

**OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, October 21, 2014
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, October 21, 2014. Chair O'Neill opened the meeting at 7:00 p.m.

The following were in attendance:

**Chair Shawn O'Neill
Vice Chair Bob Quinn
Councilor Malorie Pastor
Councilor Kenneth Blow
Councilor Joseph Thornton
Councilor Jay Kelley
Councilor Michael Tousignant
Town Manager Larry Mead
Assistant Town Manager V. Louise Reid
Human Resource Director Tammy Lambert**

**Pledge to the Flag
Roll Call**

ACKNOWLEDGEMENTS:

COUNCILOR PASTOR: She spoke about the wonderful contributions of the students at the three Old Orchard Beach Schools and their work in composting. She was impressed by the activities of the students; their enthusiasm in the project; and the comment of one child that said, "I am doing this because I love the earth." She thanks in particular Assistant Principal, George Shabo.

CHAIR SHAWN O'NEILL: We have lost three of our well-known citizens over the past few weeks. On behalf of the Town Council I would like to pay tribute to the lives of Joe Mokarzel, Joseph Dussault and Paul Verrault. Joe Mokarzel, a local businessman and former town official gave many years of service to the Town of Old Orchard Beach. He served his country and as a teacher of history and social studies at Biddeford High School. His political involvement to the betterment of the Town of Old Orchard Beach is well known. Joe will be missed greatly and our thoughts go out to his wife, Anita, and his sister, Maureen O'Leary. Joe Dussault was well known to us as the owner of Joseph's by the Sea and his humor and good nature was always present when we would be greeted by him during our visits to Joseph's by the Sea. To his daughter, Louise Lesperance, and his son, Paul Dussault, who carry on the great reputation of Joseph's, our sincere condolences. We were also saddened to learn of the passing of Paul Verreault. He and his wife, Claire, own the Concorde Motel. His family has been very involved in our community. Our condolences to his family and our support in the days ahead.

ACCEPTANCE OF MINUTES: Town Council Meeting Minutes of October 7, 2014; Town Council Workshop of October 8, 2014; and Administrative Review Board Minutes of September 30, 2014.

MOTION: Vice Chair Quinn motioned and Councilor Kelley seconded to Accept the Minutes as read.

VOTE: Unanimous.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this meeting at 7:05 p.m.

Ernest Bencivenga & Mary Darby (205-19-18-9), 47 Milliken Street, Unit 9, one year round rental; Tina Morrison Kelly (206-24-45), 41 School Street, one year round rental; Angela Preston (206-28-10), 47-53 Summit Street, six year round rentals; Jonathan Jacques (210-2-15-7), 2 Ryefield Drive, #7, one year round rental; and Roger & Joanne Quinn (301-7-10-12), 190 East Grand Avenue, Unit 12, one year round rental.

CHAIR: I close this meeting at 7:06 p.m.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Approve the Business Licenses as read.

VOTE: Unanimous.

PUBLIC HEARING AMUSEMENT PERMITS:

CHAIR: I open this Public Hearing at 7:07 p.m.

HFY Enterprises Inc. dba/Oceanside Grille at the Brunswick (310-6-1), 39 West Grand Avenue, Music Inside – 11:00 a.m. – 1:00 a.m. & Outside from 11:00 a.m. to 12:30 a.m.

BACKGROUND:

The Town Council Chair at this time thanked those attending in the audience, recognizing the issue that they came to discuss, and requesting that all discussions be held in a professional manner and that questions and comments be made to the Town Council and not between individuals in the audience. He again thanked each person for the e-mails and telephone calls that have been received over the past couple of weeks to the Council giving them adequate background on which to move forward with the discussion this evening.

During this segment, the Assistant Town Manager noted that if anyone wanted their comments verbatim in the minutes, they would need to provide her with a copy of their comments.

There were many individuals attending the Town Council Meeting this evening as they discussed the Amusement Permit and Liquor License for the Oceanside Grill.

Those attending or sending e-mails to support the Brunswick Condo Association were: Marcia Kelley, President of the Condo Association, Bud Lukas, Peter Redman, Craig LaFontaine, Gregg LaFontaine, Debra Hall LaBelle, Patti Dubrevil, Christine Brunetti, Karen LaRocque, Vincent Mirra, Tim Brown, Fran and Robin Calaguiro, Brian Deraney, Marianne Kane, Marie Maquire, Dorothy Letourneau, Bernie and Maureen Carlomagno, Barbara and David McPhelim, Patrick Murphy, the Paige Family, the St. Jean Family, Marianne Lafontaine Kane, and Chris Aceto.

Those speaking at the meeting supporting the concerns of the Associations were:

Bud Lukas, Peter Redman (asking for specific comments in the minutes), Chris Aceto, Shirley and William Canterra, and Jerome Begart.

