

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, June 21, 2011
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, June 21, 2011. Chair Quinn opened the meeting at 7:04 p.m.

The following were in attendance:

**Chair Bob Quinn
Vice Chair Michael Tousignant
Councilor Shawn O'Neill
Councilor Robin Dayton
Councilor Sharri MacDonald
Town Manager Jack Turcotte
Assistant Town Manager V. Louise Reid**

EMERGENCY ITEM:

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Add to PUBLIC HEARING BUSINESS LICENSES AND APPROVAL – Keith O'Leary dba/The Old Spoon (206-31-9), 41 Old Orchard Street, Victualers with Preparation and No Alcohol Sales.

Vote: Unanimous.

MOTION: Vice Chair Tousignant motioned and Councilor MacDonald seconded to Table Indefinitely Agenda Item Number 5431 - Discussion with Action: Consider continuation of discussion regarding a Proposal to provide a rolling trash pick-up system starting immediately; and Bathroom Attendants at the Town bathrooms for the 2011 season.

The Secretary noted that she had a letter from Mr. George Pouravelis that he asked to be read into the Minutes but Vice Chair Tousignant indicated that since the agenda item was being tabled indefinitely, should the item come up again the letter could be read at that time.

VOTE; Unanimous.

**PRESENTATION: Presentation by Assessor George Greene
on Understanding the Mill Rate**

Due to illness, the Assessor was not able to make his presentation.

ACKNOWLEDGEMENTS:

COUNCILOR DAYTON: On behalf of the Conservation Commission I would like to thank the Public Works Department, and particularly Louis Ladakakos and Marc Picard, for their help in the cleanup at the Blueberry Plains. We would also like to thank Bill Robertson for working so cooperatively with the Conservation Commission on several issues and not only helping to remove large items from the property during the busiest time of the year, but recognition for cheerfully and professionally giving their time and expertise to the efforts last Saturday. Two very full dump truck loads of furniture, rugs, timber and miscellaneous items were removed. We would not have been able to accomplish this without the assistance of the Public Works Department. In addition, our thanks to Major Norman Garcia of The Salvation Army for donating some pallets for use at the Community Garden.

VICE CHAIR TOUSIGNANT:

We have an exciting weekend ahead of us with the Balloon Festival on Friday and Saturday evenings; loads of entertainment, lobster bake on the beach on Friday at 4:00 to 7:00 p.m. – cost of \$20 per person; Great bands and street performers, play our version of “Minute to Win It in OOB and OOB365 Plinko.” Free trolley rides to the BBQ fest at the Ballpark on Saturday the 25th. Also a reminder we will all be in attendance to cheer on the racers for the 5K Run and 2.5 mile walk for the Christopher Scott Cash Race on Saturday morning. On Saturday 11 to 6, come and participate in so many outstanding downtown events for all ages and enjoy the great band performance. Again – trolley service between downtown and the ballpark.

COUNCILOR MACDONALD: We are pleased to welcome a new Restaurant to our community. The Jumping Jack Restaurant at 182 Saco Avenue will be having its Celebration of Opening on Friday, June 24, 2011 at Noon. The public is cordially invited to attend this event and share in our pleasure in welcoming this new business to our community. Owners, Rick and Eileen Payette, have a reputation of doing every well and great reports have already come out about the food and the atmosphere of this home-style restaurant. The Chamber of Commerce will cut the ribbon and members of the Town Council and Town Administration will be present to enjoy this very happy occasion. Any questions relative to the event can be addressed to Rick at 590-6803. See you there. She also encouraged everyone to support the Raging Tide Baseball Team and go to their games.

CHAIR QUINN: Our personal congratulations to Finance Committee Member, Reza Namin, named as one of the five finalists for the 2011 National Superintendent of the year Award. Some of his many achievements include development of a comprehensive strategic plan entitled Vision 2013, to guide his district’s improvement efforts, use of individualization to significantly reduce high school drop-out rates, and initiating his district’s first virtual high school courses. I would also remind everyone of our Budget Workshop tomorrow evening at 6:30.

ACCEPTANCE OF MINUTES: Town Council Meeting Minutes of June 7, 2011; and
Town Council Budget Workshop of June 8, 2011.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to accept the Minutes as read.

VOTE: Unanimous.

PUBLIC HEARING:

CHAIR: I open this Public Hearing at 7:13 p.m.

Discussion with Action: Shall We Revise Chapter 42, Article III, Recreation and Park Regulations, Amending Sections 42-82, of the Town of Old Orchard Beach Code of Ordinances to allow the sale of alcohol at the Ballpark?

ARTICLE III. RECREATION AREA AND PARK REGULATIONS

DIVISION 1. GENERALLY

Sec. 42-81. Posting of signs.

The chief of police shall post appropriate signs giving notice of the prohibitions of this article at the main entrance to Memorial Park and at such other parks or recreation property as he deems necessary to ensure compliance with this article.

(Ord. of 9-17-1980, § 3)

Sec. 42-82. Alcoholic beverages.

