal is being made to solidify the continuing neighborhood so that it is not so transient but rather family-oriented. To some of the questions the Town Manager indicated that a restrictive covenant which is a provision in a deed used to prohibit certain uses of a piece of property. A covenant is a type of contractual arrangement. A restrictive covenant is a clause in a deed or lease to real property that limits what the owner of the land or lease can do with the property. Restrictive covenants allow surround property owners who have similar covenants in their deeds to enforce the terms of the covenants in a court of law. It was mentioned in the discussion that the Assistant Town Manager has already received over fifty indications of interest in this particular property.

**MOTION:** Councilor Tousignant motioned and Councilor Blow seconded to Approve the conditional sale of 19 Fern Avenue.

**VOTE:** Yea: Vice Chair Thornton, Councilors Blow, Kelley, Tousignant  
Nea: Chair O'Neill



**# 6800 Discussion with Action: Approve the Special Event Permit application for 3C Race Productions to hold a half marathon/5K on Sunday, October 9<sup>th</sup>, 2016, Registration at the Ballpark from 6:30 a.m. to 8:30 a.m.; race from 9:00 a.m. to Noon; and take down by 1:00 p.m.**

**BACKGROUND:**

All department heads have signed off on this event but the Police Department is requesting the assignment of four Police Officers.

**MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Approve the Special Event Permit application including the assignment of four Police Officers to the event.**

**VOTE: Unanimous.**

**GOOD AND WELFARE:**

**JEROME BEGERT: He asked if the two workshops following this meeting will be televised and the Chairman said that it would.**

**ADJOURNMENT:**

**MOTION: Vice Chair Thornton motioned and Councilor Blow seconded to Adjourn the Town Council Meeting at 7:15 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 eleven (11) pages is a copy of the original Minutes of the Special Town Council Meeting of September 20, 2016.  
V. Louise Reid