Many of the concerns expressed by the Brunswick Condo Association through e-mail and those who spoke in person included the following:

Lack of understanding that drinking and noise levels can have a life-altering effect on those who live in the area. Those who visit the bar or restaurant have the luxury of leaving and going home to the quietness of their individual living accommodations but those of us who live above must live with the noise and disturbances almost 24 hours a day. There are five floors of residential owners at the total mercy of one commercial floor and it is felt that the condo owners and those who use those units winter and summer are totally ignored by the Town in providing a safe and quiet place to live. They feel the denial of their rights needs to be addressed now. The owners feel that the Old Orchard Beach's ordinances have been formulated by experts but the Council and staff refuse to reconsider them. The Condo Association recently contacted both of the consultants hired by the Town for their expertise. Neither of the consultants, according to the owners, supported the Town's decision to allow such an abuse of a building full of residents by a commercial business in the same building. They feel that they have erroneously and arbitrarily been placed in the Central Business District. They indicated that the Grand Victorian is squarely located within the center of Town, across from both the Arcade and the Pier, and yet they are not being subjected to what the condo owners are forced to endure. They point out that the Brunswick is open all year long so they are subjected to disturbances all year long. They pointed out that although they knew there was a commercial business on the first floor when they bought their condo units, there was no outside noise at that time and the noise from the first floor was far less obnoxious than it is now. They recommended that consideration be given to the hours of operation and the limiting to outside music being played on the patio. They pointed out that nowhere could they find a Town that permits hundreds of people and live bands to congregate in a giant bar in a primarily residential building. Again – all this is both indoors and outdoors within a few feet of the bedroom and living room windows of people trying to live within. There are no limitations placed on this bar and there should be. Patrons of the bar block the only residential entrance to and exiting from the building. They provided a picture of such a situation. They pointed out several times that they are tax payers. They indicated it is not only a nuisance issue but a health and mental health issue as well. It was also noted in several e-mails that when the condo units were purchased back before 1997, the bands performed inside and if it was outside usually from 5:00 to 7:00 p.m. on the patio. They don't know how, why, or who permitted the changes in the bar operation time and extensive programming. There are noise of drunken patrons which continues on with hooting and hollering and arguments which we can hear in our condo units. The ability to rent to families is just not possible because of the location of the bar. Economically we have suffered as a result of the type of operation of the bar and restaurant. The value of our condo units has also suffered immensely. Motorcycles are parked all over the place and areas that aren't even designated for parking are being made into make-shift spots. We have

to call ahead to make sure we have a space in the owner's parking lot. It was also pointed out that none of those who have spoken for the Oceanside Bar and Restaurant has a stake in this dispute and yet because they were able to get hundreds of comments from customers, don't deny the residents the value of their comments. Other comments included sleep deprivations and health issues have developed for many who live in the condos. One of the speakers presented to the Town Council a copy of Old Orchard Beach Noise Ordinance, providing information on certain noise that is prohibited; loud and unnecessary noise, exclusions, definitions, operation of noise-creating devices on public right-of-ways, specific prohibitions, findings, controlling provisions, noise level standards, inspections, purpose and policy, sound, effective date of ordinance, measurement procedures, exceptions, public hearings on ordinances, installation of public/private utility facilities, definitions, traffic and vehicles, certain ordinances not affected by Code, prohibited signs, illicit discharge ordinance, basis/purpose/objectives, purpose; and petition for enactment of Ordinances. They also provided information relative to state law.

The residents have suggested some changes. They asked the Town Clerk how those changes can be made and she provided to them the following:

- Sec. 410. - Public Hearing on Ordinances.

A proposed ordinance may be introduced in writing by any Councilor to the agenda of any regular or special meeting of the Council.

Upon introduction of an ordinance, the Town Clerk shall distribute a copy to each Councilor and to the Town Manager, shall file a reasonable number of copies in the office of the Town Clerk, shall post a copy of the proposed ordinance on the bulletin board in the Town Hall, and the Town internet web site, and shall cause to be published in a newspaper of general circulation in the Town the wording of the proposed ordinance or a title descriptive of its contents and purpose, together with notice of the time and place of public hearing thereon and reference to the Town internet web site for the full wording of the proposed ordinance if abbreviated in the notice.

A failure or malfunction in the Town internet website shall not require the postponement of any hearing or action by the Council or invalidate an ordinance otherwise enacted in compliance with the procedures of this section.

The public hearing shall follow the publication in the newspaper by at least seven (7) days, may be held separately or in connection with a regular or special meeting of the Council and may be adjourned from time to time. All persons interested shall have a reasonable opportunity to be heard.

After the public hearing the Council may adopt the ordinance with or without amendment or reject it, but in no case shall the ordinance be adopted or rejected in less than fourteen (14) days after the public hearing. An ordinance shall become effective upon its adoption by the Council or at such other time as it may specify.