It shall be unlawful for any person to possess or to consume any alcoholic beverage or liquor, as defined by 28-A M.R.S.A. § 2, within the boundaries of any park or recreation property owned, leased, managed or controlled by the town except as authorized by the Town Council pursuant to a Special Event Permit for the Ballpark as defined in Chapter 2 division 8 of Article IV and approved under division 5 of Article IV of this chapter or a contract, lease or other agreement approved by the Town Council for the use of the Ballpark as defined in Chapter 2 division 8 of Article IV .

(Ord. of 9-17-1980, § 1; Ord. of 4-5-1994)

Cross references: Alcoholic beverages, ch. 6.

Sec. 42-83. Hours of use.

Except for the purpose of ingress or egress in connection with the lawful parking or recovery of a vehicle in parking areas designated by the town, no person shall loiter or remain in or upon any outdoor park or recreation property owned, leased, managed or controlled by the town after the hour of 9:00 p.m. to 9:00 a.m. the following morning, prevailing time, with the exception of East and West Surf Streets, commonly referred to as "the beach."

(Ord. of 9-17-1980, § 2)

Secs. 42-84--42-90. Reserved.

NOTICE OF PUBLIC HEARING

**MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH**

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on June 21, 2011, at 7:00 p.m. to consider the following:

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that section 42-82, Alcoholic beverages, of the Town of Old Orchard Beach Code of Ordinances is amended by adding the underscored language:

ARTICLE III. RECREATION AREA AND PARK REGULATIONS

DIVISION 1. GENERALLY

Sec. 42-82. Alcoholic beverages.

It shall be unlawful for any person to possess or to consume any alcoholic beverage or liquor, as defined by 28-A M.R.S.A. § 2, within the boundaries of any park or recreation property owned, leased, managed or controlled by the town except as authorized by the Town Council pursuant to a Special Event Permit for the Ballpark as defined in Chapter 2 division 8 of Article IV and approved under division 5 of Article IV of this chapter or a contract, lease or other agreement approved by the Town Council for the use of the Ballpark as defined in Chapter 2 division 8 of Article IV.

(Ord. of 9-17-1980, § 1; Ord. of 4-5-1994)

Cross references: Alcoholic beverages, ch. 6.

Discussion was lengthy on interpretation of the ordinance change. Doug Ayotte, owner of the Raging Tides spoke on the history of this being brought to the Council. The Town Manager had explained that although the statute makes drinking on public property a crime, it permits the owner of the public property – in this case, the Town – to give permission for drinking on public property. That is what the Town would be doing if it were to authorize a “beer tent” or simmer arrangement at the Ballpark. With Section 42-82 which indicated that except as authorized by the Town Council pursuant to a Special Event Permit for the Ballpark as defined in Chapter 2 division 8 of Article IV and approved under division 5 of Article IV of this chapter or a contract, lease or other agreement approved by the Town Council for the use of the Ballpark as defined in Chapter 2 division 8 of Article IV, will allow for an exception. This section as defined is intended to be operated as a sports/entertainment event and recreation area and not as a public park subject to the care and superintendence of the conservation commission nor shall its operation be considered a recreation program subject to oversight by the recreation board. Since Section 42-82 refers specifically to “recreation property” it could be interpreted as applying to the Ballpark. Councilor Dayton raised many concerns, the major one being the allowance of liquor with special event permits and also she wanted to make sure that the process included liquor liability insurance and State Licenses. In connection with the discussion of the Raging Tide, Councilor Dayton wanted to make sure that the contract was revisited to define that alcohol sales be allowed. The Council agreed but that would

happen later in the process. The Town Clerk reminded the Council that when someone applies for a Special Event Permit, there is a list of conditions on the permit that are immediately above the signature of the applicant. One of those is that no alcohol is allowed on public property. If the Town Council decides to adopt the changes to the ordinance to allow alcohol sales at the Ballpark, the Town Clerk will have to amend the Special Event Permit application to reflect that. Right now, if the Town Council does authorize it under the Special Event Permit, the State requires the Caterer to have an off-premise liquor license (which the Town Council has authorized the Town Planner or the Town Clerk to sign off on a few years ago). The Town requires (as recommended by our Insurance Company and the State Liquor Department in Augusta) that the Caterer have liquor liability insurance and that the Town is listed as additionally insured.

CHAIR: I close this Public Hearing at 7:43 p.m.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 7:44 p.m.

