

**TOWN OF OLD ORCHARD BEACH
REGULAR TOWN COUNCIL MEETING
TUESDAY, May 21, 2013
TOWN HALL COUNCIL CHAMBERS
7:00 P.M.
AGENDA**

Pledge to the Flag
Roll Call

ACKNOWLEDGEMENTS:

ACCEPTANCE OF MINUTES: Town Council Workshop Minutes of April 23, 2013; Town Council Workshop Minutes of April 25, 2013; Town Council Minutes of May 7, 2013; and Administrative Board Meeting Minutes of May 14, 2013.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

Terry Lynn Nagle (105-4-12), 90 Ross Road, one year round rental; Miles Ranger dba/Marvin Gardens Motel (206-9-1), 84 Saco Avenue, eleven (11) seasonal rentals; Peits Detty Tannahill dba/Peits Eats Sweets & Treats (206-31-1-D), 17 D Old Orchard Street, Victualers with Preparation, No Alcohol Sales; J. G. Cutter LLC, dba/Barefoot Boy (305-4-5), 45 East Grand Avenue, Victualers with Preparation with Beer, Wine and/or Alcohol; Jacob Bergeron dba/Jake's Hot Dogs (306-1-2), 1 East Grand Avenue, Victualers with Preparation, No Alcohol Sales; Christina Paul-Perez dba/Christina's Classic Cookies (306-1-2), 1 East Grand Avenue, Victualers with Preparation, No Alcohol Sales; Lucie MacDougal dba/Sno Biz (306-1-2), 1 East Grand Avenue, Victualers with Preparation, No Alcohol Sales; Finiko LLC dba/Les Crepes (306-1-2), 1 East Grand Avenue, Victualers with Preparation, No Alcohol Sales; Dan Robichaud & Chris Rodriguez dba/Dolce Crema Café (306-1-2-C), 1 East Grand Avenue, Victualers with Preparation, No Alcohol Sales; Linda Glantz dba/Caribbean Hair (306-6-1-A), 2 Old Orchard Street, Personal Service; Linda Glantz dba/Toe Rings and Things (306-6-1-T), 2 Old Orchard Street, Retail; Cassata Fla Concessions, Inc. dba/Games of Skill, (307-2-1-A), 1 Old Orchard Street, Games of Skill; Adam Copeland dba/Extreme Clean, Inc. (307-3-2X), 6 West Grand Avenue, 2 Wastehaulers Trucks; Miles Ranger dba/Pine View Lodge (308-2-6), 100 Atlantic Avenue, nine (9) seasonal, one (1) year round rental; Donna Moutsatsos (309-3-1), 42 Central Park Avenue, one year round rental; and Michael Gendron (318-8-6-90), 146 West Grand Avenue, Unit 90, one year round rental.

PUBLIC HEARING LIQUOR LICENSES:

J. G. Cutter dba/Barefoot Boy (305-4-5), 45 East Grand Avenue, m-s-v in a Restaurant.

PUBLIC HEARING SPECIAL AMUSEMENT PERMITS:

William P. Marshall dba/The Whaler (206-31-17), 20 Staples Street, Acoustic Inside – 8:30 p.m. to 12:30 a.m.; J. G. Cutter dba/Barefoot Boy (305-4-5), 45 East Grand Avenue, Radio, 2-3 people Bands, Inside, 7:00 a.m. to 11:00 p.m. everyday; Band will be 6:00 p.m. to 11:00 p.m., Friday, Saturday and Sunday; Oceanside Investment Group LLC dba/Myst Restaurant (306-1-2-I), 1 East Grand Avenue, Acoustical & Amplified Music, Outside and Inside on the Deck and on the Patio – 1:00 p.m. to 1:00 a.m.; and Bernard L. & Jane C. Orne (307-3-1-B), 8B West Grand Avenue, D. J. Band (Amplified), 12:00 p.m. – 1:00 a.m.

TOWN MANAGER’S REPORT:

NEW BUSINESS:

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| # 5925 | Presentation of the Fiscal Year 2012 Audit by Ron Smith, CPA, CFE, of RHR Smith & Company. | Chair
Sharri MacDonald |
| # 5926 | Discussion and Possible Action: Recommendation of the Administrative Board of Review to the Town Council to Consider the revocation of the business license of Kate’s Butter based on Findings of Fact and set date for Revocation Hearing. | Interim
Town Manager
Bob Peabody, Jr. |
| # 5927 | Presentation and Discussion: Agreement to Convey Easement between the Town of Old Orchard Beach, the Old Orchard Beach Historical Society, and Saco & Biddeford Savings Institution and authorize the Town Manager to execute the agreement pending Town legal counsel approval. | Interim
Town Manager
Bob Peabody, Jr. |
| # 5928 | Discussion with Action: Release the monies in the amount of \$4,956.25 from Account Number 25140-40510 – Unanticipated Revenue Account, with a balance of \$63,377.23 to the Acorn Village Condominium Association formerly applied to municipal legal fees Associated with the Acorn Village Performance Bond settlement. | Planner
Jeffrey Hinderliter |
| # 5929 | Discussion with Action: Discuss and provide recommendations to the Code Enforcement Officer concerning presentation of enforcement matters to the Council. | Code Enforcement
Officer
Jim Butler |
| # 5930 | Discussion with Action: Set the Public Hearing date of June 4, 2013 to add Section 54-116 – Designation of All-Terrain Vehicle Access Routes for Municipal purposes, to the Old Orchard Beach Code of Ordinances. | Police Chief
Dana Kelley |