If an ordinance is amended so as to change substantially its meaning or effect, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the

procedure hereinbefore required for a newly introduced ordinance. The above procedure may be waived only as provided in Section 410.1 dealing with emergency ordinances. The Council may enact rules controlling reintroduction of defeated ordinances, provided that no defeated ordinance may be reintroduced for a period of one hundred eighty (180) days from the date of the meeting at which it was considered.

Sec. 410.1. Emergency Ordinance. Notwithstanding any other provision of this Charter, to meet a public emergency affecting life or health or property or the public peace, the Council may adopt one or more emergency ordinances, with the statement of the emergency being a part of the preamble to the ordinance. The declaration of such emergency by the Council shall be conclusive.

An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least a majority plus one of the seated Councilors shall be required for adoption. After adoption, the ordinance shall be posted on the bulletin board in the Town Hall, the Town internet web site, and such other places as the Council may designate. It shall be effective as of its adoption or as of such other time as it may specify.

Every emergency ordinance except one authorizing the issuance of emergency bonds or notes shall stand repealed as of the 61st day following the date of its adoption, but this shall not prevent the reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

As a result of the Town's Clerks information, the following recommendation was sent to the Town Council:

“Dear Town Council: We appreciate the time and energy that you most generously give to this town. Regarding the regular town council meeting scheduled for Tuesday Oct. 21, 2014. Specifically:

**-Public Hearing for Amusement Permits: -HFY enterprises Inc. dba/Oceanside Grille at the Brunswick
(310-6-1) 39 West Grand Ave. Music inside 11 am to 1 am- outside 11 am to 12:30 am.**

This Permit is hereby formally contested with changes:

This business needs to be allowed a permit, however we ask the permit to be amended, to be temporary or limited until the town council can truly see and understand the negative health issues that are caused by the issuance of this permit.

The amended time we ask for is as follows:

All noise to be limited to 70 dB (decibels) as in other residential areas

Friday & Saturday

Inside & Outside 1 pm to 11 pm

Sunday through Thursday to be limited to 60 dB (decibels) 1 pm to 8 pm

We do not want harm to come to this business; we want the business to continue. What is needed for the betterment of the health and welfare of the people that own, rent and are otherwise residing in this mixed use building

1) to reduce the hours of music

- 2) to restrict the content of the words of the music
- 3) to limit the loudness of all noises created due to this business
- 4) to allow the police to enforce the sound limit ordinances as they would in a non-mixed zone.
- 5) Yes, this means that a proposal for the sound ordinance must be written, submitted and the process executed.
- 6) This proposed ordinance will be delivered before the next town council meeting.

Reference materials Chapter 26 Environment: Pages 1 to 10 --Amended 6-15-2010 Specifically Sec. 26 -57

Referencing: a scheduled town council workshop of the OOB Town council held on Wednesday Feb. 27, 2008 to discuss the noise ordinance.

The information reviewed at this meeting is in part: Sec. 26-57 findings- bottom 4 lines section (3) reads:

It is further declared that the provisions and prohibitions contained and adopted in this article are in the pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the town and its inhabitants.

This permit alone as written does not follow the above phrase as written above. It does not address the reason the zones, ordinances and changes which were made in 2010.

Furthermore it gives excessive rights to the business located on floor one; against the residential 26 units on floors 2 through 5.

This means floor one can complain if the above floors make noise to constitute disorderly conduct and the residents can be arrested. However the floor one business cannot be complained about by the residents no matter what they do in comparison by the above floors and receive any service or peace from the taxpayer's law enforcement police.

During this investigation in 2008 and the amendments in 2010 of the town sound disturbances. The building at {39 West Grand Ave. @ Brunswick} was under major renovations. Therefore there were not notices or discussions with at least this one owner of unit 220 at 39 West Grand Ave... . As written in the 2008 report; An Ad Hoc sound committee was formed and the results are in the one sided 2010 amendment.

The intent of this letter is to bring to the attention of the newest Town Council Members that the intentions brought forth at the meeting of Feb. 27 2008 are not completely nor accurately being represented. These need to be changed ASAP for the health and welfare of the people whom live, rent and visit the building at 39 West Grand Ave. OOB.

A representative (Bud Lucas) of several of the owners on floors two and above at the Brunswick is planning on attending this meeting on October 21, 2014. Please make the time to listen to his presentation and letters of owners.

- 1) The residential owners on floor two to floor 5 cannot have the police stop excessive breaches of the noise violations committed by floor one by the police.

Another e-mail from Mr. Redman received before the meeting including his comments that the words in Section 69-64 reads "noise created within" the structure. They are complaining about noise outside the structure from the four high powered speakers under the exterior of

the room under our decks to the 200 to 300 people outside and most importantly, the bands
Please add to my public hearing on special permits.