Laura & Lisa Rothstein (201-1-7-3E), 221 East Grand Avenue, Unit 3E, one year round rental; Carlo & Mary Ellen Latino (201-1-7-8B), 221 East Grand Avenue, Unit 8B, , one year round rental; Kevin Paton & Patricia Lemire (202-2-3-E1), 207 East Grand Avenue, Unit E1, one year round rental; Ryan Lebreque dba/Custom Camp Signs (206-31-8), 39 A Old Orchard Street, Retail; Ryan Hunt & Chad Nelson (210-2-27), 12 Jeannette Avenue, one year round rental; Craig Sontra (301-3-1-306), 189 East Grand Avenue, Unit 306, one year round rental; Zettran LLC dba/Little Miss Cottages (302-6-5), 173 East Grand Avenue, eleven year round rentals; Danny Serra (302-7-8-6), 170 East Grand Avenue, one year round rental; Charles Solesky dba/Surf Shop (306-1-2-6), 1 East Grand Avenue, Kiosk #6, retail; Chuck & Marci Solesky dba/The Cool Spot (306-1-2-7), 1 East Grand Avenue, Kiosk #8, Victualers with Preparation and No Alcohol Sales; Annemarie Serrecchia dba/Lucy the Peace Dog (306-4-3-A), 19A East Grand Avenue, retail; Pine View Lodge LLC dba/Pine View Lodge (308-2-6 & 206-9-1), 100 Atlantic Avenue & 84 Saco Avenue, 20 Seasonal Rentals and one year round rental; Peter Carlino & Meryl Golovin (313-4-8), 6 Camp Comfort Avenue, five seasonal rentals; James J. Bernard dba/Ocean Blue Tattoo (206-31-20), Commercial Body Piercing Establishment, Tattoo Establishment; Commercial Body Piercer; Timothy & Siobhan Quinlan (318-8-2), 31 Reggio Avenue, one seasonal rental; Roger & Kim Didonato (318-8-6-79), 146 West Grand Avenue, one year round rental; and Keith O'Leary dba/The Old Spoon (206-31-9), 41 Old Orchard Street, Victualers with Preparation and No Alcohol sales.

CHAIR: I close this Public Hearing at 7:49 p.m.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to approve the Business Licenses as read.

VOTE: Unanimous.

TOWN MANAGER'S REPORT: He indicated that he represented the Town at a couple of RSU events – a retirement event for outgoing Superintendent Michael LaFortune and a welcoming reception for the new Superintendent, Patrick Phillips. Many hours have been spent working on or in negotiations working with the four unsettled Union contracts. Attended the Police Reserve 100 hour graduation in Wells along with our Police Administration. Have discussed recycling with John Weaver regarding the Silver Bullet - and cardboard which seems to be the hot topic. We are going to try a cardboard only container. Have met with Extreme Clean on a couple of occasions. Had a great time at the Corvett/Lobster Bake and was pleased to substitute my olive loaf sandwich on white bread for lobster and clams. How bad is this – Due to scheduling challenges (like tonight), and Father's Day Family event, I have yet to attend a home Raging Tide game. I was, however, able to be in attendance at the Raging Tide/Sanford Mainers game in Sanford and the score will cost me a few orders of Pier Fires to the Sanford management when they come to Old Orchard Beach. We continue to work with Dru Laduke and the two colleges to finish up our financial report on the College Tournament. One of most important projects since we last met was meeting with the Amtrak and Down Easter officials regarding the repair of the railroad crossings at Union and in the square. Personnel policy and Purchasing policy drafts are under review and we are continuing to work on project goals. I would personally like to announce the Dedication of the new Police Station and the Police Station Community Room to be held this Thursday at 7:00 p.m. when we will dedicate that room in honor of Chief Dana Kelley. On Saturday of this week we will also have tours of the Police Department between 10:00 a.m. and 4:00 p.m.

Vice Chair Tousignant indicated that he was concerned about the timing of the railroad work and even the timing of putting up the barriers over the tourist season. Recognizing the safety issues, however, the Town Manager indicated there were no other options at this point. He presented a scenario of the process in repairing the railroad area and taking care of the many safety issues that have been prevalent for a while.

NEW BUSINESS:

5427 Discussion with Action: Revise Chapter 50, Article II, Sidewalks, Amending Sections 50-52, 50-53, 50-58, 50-148,50-172, 50-241 and 50-243 adding Sections 50-150 and 50-249 of the Town of Old Orchard Beach Code of Ordinances.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Revise Chapter 50, Article II, Sidewalks, Amending Sections 50-52, 50-53, 50-58, 50-148,50-172, 50-241 and 50-243 adding Sections 50-150 and 50-249 of the Town of Old Orchard Beach Code of Ordinances.

VOTE: Unanimous.

5428 Discussion with Action: Amend Appendix A, of the Code of Ordinances, the Schedule of License, Permit and Application fees to exempt Town and RSU 23 owned properties; update Plumbing and Septic System permit fees; create Sidewalk Café license Fees; and Excavation Contractor's license fee.

MIKE NUGENT: This limited document is NOT intended to replace all of Appendix A, just amend the sections listed. The following is proposed: 1) Exempt Town and RSU 23 owned properties from permit and license fees. (Not including Special event permits.) 2) Update the Plumbing and Septic system permit fees to comply with the State mandate. 3) Create the fee for Sidewalk Café's 4) Create the fee for Excavator contractor licenses.

APPENDIX A SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES*

*Editor's note: Printed herein is the town's schedule of license, permit and application fees as amended through February 16, 2010.

