

**TOWN OF OLD ORCHARD BEACH, MAINE
ADMINISTRATIVE HEARING
Tuesday, May 27, 2014
4:00 p.m.**

An Administrative Hearing was called to order at 4:00 p.m. on Tuesday, May 27, 2014 to consider administrative review.

The following were in attendance:

**Town Manager Larry Mead
Marc Bourassa
Assistant Town Manager, Louise Reid
Code Enforcement – Dan Finney
Planner – Jeffrey Hinderliter
Kenneth Lafayette
Police Chief Dana Kelley
Fire Chief John Glass
Gary Curtis**

Absent: Tina Kelly

The Town Manager served in his capacity of Chair of the Administrative Board and asked each of the Board members to introduce themselves to those in attendance during this day's review. The authority of the Administrative Review Board comes from the Code of Ordinance: Business Section 18-38 and Section 18-39. This is a fact finding meeting with the prime goal of resolving issues. He also indicated that the ARB meeting is triggered by either one written complaint to License Administrator pertaining to Business License/Code/Ordinance violation or three or more disturbances verified by the Police Chief. He explained that this does not imply that businesses appearing before the ARB are less than stellar and it is hoped that it is hoped issues can be resolved today so that it does not have to come to the Town Council.

4:00 p.m. – Robert Goodhue dba/Shilo Apartments (312-8-13), 57 Cedar Avenue, seven round rentals.

Conflicts seem to exist among renters in the apartments relating to noise, disturbances, etc. Some of those calls when addressed by the police were unfounded. The ongoing issues between tenants are causing the number of calls to Police and Fire Departments which are impacting the use of public services. Also difficult was in the ability to contact the owner of the Apartments or his representatives and this makes dealing with the issues almost impossible. Mr. Goodhue explained that basically it is a young woman and her fiancé who seem to make the calls. He has encouraged them to call only him because the issue seems to be raised mostly by these two individuals who are supposedly moving out

the end of August. As such the situation may correct itself but until that time is suggested that he speak with the couple and explain that his license is in jeopardy if the behavior continues. Mr. Goodhue confirmed that he did believe this might help the situation. It is a seven unit year round rental apartment building with all units rented and because of the close proximity of the apartments, it doesn't take much to hear what is going on in another apartment but no one complains but this one couple. Mr. Goodhue said that when the Police did come there was nothing they could do because the noise level was not high enough. The complaints being discussed were from December of 2013 through March of 2014. The Code Enforcement Officer requested that he have the opportunity to inspect the building and the date of June 20th at 1:00 p.m. was set up between the Code Enforcement Officer and the business owner. Questions about the ability to reach the business owner were raised and the number that was given for contact was 929-4686. His residence is in Buxton – 75 Tarbox Lane. Mr. Goodhue indicated he has done everything possible to provide a contact number which is on every apartment's refrigerator so that contact could be made.

MOTION: Mark Bourassa motioned and Chief Kelley seconded to not take any action on this issue and to support Mr. Goodhue in his working with his renters for a solution to the situation.

VOTE: Unanimous.

4:35 p.m. – Robert & Kelly Greenlaw/GVB Scottish Pub Inc. dba/GFB Scottish Pub (205-3-1), 32 Old Orchard Street, m-s-v in a Restaurant.

With the courteous willingness of Mr. Kent Nguyen, the Scottish Pub, Inc. business issue was moved ahead of Mr. Nguyen's item. The Police Chief has met with the owners of the Scottish Pub and the Town Council has given them a conditional license based on the outcome of this meeting today. One of the concerns was the number of alarms that public safety has had to respond to and the cost of time and staff. These owners are fairly new in the business and they have responded appropriately and positively in the discussions that have been held with them. Again the issues included noise, disagreements, personal conflicts among those who attend the bar and discussion continued on how to deal with these types of clients. It was noted that their amusement permit was tabled at the last Council meeting and would be on the next agenda, June 3, 2014. The general feeling of the Board was that the Greenlaw's were attempting to do everything possible to correct the situations that have been raised. They have corrected the motion sensor in the kitchen and replaced it so that the alarm situation has been corrected. They also built a fence line in the patio to correct the noise situation relative to the next door hotel. They are looking for have the air conditioner fixed so that the doors can be kept closed during the summer months. With this in mind the Board felt that nothing needed to be addressed at this point.

MOTION: Marc Bourassa motioned and Gary Curtis seconded not to take any action at this time in light of the cooperation being shown by the Greenlaw's.

VOTE: Unanimous.

4:45 p.m. – Kent Nguyen (107-2-26), 65 Smithwheel Road, two year-round rentals.

Again it appears there are conflicts that exist between and among renters in the facility including noise, disagreements, and personal conflicts. Mr. Nguyen was assisted by his attorney, Neal Weinstein. It appears that the wife of the individual causing the difficulties lives in the facility and that her estranged husband has consistently come to the facility although he does not live there. It was noted that the wife has taken out a No Trespassing Order on her husband who is now in jail. Since there is obviously an element of concern for the safety of the woman and her three children, Mr. Nguyen was encouraged to feel comfortable calling the Police should he appear again. Mr. Nguyen said that she is a good renter and that the husband is the issue here. The Board recommended that should the situation of the husband appearing again that Mr. Nguyen should apply through the courts for a No Trespassing Order and he agreed to do this. Mr. Nguyen lives next door to the rentals being discussed this evening so he has been able to watch carefully what is going on.

MOTION: Gary Curtis motioned and Chief Kelley seconded to move forward with this hearing by requesting that Mr. Nguyen apply through the Courts for a No Trespassing Order.

VOTE: Unanimous.

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

Respectfully Submitted,

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 are a true copy of the original Minutes of the Administrative Hearings held on Tuesday, May 27, 2014.