By whose authority does this business have to use the patio outside the Brunswick at 39 West
Grand Ave.?

The association does not authorize at the annual meetings.

The bylaws of the association do not to the best of my knowledge determine the right of units
a, b & c to use this patio for entertainment.

As past president and director of the association the original plans recorded in the town hall
read that this area was written as a swimming pool.

Thus, unless proven otherwise by written facts this patio may possibly be common area for
the entire association.

Please present this with my objection to the permit requested at this town meeting.

Thanks Peter Redman – predman@pricelessmattress.com

Those attending or sending e-mails to support the Oceanside Grill included: Karen Rand, Tom LaCasse, Mike Clukey, Mary Beth Valentine Smith, Steven Bennett, Matthew Peaco, Kristen Keenan Tarrant, Will Flagg, Priscilla Shepherd, Danielle Campbell, Cathy Cline, Doug Souliere, Erika Davenport, Lyle McKay, Mike Clukey, Susan Caldwell, Craig Mills, Alyssa Brochu, Bonnie Mercado, Rich Redmond, Michael Coleman, Chris Johnson, Craig Miller, Michael Reagan, Mike Clurkey, Parris Bacon, Nick Berthiaume, Deb Carter, Mike Blow, Steven Bennett, Pamela Smith, Matthew Peaco, Carinna Freeman, Deborah Campbell Pataky, Doug Souliere, Michael Cooke, Marie Captain, Kristen Tarrant, Craig Mills, Jared Shabo, Parris Captain, Joe Camp, Nancy Graves, Brittini Herring, Robyn Landry Laiviere, Debra Hill LaBelle, Patti Dubreuil, Carl D'Agostino, Marcia Fleury, Kellie Perrault Mueller, Erika Davenport, Julia Thompstone, John Molina, Candace Pink, Darlene Sherman, Cheryl Johnson, Skip Freeman, Moe Mango, Jeannie Belile, Amy McPheters, Rick and Joyce Wilson, Rhonda Henault, Jason Lizotte, Marianne Lafontaine Kane, Mary Beth Valentine Smith, Brian Welch, Brandi Hatch, Louis Barboza, Sean Walker, Fiona Van Fox, Ashton Hopkins, Michael Mick Severy, Andrea Berry, Bonnie Mercado, Vassar Laughton, Patricia Stevens, Mark Daniels, Joey LaRochelle, Karen LaRocque, Carlene LaFlamme, Steve Newman, Doreen Giroux, Margaret White, Diane Blanchard, Kelly Kingsbury, Michele Letellier, Coleen Fogg, Laurie Marcella, Matt Marchese, Debi Blodgett De Longchamp, Wendylee Brown, Julian Goglia, Wynn Goglia, Brian Welch, Jason Brouillard, Tracy Dubies, Gary Skorb, Christine McGinnis, Christopher Bailey, Carly Hofstra, Lorrie Windslow, Ann Schemerhorn, Jackie Pratt, Lynda Jean, Cindy Michaellee Griffin, June Boulette, Moreyn Kamenir, Will Vacca, Nathan Roberts, Angela Martineau, Diane Houle, Jeremy Link, Roxanne Malina, Kim Pellegrini Riopel, Diana Warren, Mark Andrews, Mark Hamer, Michelle De Lorge Factor, Jennifer Stanton, Dave Olszewski, Daniel Pardis, Doreen Giroux, Shawn Boissoneault, Laurie Tibbets, Amy Votto, Glenn McCarthy, Sr., Lauren Cavette, Jan Jordan, Susan Langlois, Cheryl Adams Collen, Cynthia Northrup, Frans van Herp, Daralyn Feeney, Don Marlin, Lyndsay Hashey, Keith Knudsen, Megan Graves, Lucy Adolphson, Noelle Castle, Lori Lonsdale, Michelle Parch, Pamela Smith, Curt Gezotis, 182 Productions, Joanne Phinney, John Syriac, Rita Hunt, Melinda Sheehan, Lynda Silve, Louis Barboza III, David MacDonald, Kelli Plunk, Sharon Romano, Stephanie Grass, Christine MacDonald, David Langlois, Diana Cruickshanks, Sandra Baia, Tim Anderson, Ed Wright, Debra Pataley, Pam DiPesa, Mike Harrington, Carrie Leutennager, Mabel Morey, Alex Brown, Erik Knox, Leigh Ann Papi, Liz Smith, Jamie Crivello, Sarah Baines, Amy Elliot, Katy King, Steven Bennett, Kristeon Dapolite, Melissa LaRose, Debra Campbell, Jessica Demers, Carly Hofstra, Lorie Windslow, Michelle Porch, Diana Cruickshanks, Larissa Dulin-Andrews.

