

**TOWN OF OLD ORCHARD BEACH, MAINE
ADMINISTRATIVE REVIEW BOARD HEARING
Tuesday, May 5, 2015
3:00 p.m.**

The Administrative Review Board met at 3:00 on May 5, 2015 to discuss the following businesses coming before the Board for review. The following Board members were in attendance:

**Attending: Town Manager Larry Mead
 Marc Bourassa
 Assistant Town Manager, Louise Reid
 Code Enforcement – Dan Feeney
 Planner – Jeffrey Hinderliter
 Tina Kelly
 Gary Curtis
 Deputy Police Chief Keith Babin
 Fire Chief Ricky Plummer**

Absent: Kenneth Lafayette

3:00 – 3:30 pm Discussion with the Administrative Board on those being brought to the Board today and on May 14th.

3:30 pm: 8B West Grand Avenue, Weekend at Bernie's Beach Club, (307-3-1), BBC LLC (Bernard Orne & Jane Orne), Victualers With Preparation With Beer, Wine and or Liquor On Premise; 2 Coin-operated Amuse.Devices; 1 Vending Machine

4:00 pm: 32-34 Old Orchard Street, GFB Scottish Pub ((205-3-1), Kelly G. & Robert T. Greenlaw / GFB Scottish Pub LLC, Victualers with Preparation with Beer, Wine and or Liquor on Premise

4:30 pm: 2 Harrisburg Street, Samco Inc, (306-4-6), Harrisburg Family, 32 Seasonal Rentals

5:00 pm: 11 East Grand Avenue, Harold's 2, (306-3-3), Harold Harrisburg, Retail

5:30 pm: 13 East Grand Avenue, Sanedsam Inc, (306-3-2), Harold Harrisburg, Victualers Without Preparation With Beer, Wine and or Liquor Off Premise; Retail

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 issues can be resolved today so that it does not have to come to the Town Council.

8B West Grand Avenue, Weekend at Bernie's Beach Club, (307-3-1), BBC LLC (Bernard Orne & Jane Orne), Victualers With Preparation With Beer, Wine and or Liquor On Premise; 2 Coin-operated Amuse.Devices; 1 Vending Machine.

The following were in attendance representing Bernie's Beach Club:

Bernard L. Orne
Herbert Fields
Jane Orne
Neal Weinstein, Esquire

The issues discussed included the ability to control over-intoxication and the question of the training of the staff of Bernie's Beach Club. There was an issue as well of assault that was discussed but no one had seen anything so the situation was uncontrolled and raised the issue of security. Mr. and Mrs. Orne explained that they, themselves, do all they can personally to see that their business operation is viewed from all aspects of the building. They also answered the question as to whether the security and bartenders had been through training to which they responded that they had and agreed that perhaps a refresher course would be an acceptable manner of revisiting important security training areas. Mr. and Mrs. Orne have worked many years together to assure their business is security safe. They indicated that they have three security staff members on Sunday through Wednesday; three or four on Thursday and four on Friday and Saturday. Recommendations were made that perhaps they use the opportunity that BRASS has been in force in notifying other bar owners when there is an issue with a visitor to their bar and setting up plans before that individual arrives at this bar.

The Board agreed that it appeared that Mr. and Mrs. Orne have attempted to do all that they can to relieve issues of security and that there is no level or pattern of negligence.

MOTION: Marc Bourassa motioned and Gary Curtis seconded that there appears no pattern of negligence in security issues at Bernie's Beach Club and that the owners are attempting to see that the level of security is maintained.

VOTE: Unanimous.