- (a) All fees and charges required by ordinances or policies of the Town of Old Orchard Beach for permits, licenses, approvals and applications therefore, and all fees and charges collected by the Town of Old Orchard Beach where state law authorizes or requires the town to set the amounts of such fees and charges, shall hereafter be established by the town council by order as the schedule of license, permit and application fees.
- (b) All existing ordinances and policies of the Town of Old Orchard Beach are amended by deleting the specific amounts of any fees required in such ordinances or policies and substituting therefore the words: "as specified in the schedule of license, permit and application fees established by the town council."
- (c) The town clerk is directed to make the changes in the texts of existing ordinances and policies necessary to implement this appendix.
- (d) In the event any fees or charges in effect on the date of enactment of this appendix are inadvertently omitted from the initial schedule of license, permit and application fees established upon enactment of this ordinance, such fees and charges shall remain in effect and the town clerk is directed to include them in the schedule of license, permit and application fees whenever such omission is discovered.
- (e) The Council may by order establish any new fees or charges which the council deems necessary or appropriate to defray the costs of operating programs, delivering services or administering any ordinances or policies. The town clerk shall include any such new fees or charges in the schedule of license, permit and application fees.
- (f) With the exception of Special events permits, Town and RSU 23 owned properties are exempt from the fees set forth in Appendix A.

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| PLUMBING PERMITS | |
| Minimum Plumbing Permit Fee | \$24.00 <u>\$40.00</u> |
| Re-Inspection Fee | \$50.00 per return after two staff inspections. |
| Per Fixture | \$6.00 <u>\$10.00</u> |
| Installation of new drainage pipes or relocation in a building, but not installation of fixtures | \$20.00 <u>\$ 40.00</u> |
| Hook-up fee for connection of mobile home which bears the HUD seal or modular home which bears the Manufactured Housing Board seal to a building sewer | \$20.00 <u>\$40.00</u> |
| Hook-up for connection to a public sewer | |

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| when piping is installed beyond the jurisdiction of the sanitary district. | \$20.00 <u>\$40.00</u> |
| Transfer fee: Permit is valid only for the name applicant and may be transferred by payment of transfer fee. | \$6.00 <u>\$10.00</u> |
| Complete systems | |
| Non-engineered system | \$60.00 <u>\$250.00</u> |
| Primitive Disposal System (includes alt. toilet) | \$60.00 <u>\$100.00</u> |
| Engineered System | \$225.00 <u>\$200.00</u> |
| System Components (installed separately) | |
| Treatment Tank | \$30.00 <u>\$80.00</u> |
| Holding Tank | \$60.00 <u>\$100.00</u> |
| Alternative Toilet | \$30.00 <u>\$50.00</u> |
| Disposal Area | \$45.00 <u>\$150.00</u> |
| Engineered Disposal Area | \$120.00 <u>\$150.00</u> |
| Separated Laundry Disposal System | \$30.00 <u>\$35.00</u> |
| Seasonal Conversion Permit | \$30.00 <u>\$50.00</u> |
| Sewer Connection and Inspection Fees | |
| AMBULANCE BILLING FEES | (Amended by adding 1/20/04) |
| BLS Transport, Code A0429 | \$280.00 |
| ALS 1 Transport, Code A0427 | \$325.00 |
| ALS 2 Transport, Code A0433 | \$450.00 |
| BLS Loaded Mile, Code A0380 | \$10.00 |
| ALS Loaded Mile, Code A0390 | \$10.00 |
| Non-Transport Fee | \$50.00 |
| Assist Private Ambulance | \$70.00 |
| ASSESSORS OFFICE FEES | (Amended by adding 1/20/04) |
| Standard: | |
| Includes Property Location, MBLU, Owner, Mailing Info, Property Type and Assessed Value--Sorted by Parcel, Alpha, Street | \$100.00 |
| Customized Lists | \$150.00 |
| List in Label Format | \$150.00 |
| Maps-Complete set 11x17 | \$50.00 |
| Single Maps | |
| \$5.00 | Large |
| \$1.00 | Small |
| Complete Property Record Card | |
| Double-sided | \$2.00 |

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| Copy of Recorded Deeds, per page | \$1.50 |
| Historical Research, per hour | \$20.00 |
| Historical Record Copies, per page | \$1.00 |
| BUILDING | |
| Minimum Building Permit Fee | \$40.00 |
| Re-Inspection Fee | \$75.00 per return inspection following noncompliance with a notice of violation or order to correct violations of building, plumbing or electrical code standards. (The initial follow-up inspection is at no charge). This fee also applies to permittees that arranged for an inspection on a date and time certain and are found to be incomplete and a follow-up inspection is required. |
| | Residential Use (Single family, two-family) |
| Finished space | \$.40 per sq. ft. |
| Unfinished space such as cellar or attic with access and 6 feet or more of headroom, open decks | \$.20 per sq. ft. |
| Residential Garage (attached and detached) | \$.30 sq. ft. |
| Sheds | \$25.00 |
| Additions/Alterations | \$8.00 (per \$1,000.00 of construction cost) |
| Commercial Uses including multifamily residential and lodging uses | |
| One Story Including Foundation | \$.80 per sq. ft. |
| Each Additional Floor | \$.40 per sq. ft. |
| Miscellaneous | |
| Boarding up of Seasonal Facilities | \$25.00 |
| Swimming Pool | |
| In ground | \$.20 per sq. ft. (minimum of \$40.00) |
| Above Ground | \$.20 per sq. ft. (minimum of \$40.00) |
| Moving Buildings | \$40.00 |
| Demolition | \$40.00 |
| Signs | \$40.00 |
| Mfg. Housing Unit Replacement or Entry to Park | \$40.00 |
| Building without a permit | Double permit fee |
| Street Opening Fees | |