- # 5931 Discussion with Action: Approve Liquor License Renewals of William P. Marshall dba/The Whaler (206-31-17), 20 Staples Street, m-s-v in a Class A Lounge; Oceanside Investment Group LLC dba/Myst Restaurant (306-1-2-I), 1 East Grand Avenue, m-s-v in Restaurant/Lounge; Chrysanthe & Demetrios Dikos dba/Chrys's Restaurant (306-5-1), 6 East Grand Avenue, m-v in a Restaurant; and Bernard L. & James C. Orne (307-3-1-B), m-s-v in a Class A Lounge.
- Chair
Sharri MacDonald
- # 5932 Discussion with Action: Set a Public Hearing date of June 4, 2013 to Amend the Code of Ordinances, Section 54-114 and 54-115 to allow the Chief of Police or his/her authorized representative to determine parking fees in the Milliken Street and Veteran's Memorial Park parking lots.
- Councilor
Bob Quinn
- # 5933 Discussion with Action: Amend Appendix A of the Code of Ordinances, Schedule of License, Permit and Application fees, amending the towing and storage fees.
- Police Chief
Dana Kelley
- # 5934 Discussion with Action: Act on Warrant and Notice of Election calling a Regional School Unit No. 23 – Budget Validation Referendum for June 11, 2013.
- Town Clerk
Kim McLaughlin
- # 5935 Discussion with Action: Approve the Special Event Permit application for the Veterans Memorial Park Sub-Committee to hold "Illumination Night" in Memorial Park on Sunday, May 26, 2013, from Noon to 9 p.m.; and a request to waive the fee.
- Town Clerk
Kim McLaughlin
- # 5936 Discussion with Action: Approve the Special Event Permit application for the 10th Annual "Run for Cash" Memorial 5k and 10k and 2.5. mile walk on Saturday, June 21st, 2014, from 6 a.m. to 12:00 p.m. Insurance, listing the Town of Old Orchard Beach, to be provided to the Town Clerk's Office at least one month prior to the event; request for banner in the Square and on Cascade Road from June 4th through June 21st, 2014; and a request to waive the fee.
- Town Clerk
Kim McLaughlin

- # 5937** **Discussion with Action: Approve line item transfer from the Wastewater Department; transfer \$1,500 from Account Number 20161-50452-Equipment Repair- Non Capital, with a balance of \$17,709; to Account Number 20161-50450-Building Repair-Non-Capital-with a balance of \$576.11; Approve line item transfer from the Town Manager; transfer \$1,540 from Account Number 20102-50251-Conference/Training with a balance of \$2,441.20; to Account Number 20102-50500 – Administration /Office Supply-Non-Capital-with a balance of \$486.88; Approve line item transfer from the Town Hall Maintenance; transfer \$177.78 from Account Number 20115-50450-Building Repair/Maintenance with a balance of \$4,730.01; to Account Number 20115-50310-Service Contracts-with a balance of \$85.68; Approve line item transfer from the Town Council; transfer \$1,100.00 from Account Number 20101-50310-Service Contracts with a balance of \$4,000.00; to Account Number 20101-50303 - Audit Services - with a balance of <\$1,100.00;> Approve line item transfer from the General Assistance; transfer \$350.00 from Account Number 20191-50500 - Office Supplies with a balance of \$700.00; to Account Number 20191-50251 - Conference/Training-with a balance of \$0.00.**
- Interim
Town Manager
Bob Peabody, Jr.**
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- # 5938** **Discussion with Action: Approve the Special Event Permit application for Palace Playland and the Pier to hold Fireworks displays every Thursday at 9:45 p.m. on the beach in front of Palace Playland, starting June 20th, 2013 to August 22nd, 2013, to also include July 5th. Approval by the State Fire Marshall’s Office to be provided to the Town Clerk’s Office at least one week prior to the first display; and a request to waive the fee.**
- Town Clerk
Kim McLaughlin**
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- # 5939** **Discussion with Action: Accept, with regret, the resignation of Roxanne Frenette from the Biddeford Saco Old Orchard Beach Transit Committee; and Appoint Councilor Dana Furtado to serve on the Biddeford Saco Old Orchard Beach Transit Committee.**
- Chair
Sharri MacDonald**
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- # 5940** **Discussion with Action: Direct the Town Manager to study the use of Residential Parking Permits at Parking Meters.**
- Councilor
Linda Mailhot**

GOOD AND WELFARE:

ADJOURNMENT