

TOWN OF OLD ORCHARD BEACH, MAINE
ADMINISTRATIVE HEARING
Thursday, April 10, 2014
4:00 p.m.

An Administrative Hearing was called to order at 4:00 p.m. on Thursday, April 10, 2014 to consider administrative review.

The following were in attendance:

Town Manager Larry Mead
Assistant Town Manager, Louise Reid
Code Enforcement – Dan Finney
Planner – Jeffrey Hinderliter
Kenneth Lafayette
Tina Kelly
Police Chief Dana Kelley
Fire Chief John Glass

Absent: Marc Bourassa
 Gary Curtis

The Landing -29 Saco Avenue, MBL# 206-27-10.

Michael Lyden, Manager of The Landing, attended at the request of Ed Jackson, owner of both The Landing and the Fern Park Cottages. The Board expressed their disappointment that Mr. Jackson did not attend in view of the enormous amount of complaints on both properties. Mr. Lyden said he was hired in July of 2013 and that his responsibility was to stay at the property during the day but he did live off site, in Saco, in the evening hours. The enormity of complaints included domestic violence complaints, thefts, medical issues, rescue, drugs, warrants and fights. He acknowledged that there were several families with children living in the complex and that some of the issues were related to them and that it is difficult to evict families with children. The issue of the clients being told not to call police when there are issues is something that the Board disagreed with and instructed that people need to feel comfortable calling the Police and that it really has little effect on the fact that issues are occurring there. One of the recommendations made was that someone should be on site twenty-four hours a day and not just during the day. Questions were raised on security in the area and although they have a security system it was evident that it was not working to the full extent of the equipment and it was low quality equipment. When an Administrative Board meeting was held previously with Mr. Jackson when he purchased this property he promised to update the sign and the cabins and other parts of the property. Very little of that has been done and it was mentioned that over two-and-a-half years ago Mr. Jackson was told to upgrade the signage and that was even done except to paint over "Caris." The number of complaints is totally out of line with acceptable business practice. Issues were raised of the cottages having frozen water pipes, unacceptable heating for the units, too many individuals in the units, and questions on whether two bedrooms are really one bedroom because one bedroom is really a closet. One

of the other complaints was that there have been complaints from visitors who paid for accommodations only to find that they were not the quality of what it appeared they were expecting to get and their money was not refunded. This was totally unacceptable to the Board. The Board reiterated their appreciation that Mr. Lyden attended but that there question as to the real interest by the owner and his lack of willingness to make the effort to be here for that meeting.

MOTION: Chief Dana Kelley motioned and Ken Lafayette seconded that the license be renewed subject to the following conditions:

The nine cabins shall be allowed to be rented only from May 1st through October 15th. There shall be no winter rentals of cabins. There will be a re-inspection of cabins by Code within six months. Any denial of access by the Code Enforcement Officer during the licensing period shall be cause for license revocation.

VOTE: Unanimous.

Fern Park Cabins – 74 Saco Avenue – MBL 206-10-6

Again, Michael Lyden had been asked by Ed Jackson to represent him again even though Mr. Lyden does not manage the Fern Park Cabins. Again the Board indicated their concern and consternation that Mr. Jackson did not see the importance of being at this Hearing particularly since two of the businesses are owned by him and are being brought up before the Board for serious issues which could greatly impact the possible repeal of his license. There are fourteen cottages which are rented only in the summer when these issue rise to concern including the rental of cottages to International Students and putting more than capacity into those cottages. Some of the issues for which service calls have been made including drugs, issues related to children in association with those dealing drugs, alcohol, parties, domestic issues, etc. The question of good management issues related to this business as well as the Landing was raised and the need for someone to be on the property all the time. The issue of a bad relationship between those renting the Fern Park Cabins and the harassment felt by local business owners in the facility of the Motel was raised by the Assistant Town Manager. The concern that small children are living next to people where the question of drug abuse is being raised was addressed. There were several code issues that needed to be addressed as well and the business will not be permitted to open until these issues are addressed including carbon monoxide equipment, doors, signage, etc. The responsibility of the issues related here is that of the business owner and responsibility lies with him.

MOTION: Kenneth Lafayette motioned and Chief Dana Kelley seconded to renew the license subject to the following conditions: all code issues are corrected and acceptable to the Code Enforcement Officer. The rental of the cabins is allowed only from May 1st through October 15th. The cabins cannot be rented to J-1 students. Any denial of access by the Code Enforcement Officer during the licensing period shall be cause for license revocation.

VOTE: Unanimous.

The Board thanked Mr. Lyden for his professionalism and courtesy and reiterated again their disappointment that Mr. Jackson did not see the importance of being in attendance himself. The Board also recommended to Mr. Lyden that Mr. Jackson needs to establish a more business-like documentation program for the rental process including background checks and the use of a lease.

The Administrative Board meeting ended at 5:20 p.m.

Respectfully Submitted,

A rectangular area that has been redacted with a dense pattern of small dots, obscuring the signature of V. Louise Reid.

**V. Louise Reid
Secretary to the Administrative Board**

I, V. Louise Reid, Secretary to the Administrative Board of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of three (3) pages is a true copy of the original Minutes of the Administrative Hearings held on Thursday, April 10, 2014.