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| Excavation Application Fee | \$100.00 |
| All Street Openings | \$1,000.00 (lump sum deposit) |
| All Sidewalk and Curbing Openings | \$500.00 (lump sum deposit) |
| ELECTRICAL PERMITS | |
| Minimum Electrical Permit Fee | \$35.00 Residential |
| | \$45.00 Commercial |
| Re-Inspection Fee | \$50.00 per return inspection beyond two staff inspections. |
| Per Square Foot (Residential) | \$0.045 |
| Per Square Foot (Industrial, Commercial) | \$0.055 |
| Low Voltage & Computer Networking | \$10.00 (minimum) |
| Boiler-Burner | \$10.00 |
| Pumps-Circuits | \$10.00 (minimum/each) |
| Air Conditioners | \$10.00 (minimum) |
| Controls-Alarms | \$10.00 (minimum) |
| Transformers | \$10.00 (minimum/each) |
| Motors | \$10.00 (minimum/each) |
| Signs | \$10.00 (minimum/each) |
| Additional Circuits (over 110V) | \$10.00 (each) |
| Additional Circuits (110V or less) | \$10.00 (each) |
| Alterations per room | \$10.00 (each) |
| Temporary Services | \$10.00 (per 100 amps) |
| Permanent Services (up to 200 amps) | \$10.00 |
| Permanent Services (over 200 amps) | \$10.00 (per 200 amps) |
| FIRE DEPARTMENT | (Amended 1/20/04) |
| Re-inspection fee | \$50.00 per return inspection beyond two staff inspections. |
| Fire/Rescue Run Report | |
| LICENSE ORDINANCE CATEGORIES | ALL FEES ARE PER YEAR (Amended 2/16/10) |
| Business license--New application processing fee only | \$75.00 |
| Re-inspection fee | \$60.00 per return inspection beyond two staff inspections. |
| Amusement arcade | \$15.00 per unit not to exceed \$300.00 |
| Amusement park | \$30.00 per unit not to exceed \$350.00 |
| Auto body shop | \$100.00 |
| Automotive graveyard | \$225.00 |
| Body piercing | |

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| • Commercial body piercing establishment | \$75.00 |
| • Commercial body piercer | \$75.00 |
| Bowling alleys | \$100.00 |
| Boxing and wrestling shows | \$100.00 (per show) |
| Campgrounds | \$75.00 plus \$0.50 p/site fee |
| • Recreational vehicle sales | \$50.00 |
| Car wash | \$100.00 |
| Child care facility and nursery | \$100.00 |
| Coin operated amusement devices accessory to another licensed activity | \$15.00 (per unit) |
| Dog kennels | \$100.00 |
| Function hall | \$100.00 |
| Games of skill | \$100.00 per game not to exceed \$400.00 |
| Gasoline pumps and sidewalk tanks(the maintenance and operation of sidewalk tanks and pumps for the sale and distribution of gasoline and other volatile inflammable liquids for fuel or power) | \$40.00 per pump |
| Ice cream trucks (per truck) | \$75.00 |
| Inn holders, lodging houses, hotels, motels, and seasonal rentals | \$20.00 unit not to exceed \$200.00 |
| Junk dealer/junk yards | \$100.00 |
| Laundromat/dry cleaning establishment | \$100.00 |
| Massage establishments | |
| • Therapeutic massage establishment license | \$100.00 |
| • Massage therapist license | \$70.00 |
| • Combined massage establishment/massage therapist license | \$100.00 |
| Miniature golf course (indoors or outdoors) | \$100.00 |
| Outdoor display | \$100.00 |
| Parking lots | \$200.00 |
| Personal services | \$100.00 |
| Rental of merchandise, including furniture and self-storage, as well as "water toys" as defined in and permitted by the Town of Old Orchard Beach, Maine ordinance regulating use of motorized and non-motorized water toys on town beach, units/compartments | \$100.00 |
| Retail (including repair/maintenance of goods) | \$100.00 |
| Riding stables | \$100.00 |

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| Seasonal rentals units | \$20.00 not to exceed \$200.00 |
| Service stations (including automotive repairs, care, and fuel services) | \$100.00 |
| Signs, erection and maintenance of signs, banners, awnings, marquees, and other temporary or permanent structures, excepting temporary or permanent structures of public utilities corporations, on the sidewalk, roadways, and streets of said town. Permanent signs affixed to buildings or sign poles extending over the town right-of-way are exempt. | \$40.00 |
| Tattoo establishment (see ordinance regulating same) | \$100.00 |
| Tow trucks | \$100.00 |
| Used car lots | \$100.00 |
| Vehicles for hire (per vehicle) (only based in OOB) | \$100.00 |
| Vending machines | \$15.00 (per unit) |
| Victualers | |
| • Without prep | \$100.00 |
| • With prep | \$150.00 |
| • With beer, wine, and/or liquor (consumed on premises) | \$100.00 |
| • With beer, wine, and/or liquor (take-out) | \$100.00 |
| <u>Sidewalk Café</u> | <u>\$100.00 plus \$2.00 per sq.foot.</u> |
| Year round rentals | \$20.00 (per unit) |
| MISCELLANEOUS | (Amended 1/20/04) |
| Auctions | \$25.00 |
| Billboards | \$10.00 (per billboard) |
| Street Opening Fees | |
| Excavation Application Fee | \$100.00 |
| All Street Openings | \$1,000.00 (lump sum deposit) |
| All Sidewalk and Curbing Openings | \$500.00 (lump sum deposit) |
| <u>Excavation Contractor's License</u> | <u>\$25.00 per year (7/1 to 6/30)</u> |