Those attending and speaking in favor of the Amusement Permit and Liquor Licenses were: Henry Pelletier (from the Grand Victorian), Pat Brown, Michael Coleman, Tom LaCasse, Karen Underwood, John Martinez, Richard Redmond, Guy Loranger, Mary Beth Smith, and Beth Poitras.

Some of the comments made at the meeting and included in the 3-mails were made in response to the complaints of the condo owners include the following:

They knew there was a restaurant and bar on the first floor when they purchased their condos. The facility is located in the DD1 area. The Ordinance is specific about what can and cannot be done in that area.

In terms of zoning, the purpose of a particular district is important because it provides the intent as to how the district is created and how it should continue to develop. Below is the purpose statement for the DD1 District.

Subdivision III. - Downtown District 1 (DD-1)

Sec. 78-716. - Purpose.

The purpose of the downtown district 1 (DD-1) is to maintain the historical downtown area as the town's principal commercial, service, and entertainment center for year round residents and seasonal visitors, by promoting increased commercial diversity, vertical stratification of mixed uses, improved infrastructure, and implementation of design standards targeted at creating a visually exciting and harmonious environment attractive to the changing market demands.

Below is a purpose statement for a district that has both residential and commercial uses. You'll see it mentions that business and service uses are allowed but they must support and compliment residential uses.

DIVISION 10. - NEIGHBORHOOD COMMERCIAL DISTRICTS (NCD)

Sec. 78-866. - Purpose.

The purpose of the neighborhood commercial district (NCD) is to provide for the continuation and/or establishment of businesses and services, which support and complement the character of surrounding residential neighborhoods.

Below is a purpose statement for a district that primarily allows residential uses. You'll see it specifically mentions residential and the district intent is to continue to allow residential uses.

DIVISION 2. - RESIDENTIAL 1 DISTRICT (R-1)

Sec. 78-486. - Purpose.

The residential 1 district (R-1) is established as a zoning district in which the principal use of the land is for single-family residences in detached dwellings and

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customary accessory, educational, public and religious uses that contribute to a wholesome residential neighborhood environment.

Many spoke about the Oceanside Grille being an anchor business in Old Orchard Beach. It is a business that caters to both tourists and the residents of the community. It is one of the few businesses in our town that is open all year long affording the opportunity for residents and visitors to eat out and have entertainment in their own community. There were at least four references from those who have stayed in the condo units and did not have any issues with the noise from the bar area or the patio. The Oceanside Grille employs many individuals from our community who would be unemployed if it were not for this business. It is a family establishment and people do bring their families for meals. It was suggested that the condo owners knew when they purchased the condo that it was in a commercial, not a residential zone, and if they are not happy now they should sell and move. It was indicated that the bar has been there for thirty years. In looking at the condos that are for sale in the Brunswick, the prices are much too high to begin with. Most people who come to Old Orchard Beach don't expect a quiet environment. It is a summer resort where tourists come to be entertained and to participate in summer activities. It was noted that only two or three residents live in their units and most are rented out during the summer months. It was indicated that the condo owners have continually used the Town resources to fight a battle they know belongs in the civil court. The Brunswick is a mixed use building and as such their complaints are not governed by the Town's noise ordinance. This is something these condo owners are aware of because they have been told that several times by past Town Managers and Councils. They are acutely aware that many people throughout the town spent five years developing a fair and equitable sound ordinance. There were many newspaper articles, announcements on Channel 3, Council meetings, public hearings, and public notices about the work being done by the Committee. Sound consultants were hired and every detail was carefully thought through. It was a time consuming project that took great energy and commitment from all involved. Never once did anyone from the condos take part in these activities. The question was asked – "How would something supposedly so important to them go unnoticed by all of them? If they were interested at all in public service to the Town, they had plenty of opportunity to either serve on the committee themselves, or at the very least, provide input." The question was also asked how many more times will this have to be dealt with by the Council. Reducing decibel levels to where a group or people carrying on a conversation would be in violation is ridiculous. The Oceanside Grille and its owners and employees are great neighbors who constantly give back to the community. The list of groups that they have helped include the Ballpark, ALS, Johnny's Angels, the Loranger School, OOB Firefighters, Mary's Walk, MAP, OOB Seagulls, Special Olympics, Community Animal Watch, The Beach Raid Series, VFW, Elks, American Legion, OOB Alumni and many others. The Brunswick employs 56 to 70 area people in the summer and about 25 off-season. Many of their staff are students working on their degrees varying from Law, a Masters in Psychology, Bachelors of Science and Business, while others are professionals such as dental hygienist, teachers, culinary graduate, a registered nurse, office manager and the list can go on. The staff gives back to the community in their own way. Michael Coleman asked Councilor Thornton to read a letter from him which confirmed some of the same issues stated above. He did point out that almost thirty-one years ago, almost to the day, he first visited the Brunswick. There was live entertainment then. This establishment is in the DD-1 Zone. It is not a quiet place. It is a place for entertainment and part of what gives the Town its special character. He also stated about the many charitable events that are put on by the Oceanside Grill ownership.