4:00 pm: 32-34 Old Orchard Street, GFB Scottish Pub ((205-3-1), Kelly G. & Robert T. Greenlaw / GFB Scottish Pub LLC, Victualers with Preparation with Beer, Wine and or Liquor on Premise

In attendance for this discussion were the owners of the GFB Scottish Pub:

**Kelly Greenlaw
Robert Greenlaw**

The issues discussed during this review were elements of noise and a fight between twelve individuals. The Scarborough Police were called because of the confrontation. It was indicated that liquor was taken off the premises. Again the noise element resulted in several complaints. Mr. and Mrs. Greenlaw indicated that they recognized the need to reduce the noise level but because of the lack of air conditioning in the building the doors were often left open allowing for the noise to expand throughout the neighborhood. There was discussion about the need for training of staff and both of the Greenlaw's indicated that they had been through the training but saw the worth of taking the course again. It was also suggested that they become part of the BRASS group as there is a means of learning of individuals who are causing difficulties in the areas of other businesses and thus setting up plans for that individual entering this business. Mr. and Mrs. Greenlaw were very receptive to the suggestions of the Administrative Review Board.

MOTION: Marc Bourassa motioned and Tina Kelly seconded that there is a positive response by the owners to suggested security upgrades and the level of noise in the business and no need at this time to move this to the level of Council input.

VOTE: Unanimous.

4:30 pm: 2 Harrisburg Street, Samco Inc, (306-4-6), Harrisburg Family, 32 Seasonal Rentals

5:00 pm: 11 East Grand Avenue, Harold's 2, (306-3-3), Harold Harrisburg, Retail

5:30 pm: 13 East Grand Avenue, Sanedsam Inc, (306-3-2), Harold Harrisburg, Victualers Without Preparation With Beer, Wine and or Liquor Off Premise; Retail

In attendance for this review were:

**Harold Harrisburg, Owner
Neal Weinstein, Esquire**

Also in attendance was an abutter:

Lisa Gribbons

As in the past the issues to be considered were addressed in a recent letter to Mr. Harrisburg including:

- Upon review, it has been determined that the building areas, the yard areas, and the dumpster area are not currently in compliance with several ordinances. Violations noted include the re-occurring issue of the trash being allowed to accumulate and spill out of the containers. This has been discussed with you on previous occasions. Including the Administrative hearing that was held on June 11, 2013.
- The failure to keep the building conditions up to the standards set forth in ARTICLE V .Building and Property Maintenance Sec 66-141. International Property Maintenance Code.
- Allowing a portion of the fence to lay in the right of way of the road of Kinney Avenue for days on end, even after I spoke directly with you and directed you to remove the fence portion in an attempt to resolve this matter. This created a hazardous issue for anyone walking or driving on Kinney Avenue and you simply ignored my request to remove it from the right of way .
- The dumpsters are not correctly enclosed with fencing. They are not properly maintained, thereby causing trash and debris to spill out from them. Further they do not have required tight fitting covers designed to conceal the contents from view.
- The gravel parking lot behind 11 E. Grand Avenue does not meet required specifications related to paving and landscaping. I have not located the Town records any waivers from specifications from this lot.
- It has been asked of you previous to today to cooperate with the town to get resolutions to these issues and I am notifying you now that you have 21 days to make all necessary improvements. Failure to do so will cause me to request that this be turned over for legal action against you.
- Sec. 66-141. - International Property Maintenance Code.

(a)

Adopted. That a certain document, a copy of which is on file in the office of the Town Clerk of Old Orchard Beach, being marked and designated as the International Property Maintenance Code, 2003 edition, as published by the International Code Council, be hereby adopted as the Property Maintenance Code of the Town of Old Orchard Beach, in the State of Maine for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structure are safe, sanitary and fit for occupation and use; and the condemnation of buildings and

structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Town of Old Orchard Beach are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, deletions and changes, if any, as prescribed in [section 66-141\(b\)](#) of this section.

There was the suggestion of the relocation of the dumpsters so that they basically would be hidden from the street entrance. It was, however, noted that they could still be seen from the rooms in the Gibbons business so the need to maintain more evidence of dumpster pick up by Cassella Waste. This has been an issue that has been brought up for many years and addressed in a 2013 Administrative Board and were to have been corrected and still remain an issue. It was noted that the 21 day period was not up but nevertheless the issue has still not been resolved.