The Town has approved a new ordinance that would allow restaurants to have sidewalk cafes. Under the proposed ordinance, sidewalk cafes could not project more than seven feet onto town property, provided six feet of sidewalk is available for pedestrian project. The width of the sidewalk would be measured from the property line to curbside obstacles, which would include trees, parking meters, utility poles and fire hydrants. Restaurant

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owners who would like to have a sidewalk café would have to pay a base fee of \$100 plus \$2 a square foot under the suggested fee structure being presented to the Council for approval this evening. Under the proposed ordinance, permits issued would be valid from April 1 to October 31 and restaurant owners would only be able to operate sidewalk cafes during this time period. Council Chairman Bob Quinn had indicated that he did not like the proposed fee structure. Restaurant owners who would like to set up a sidewalk café would have to pay both licensing fee to operate their business and a fee to have a sidewalk café. Mr. Quinn indicated he felt it was a double licensing fee. He indicated he was alright with the square footage fee but opposed to the base fee. Mr. Quinn indicated he felt the Town should not charge fees to make money but rather to cover the expenses incurred by the town. Vice Chair Michael Tousignant and Councilor Robin Dayton said they both supported the proposed fee structure and both felt the Town was having difficulty finding revenue and this would be a source. Councilor O'Neill indicated he felt that this was cheap rent for anyone. Councilor MacDonald encouraged the Council to consider eliminating the \$100 base fee for the first year. She said if it were cheaper in Old Orchard Beach than other towns to license a sidewalk café, it may attract more businesses to town, which would bring a new tax base and create more jobs.

Previously presented to the Council were the following Sidewalk Café fees from Cities. Saco does not have a Sidewalk Café program. Biddeford does, but it just has standards with no additional licensing requirements.

The City of Portland charges \$80.00 plus \$2.00 per square foot. Staff's original recommendation was to mirror Portland's Square footage rate (\$2.00) but to charge \$100.00 for the base to be consistent with the other base license Charges. The Code Officer had previously supplied to the Council some documentation from other towns and cities. Seattle: The one-time application review fee of \$516.00 is due at the time the application is submitted. Payment may be made in cash, check or credit card (VISA or MC). Platforms require a separate permit for a structure in the right-of-way, which has an additional application and review fee. Annual permit fees are due once an application has been approved and must be paid in full for one year before a Street Use Permit will be issued. The Annual Use Fee covers a one-year period only and is not pro-rated based on monthly or seasonal use. The current 2009 permit fee is \$146.00 plus \$1.56 per square foot of sidewalk area used by the sidewalk café on public property. SDOT will send an invoice to renew the sidewalk café permit annually if permit is in good standing. Portland, OR A \$50.00, non-refundable payment is due at the time of application. The total annual permit fee is \$75.00 plus \$1.50 per linear foot of Sidewalk Café operation. The total permit fee is due at the time of permit issuance. Grand Haven, MI - A semi-permanent café: defined as a sidewalk café that serves alcohol, provides wait staff for its patrons, or has tables that seat more than two persons. The applicant shall enter into a lease agreement with the City for the sidewalk space for exclusive use of the sidewalk café. Annual Fee \$250.00. A mini-café: defined as a sidewalk café comprised of bistro tables which seat no more than two persons. Annual Fee \$100.00 Philadelphia - Sidewalk Cafe License -Cost: \$160.

There were questions raised on the sidewalk café fee with Councilor MacDonald saying she felt it was too high and agreeing with Chair Quinn because they would be bringing the possibility of attracting other new businesses to the downtown and also they had already paid

for a business license as well. Councilors Dayton and O'Neill did not agree but felt that we have been challenged by the need for additional funding and that this is an opportunity for citizens to have another tax break opportunity by including such fees. The question was also raised about the Excavation Contractor's license fee and it was a consensus that this should be raised to \$100. After discussion the fee for the sidewalk café was left as it was indicated in the ordinance draft but the excavation contractor's license fee was raised to \$100.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Amend Appendix A, of the Code of Ordinances, the Schedule of License, Permit and Application fees to exempt Town and RSU 23 owned properties; update Plumbing and Septic System permit fees; create Sidewalk Café license Fees; and Excavation Contractor's license fee.

VOTE: Yea: Councilors Dayton, O'Neill, MacDonald, and Vice Chair Tousignant
Nea: Chair Quinn

5429 Discussion with Action: Amend Chapter 54, Traffic and Vehicles, Sections 54-32 through and including 54-46, 54-102, 54-103, Sections 54-114 through and including 54-115, Sections 54-142, 54-144, 54-146, 54-153, 54-154, 54-160, 54-186, 54-187 of the Town of Old Orchard Beach Code of Ordinances.