Pat Brown read into the Minutes:

“I am reading a letter from Beth Poitras, General Manager of the Porthole Restaurant and Pub, Casablanca Cruises, 18-20 Custom House Wharf, Portland Maine.”

“I was fortunate enough to be part of The Brunswick when it first opened in 1983. I was able to raise my children and pay my bills because of my employment there. We had bands back then from all over, big name bands as well as local entertainment and had lines out the door to West Grand Avenue at times. There has always been entertainment at The Brunswick and I find it disturbing, to say the least, that they are facing losing this license after 30 years of having one. The Brunswick has been a local’s refuge in the off season as well as a great tourist attraction for out-of-towners in the summer season. Tom LaCasse has proven to be a successful owner as well as a generous community member. He has hosted countless fundraisers, generously donated without hesitation to many, has employed hundreds of people over his tenure and has supported many local musicians. He should be commended for his efforts and contributions to his community. I call upon the Condo owners to take some responsibility for their choice to buy over a successful beach bar and then try to take them out of business. We all deserve a quality of life but we are responsible for that quality and the condo owners should have thought about this before buying it. Instead they are now threatening to take away a successful, well-liked Old Orchard Beach icon. It’s shameful!”

Beth Poitras

Pat Brown then read her comments into the Minutes: “I feel it is imperative to express my point of view to you for these three points concerning the Oceanside Grill at the Brunswick. (1) As much as the condos would like to be viewed as “residential”, they are as much a business as the Oceanside Grill at the Brunswick. All but a small few are in the business of renting units to the public, for an average of \$300 a night. To the best of my knowledge, there are only two (although I heard tonight there are three) full time residents in the units, and they have not voiced any displeasure with Tom. (2) These condo owners continually use our Town resources to fight a battle they know belongs in civil court. The Brunswick is a mixed use building and as such their complaints are not governed by the Town’s noise ordinance. This is something these condo owners are aware of because they’ve been told several times by past Town Managers and Councils. They are acutely aware that many people throughout Town, including myself, spent five years developing a fair and equitable sound ordinance which was reviewed by the Ordinance Committee. There were many newspaper articles, announcements on Channel 3, Council meetings, public hearings, and public notices about the work being done by this Committee. Sound consultants were hired, every detail was carefully thought through. It was a time consuming project that took great energy and commitment from all involved. Never, not once, did anyone from those Condos take part in these activities. How would something so supposedly so important to them go unnoticed by any of them? If they were at all interested in public service to the Town, they had plenty of opportunity to either serve on the committee themselves, or at the very least, provide input. Now they blithely suggest reducing decibel level to where a group of people carrying on a conversation would be in violation. How many times does the Town need to go over this with them? How much time and resources does the Town need to spend on these complaints which are outside of their jurisdiction? Further proof that they’re acutely aware of the mixed use building stipulation of the fact that a few years ago they hired a private detective to go door to door in our neighborhood trying to find surrounding residents who would complain against the Brunswick. This fellow came to my door and I gave him an earful. I’ve lived right next door to the Brunswick for sixteen

years and do not have any problems with their music. They, and their employees, are extremely respectful to people in our neighborhood. I know Tom to be quite the opposite of how these condo owners have portrayed him. Tom continually does all he can to work toward solutions and has done much to attempt a compromise with these condo owners.

(3) The Brunswick, its owners and the people who work there are great neighbors who continually give back to our community. Just last weekend they held a combined “customer appreciation day” with free food and a fundraiser for local charities from which the OOB Food Pantry received a very healthy check. The list of groups and charities receiving financial help from the Brunswick is very long and includes the Christopher Cash Race, the Ball Park, ALS, Johnny’s Angels, the Loranger School, OOB Firefighters, Mary’s Walk MAPS, OOB Seagulls, Special Olympics, CAW, The Beach Raid series, VFW, Elks, OOB Alumni, and many, many more charitable contributions to the tune of over \$26,000 in just the past fifteen months. The Brunswick employs 65 to 70 area people in the summer with 25 off season. Most have been with Tom from the start. Many on their staff are students working on their degrees varying from Law, a Masters in Psychology, Bachelors of Science and Business, while others are professionals such as a Dental Hygienist, Teacher, Culinary Graduate, a Registered Nurse, Office Manager, and the list goes on. The staff gives back to our community in their own ways which are too numerous to mention. Two examples are one of Tom’s daughters who went to Haiti as part of a program to help rape victims and just last week his son jumped in without hesitation when asked to help two different people in Town that he had never met before. Neighbors like Tom, his staff and the Brunswick are a gift to the community and should be treasured, not harassed. We all should aspire to be the type of neighbors, like Tom and the Oceanside Grill at the Brunswick, who continually contribute to our Town. The Town must be careful not to become embroiled in condominium issues outside of its jurisdiction such as sound decibel levels internal to the building. As always, I thank you for your considerations. With every good wish.” Pat Brown – 1 Fourth Avenue, OOB