The placement of the concrete barriers behind your building at 9 E. Grand Avenue in the DD1 area must go through the Design Review Process. You are to remove the barricades until you have filed an application with the Design Review and completion of the review.

- Sec. 78-426. - **Design review.**

Prior to the issuance of a building permit or prior to the issuance of a site plan **review** or conditional use permit in the DD-1 and DD-2 districts, **design review** is required for the following activities:

- (1) Any structural modification, addition, demolition of all or any exterior part of existing nonresidential, mixed use, or multifamily residential structure.
- (2) Construction of a new principal or accessory nonresidential, mixed use, or multifamily residential building.
- (3) **Construction or alteration of new or existing decks, porches, stairs, patios, fences, walls, and any other structure within view of a public street or sidewalk.**
- (4) Installation, addition, or modification of signage.

It should be noted that this is a requirement. The other question that was raised is who owns the fence that was taken down? There seems to be confusion in ownership of the fence and who has the right to take it down and replace with barriers.

I am also requesting a full inspection of all buildings by Code Officials and Fire Chief as part of the licensing requirement. Within 21 days of this notice of Violations.

The Code Officer specifically asked for the ability to inspect all the properties and Mr. Harrisburg indicated that that had already been done. The Fire Chief, Ricky Plummer, responded that he has not had that ability and is requesting that option as well. This will be a request of the Administrative Review Board.

The Administrative Board members indicated their concern that the same issues related to the Harrisburg properties continually come up again and again and are not being addressed in a timely manner as requested continually.

In the discussion of the need for paving of the gravel parking lot, Mr. Harrisburg indicated that he doesn't want to pave because of his future plans for the building. Of course it was noted by Mr. Weinstein that if you go all over the Town of Old Orchard Beach you will see unpaved parking lots. His comment include that it appeared that there is an anti-Semitism atmosphere in these discussions. In discussion of ordinances, the Town Manager was to contact the Town of attorney for relevancy.

The Town Manager indicated that recommendations of the Administrative Board will be provided at the May 14, 2015 meeting and the continuation of this discussion. He indicated that the reasoning is that this present meeting was not advertised as required and as a result the May 14th Administrative Review Board will address the following items:

It should be noted that the Sign for the Coply LaRiene motel was installed without the required Building (Sign) Permit was dismissed. It was determined that the Planner gave permission for the installation of this sign.

Date: Thursday, May 14th, 2015

Starting Time: 3:00 p.m.

Place: Town Hall Council Chambers

3:00 – 3:30 pm: Harold Harrisburg

Harrisburg H&P (306-2-6) 9 East Grand Avenue

Harrisburg Group LLC (306-3-3) 11 East Grand Avenue

Harrisburg Group LLC (306-3-2) 13 East Grand Avenue

3:30 pm: 20 Washington Avenue, (308-3-11), Ricki Letowt, 3 Year Round Rentals

4:00 pm: 102 Saco Avenue, (206-4-4), Diane T. Dion, 4 Year Round Rentals

4:30 pm: 21 Washington Avenue, (309-2-14), Wendy D. Crouch, 2 Year Round Rentals

5:00 pm: 61 Smithwheel Road, (107-2-3), Perley W. Vance Jr., 2 Year Round Rentals

5:30 pm: 4 Fourth Street, (310-6-4), Jeff Corbin, 6 Year Round SRO's

MOTION: Marc Bourassa motioned and Tina Kelly seconded to move this item to further discussion and resolution at the May 14, 2015 meeting.

VOTE: Unanimous.

Respectfully Submitted,

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

I, V. Louise Reid, Secretary to the Administrative Review Board of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of six (6) pages is a true copy of the original Minutes of the Administrative Hearings held on Tuesday, May 5, 2015.