Chapter 54 Traffic Ordinance Revisions: This work was done collaboratively with The Ordinance Review Committee and Deputy Chief Babin. There are also amendments that came as a result of the winter Town Council Parking Workshop. Jerome Begert did ask that in further considerations down the way that attention be given to more signage and control of the heavy truck traffic and the speed limit be considered reduced from 30 miles per hour to 25 miles per hour.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Amend Chapter 54, Traffic and Vehicles, Sections 54-32 through and including 54-46, 54-102, 54-103, Sections 54-114 through and including 54-115, Sections 54-142, 54-144, 54-146, 54-153, 54-154, 54-160, 54-186, 54-187 of the Town of Old Orchard Beach Code of Ordinances.

VOTE: Unanimous.

5430 Discussion with Action: Appoint Robin Dube as an Alternate to the Ballpark Commission, term to expire December 31, 2013.

MOTION: Councilor O'Neill motioned and MacDonald seconded to Appoint Robin Dube as an Alternate to the Ballpark Commission, term to expire December 31, 2013.

VOTE: Unanimous.

5431 Discussion with Action: Consider continuation of discussion regarding a

Proposal to provide a rolling trash pick-up system starting immediately; and Bathroom Attendants at the Town bathrooms for the 2011 season.

This item was previously Tabled Indefinitely.

5432 Discussion with Action: Be it ordered that the Town Council Move to Authorize the Town Manager to Sign the Agreement for the Tri Community Camera Inspection and Asset Management Program between the Town of Old Orchard Beach, City of Saco, and City of Biddeford, Maine, in the amount of 20% of \$66,762.31 or \$13,352.46 from Account Number 20151-50508 – Public Works Sewer Maintenance Improvements.

PUBLIC WORKS DIRECTOR: The City of Saco, Biddeford and the Town of Old Orchard Beach has participated in the Tri-Community Camera Program for thirteen years. The communities are proposing to continue the Agreement for an additional five years. The proposed Agreement will have an employee of Saco assigned to the vehicle dividing their time based on the proposed cost sharing allocation of Biddeford and Saco – 40% each and Old Orchard Beach 20%. Council has been provided a copy of the Agreement and also the Job Description and the Benefit Package associated with the Agreement. Discussion was held about the possibility of securing our own camera next year in the budget season but the Town Manager and Public Works Director felt that to continue with the Agreement this 2012 budget year would be most beneficial.

MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to Be it ordered that the Town Council Move to Authorize the Town Manager to Sign the Agreement for the Tri Community Camera Inspection and Asset Management Program between the Town of Old Orchard Beach, City of Saco, and City of Biddeford, Maine, in the amount of 20% of \$66,762.31 or \$13,352.46 from Account Number 20151-50508 – Public Works Sewer Maintenance Improvements.

VOTE: Unanimous

5433 Discussion with Action: Approve building permit fee waiver request from RSU23 for the Loranger Window Project in the amount of \$1,656.

TOWN MANAGER: Mike Garrity of the RSU has requested that the Town Council waive the fee for the RSU23 for the Loranger Window Project in the amount of \$1,656. The Council should note that if Agenda Item 5428 was approved by the Council this evening, this type of request would not be necessary in the future.

MOTION: Councilor MacDonald motioned and Councilor Dayton seconded to Approve building permit fee waiver request from RSU23 for the Loranger Window Project in the amount of \$1,656.

VOTE: Unanimous.

5434 Discussion with Action: Reconsider prior Agenda Item Number 5420 per Rule 2-73 of the Rules of Procedure to Approve and enter into a three-party Agreement with PACTS (Federal Highway and Maine Department of Transportation) – at a cost of \$211,380; and Old Orchard Beach with a share cost of \$21,138 (10%) due by July 19, 2011 to Shim and Overlay Ocean Park Road from I-195 to Temple Avenue (0.28 miles) from Account Number 20203-50506 – Road Maintenance/Improvements, with a balance of \$203,705.

There was ample discussion on the positives and negatives of this reconsider. Vice Chair Tousignant asked for a motion to Reconsider:

MOTION: Councilor O'Neill motioned and Vice Chair Tousignant second to Reconsider Prior Agenda Item Number 5420 as read.

VOTE; Unanimous.

In the reconsideration process the Town Manager explained At the June 7, 2011 Town Council Meeting the Town Council voted against approving and entering into the three party Agreement with PACTS (Federal Highway and Maine Department of Transportation) – at a cost of \$211,380; and Old Orchard Beach with a share cost of \$21,138 (10%) due by July 19, 2011 to Shim and Overlay Ocean Park Road from I-195 to Temple Avenue (0.28 miles) from Account Number 20203-50506 – Road Maintenance/Improvements, with a balance of \$203,705. The explanation given by Council members was that there are more serious condition roads needing attention at this time and although very much appreciative of the efforts of PACTS, it was felt those other roads needed immediate consideration and the request was for PACTS to understand the concerns of the Council and the Administration. Paul Niehoff of PACTS explained that PACTS policy is to maintain roads that are good pavement preservation candidates based on the ranking system. He also indicated that the road described here meets that criteria. He continued by saying that they simply do not have the funds to rehabilitate or reconstruct the roughly 120 miles in our region that need it; therefore they are concentrating on the roads we need to preserve before they get to the point of serious rehab or reconstruction. He also raised the concern that if Old Orchard Beach does not participate in the State Preservation Paving Program, when the section of the road deteriorates to the point of needing work, the State will likely not participate in a share repair program leaving the cost of repairs totally to Old Orchard Beach. If we remember a couple of year's ago the State turned over their secondary State roads to the individual towns (thank you very much!) In light of this new information the Town Manager felt it somewhat irresponsible not to present this plan to the Council for reconsideration. Old Orchard Beach's share of the \$211,380 payment at a reduced rate through PACTS at 10% would be \$21,138 (with a possibility of the \$211,380 being a high estimate.) The account would be 20203-5056 – Road Maintenance/Improvements with a balance of \$203,705. The \$211,000 funding amount can't go into another Old Orchard Beach project and would most likely go to the new collector project on the list.