Councilor Joseph Thornton was asked to read into the Minutes a letter from Mike Coleman. “I am unable to speak in person due to a scheduling conflict. I am in Hollis right now at a prior speaking engagement scheduled by my campaign to be our next State Senator. Normally these amusement permits are routine items and not controversial. I understand that yet again there’s opposition to the Brunswick’s entertainment license. We already dealt with these concerns when I was still a member of the Council. We found the opposition to this permit unreasonable then and nothing has changed. Thirty-one years ago, almost to the day; I first visited the Brunswick. There was live entertainment then. This establishment is in the DD-1 Zone. That zone is filled with bars, restaurants, Palace Playland and other businesses. It is not a quiet place. It is a place for entertainment and part of what gives our town its special character. Other parts of the beach are places for peaceful and quiet enjoyment of the beach. The Oceanside Grille at the Brunswick hosts many charitable affairs during the year including the Lobster Dip every New Year’s Day which has raised hundreds of thousands of dollars for the Special Olympics of Maine. I know where I’ll be at noon next January 1st. I hope you’ll join me either in taking the dip or pledging to this great cause. A number of people are employed there and it truly is an institution of Old Orchard Beach. They fully comply with our laws and ordinances. In my view there is no legal reason to deny their application as submitted. As a citizen and taxpayer of Old Orchard Beach I urge the Council to approve this amusement permit as submitted with no modifications. Thank you for your service to our town.” Mike Coleman, former Town Councilor and candidate for the Maine Senate.

Council members and others brought up information from the past which included changes to the sound ordinance which is one of the issues raised by the Association. It should be noted that we have had a noted change in staffing between 2004 and 2010 when the changes were considered and made. In January of 2005 the Town Council requested that the Planning Department write a noise containment ordinance with the help of the business owners, residents and Town Hall members. The noise committee was created to explore issues and recommend solutions for the controversial noise issues. The Committee was not officially appointed by the Council but is made up of residents and business owners representing both sides of the issue. Caroline Segalla, former Assistant Planner, was hired in August of 2004 and left the Town's employ in October of 2007; she was the Town staff member who coordinated this process and Police Chief Kelley has also been included in committee meetings at each step of the revision process. In addition individuals such as residents Sam Zaitlin, Pat Brown, and business leaders Jeanne LaChance, Gina Presterone, John Martinez, Jim Albert, Fred Golder, and Rich Redmond participated in the study as well as representatives from The Salvation Army, Fire Department and Police Department. Also during that time approval of a payment of \$5,200 to Rand Acoustics to assist with the study was made. The Planner at this time was Sandra Lee from 2005 to 2008 and Gary Lamb was the Planner from 2008 to 2010. In January of 2008, new staff in the personage of Gary Lamb and Jessica Wagner, took over the process and picked up where Caroline Segalla left off.

During the discussions this evening it was indicated that sound is one of those issues that affects people differently. What is loud to one person may not be loud to someone else. Also on a clear night noise will carry and on a humid or foggy night sound will not travel as much. The Study consisted of recording sound levels in different sections of the Town and on various days and times throughout the year.

- 2005:** Hrs.- 11 AM – 1 AM
Loc.- lounge and patio
- 2006:** Hrs.- 11 AM – 1 AM
Loc.- outside and inside
- 2007:** Hrs.- 1 – 5 PM & 7 – 11 PM (summer); 8 – 12 PM (winter weekends)
Loc.- outside and inside
- 2008:** Hrs.- 7 PM – 12 PM
Loc.- lounge and outside patio seasonal
- 2009:** Hrs.- 11 AM – 1 AM
Loc.- Inside and outside summer months
- 2010:** Hrs.- 1 – 5 PM & 8 – 12 PM (summer); 8 – 12 PM (off-season). Note on permit states amended approved by Council on 9/6/11 for the following hours: 11 AM – 12:30 AM (1 AM was originally on application but was crossed out and replaced with 12:30 AM)
Loc.- 39 West Grand Ave., inside and outside (summer)
- 2011:** Hrs.- 11 AM – 1 AM. Note on permit states amendment approved by Council on 10/18/11 for the following hours: 11 AM – 1 AM inside & 11 AM – 12:30 AM outside
Loc.- lounge year-round and outside patio seasonal
- 2012:** Hrs.- 11 AM – 1 AM inside and 11 AM – 12:30 AM outside
Loc.- lounge year-round and outside patio seasonal
- 2013:** Hrs.- 11 AM – 1 AM inside and 11 AM – 12:30 AM outside
Loc.- lounge year-round and outside patio seasonal

Currently, if the Town receives a noise complaint the police are called to the location where the reading is then taken to see if the noise is over the existing ordinance. A summary of changes to the ordinance are below.