Councilor O'Neill although feeling that the Town is being somewhat held captive to these funds, felt that we did need to move forward as did Councilor Dayton who expressed the opinion that down the road the cost would be totally ours and the Town Manager reminded everyone that the State turned out the care of the roads to Towns a few years ago and as such

when the major work is needed it will fall under our responsibility. It was, however, the feeling of all Council members that the insinuation that if we do not move forward with this that there would be repercussions weighted heavily on the Council and was not a positive feeling for any of them.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Reconsider prior Agenda Item Number 5420 per Rule 2-73 of the Rules of Procedure to Approve and enter into a three-party Agreement with PACTS (Federal Highway and Maine Department of Transportation) – at a cost of \$211,380; and Old Orchard Beach with a share cost of \$21,138 (10%) due by July 19, 2011 to Shim and Overlay Ocean Park Road from I-195 to Temple Avenue (0.28 miles) from Account Number 20203-50506 – Road Maintenance/Improvements, with a balance of \$203,705 but the Motion was DENIED.

VOTE: Yea – Councilors O'Neill and Dayton

Nea – Councilors MacDonald, Vice Chair Tousignant and Chair Quinn

5435 Discussion with Action: Approve the Special Event Permit for the Knights of Columbus to hold a Tootsie Roll Drive in the Square on Saturday, July 2, 2011 from 10:00 a.m. to 6:00 p.m. to benefit the intellectually disabled of this area; and a request to waive the fee.

MOTION: Councilor MacDonald motioned and Councilor O'Neill seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

5436 Discussion with Action: Approve the Special Event Permit application from the OOB Recreation Department to hold Concerts in Memorial Park on Thursdays, July 14th, July 21st, July 28th, August 4th and August 11th, 2011, from 6:30 p.m. to 8 p.m.; and a request to waive the fee.

Vice Chair Tousignant expressed his concern on why the funding that was left in the Recreation Budget was not transferred to the General Account considering that the Council voted again approving the Concerts in the Park. Vice Chair Tousignant expressed his concern on why the funding that was left in the Recreation Budget was not transferred to the General Account considering that the Council voted against approving the Concerts in the Park for the FY11 budget year Vice Chair Tousignant then asked the recreation director what the cost of these concerts would be and the recreation director's response was \$2,000.00.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

547 Discussion with Action: Approve the Special Event Permit application from the OOB Recreation Department to hold the Men's Outdoor Basketball League at the Memorial Park Basketball Courts every Monday and Wednesday (other than July 4th moved to the 5th) from June 22nd through August 24th, 2011 from 6 p.m. to

8 p.m.; and a request to waive the fee.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

5438 Discussion with Action: Approve the Special Event Permit application from Bill Johnson to hold a family cookout on the beach in front of his home at 213 East Grand Avenue on Sunday, July 3rd, 2011 from 11 a.m. to 6 p.m. Applicant to respond to Fire Department concerns prior to event. Insurance listing Town of Old Orchard Beach as additionally insured to be provided to the Town Clerk's Office at least one week prior to the event.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

5439 Discussion with Action: Approve Inca Son to hold street performances in the Square near the water fountain on Sunday, July 3rd; Saturday, July 23rd; Saturday, August 13th; Sunday, August 28th; and Saturday, September 3rd, 2011 from 12 p.m. to 10 p.m.

MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to Approve Inca Son to hold street performances in the Square near the water fountain on Sunday, July 3rd; Saturday, July 23rd; Saturday, August 13th; Sunday, August 28th; and Saturday, September 3rd, 2011 from 12 p.m. to 10 p.m., with the understanding that they are to remove immediately upon the end of each performance the duct tape and electrical cords across the walkway to Palace Playland.

VOTE: Unanimous.

GOOD AND WELFARE:

Councilor O'Neill expressed disapproval of the quick decision to Table Indefinitely Agenda Number 5431 when there was no discussion and that it should have been considered at the time of the presentation of the Agenda Item and not at the beginning of the meeting. There was discussion of any misunderstanding among the Council on issues.

Councilor O'Neill also expressed distress over the condition of the Ross Road and the work that had been done there that was already deteriorating and asked for the Town Manager to review that project and make corrections immediately.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to adjourn at 9:42 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 eighteen (18) pages is a true copy of the original Minutes of the Town Council Meeting of June 21, 2011.

V. Louise Reid