- Appears original adoption of a sound ordinance was on 3.16.1983
- Appears the ordinance was amended on the following dates: 10.5.1983; 9.10.1985; 2.10.1992; 7.6.1993; 3.15.1994; 9.19.1995; 8.4.1998; 6.15.2010. So, the 8.4.1998 version of the Sound Ordinance was in-effect 2008, 2009 and until 6.15.2010. The 6.15.2010 Sound Ordinance was and continues to be in-effect beginning 6.15.2010 through to today.
- It appears the sections of the Sound Ordinance that are most applicable to the complaints include Sec. 26-63 (Noise Level); Sec. 26-64 (Exclusions) and 26-56 (Definitions). Ordinance adoption/amendment dates associated with these sections are: Sec. 26-63 (Noise Level) - 3.16.83; 10.5.83; 3.15.94; 9.19.95; 6.15.10. Sec. 26-64 (Exclusions) - 3.16.83; 9.10.85; 3.15.94; 6.15.10. Sec. 26-56 (Definitions) - 3.16.83; 3.15.94; 6.15.10.

The following information was provided as it related to past Amusement Permits in the past that were provided to the Bar and Restaurant. Vice Chair Quinn took the time to go over the information and explain the difference in the assignment of the hours and suggesting that perhaps the Council could consider a change of hours outside to 11:00 p.m. Councilor Pastor appreciated the comments of Vice Chair Quinn but related that she believe people were not looking at the actual town interest in why people come to Old Orchard in the summer and said it is time to stop comparing ourselves to Ogunquit, Kennebunkport, Kennebunk, Wells, etc. People come here to be entertained and the Brunswick does that. She also encouraged the owner of the establishment to work closely with the condo owners and perhaps, as the Vice Chair suggested, reduce the sound level, if possible. Tom LaChance, owner of the bar and restaurant, indicated that he has done that and even invested several thousands of dollars to make the issues more tolerable. He also noted that the common factor between all bass instruments is that they are the lowest-resonating instrument of musical instruments. As such, bass instruments require a large space for the sound wave to travel in which to resonate the lower tone. This is the case with most brass and woodwind instruments. They have the tendency to resonate louder than other instruments even when you, as a musician, try to tone it down. They are always larger than other instruments and require players to either stand or have special seating. Composers use the bass as the backdrop of the music and there it is the most of resonating.

Councilor Tousignant also thanked those who made the effort to present their side of the issues but believed that it was time to move on for the vote since most of the comments now were repeat comments.

CHAIR: I close this Public Hearing at 8:45 p.m.

MOTION: Councilor Thornton motioned and Councilor Blow seconded to Approve the Amusement Permit as read.

VOTE: Unanimous.

The Chair again expressed his appreciation for the courtesy and professionalism that was shown by all who took the opportunity to speak this evening and he explained that in the situation of the establishment of the ordinances and what it would take and impact to change, he believed the Council had no other option but to move forward on providing approval to the Amusement Permit and also approval of the liquor license.

TOWN MANAGER'S REPORT: The Town Manager reported that he had several meetings related to the Ballpark to discuss operations and maintenance issues as well as long-range planning; met with Finance Committee Chair, Michael Gray, and the Finance Director, Diana Asanza, to begin planning for Capital Improvement budgets and plans and to schedule visits to departments by the Finance Committee; met with residents and Conservation Committee members on Goosefare Brook water quality issues and continued monitoring efforts; met with area Town Managers from the Southern sub-region of PACTS on how we can improve efforts to obtain funding for larger regional transportation projects; met with the School Superintendent to discuss school and town cooperation and communication; met with the Town's owners representative on the library project to review the progress of construction and monitoring budget expenditures as we head into the home stretch; met twice to discuss the skateboard park operations, user protocols and rules and to examine how other communities with similar skating infrastructure manage the facility in another community; met with Chief Kelley and Lt. DeLuca with operators of a medical marijuana production facility in another community; continued work on the J-1 student program, including meeting with employers to work on addressing housing issues, including inadequate housing and shortage of housing; met with a resident to discuss what can be done to clean up a blighted property that has turned into a junk yard; met with a business owner who wants to convert his lodging facility to include winter rentals; and met with the Code Enforcement Officer on the same issue.

6303 Discussion with Action: Reenact the Emergency Ordinance Establishing a Moratorium on Medical Marijuana Non-Residential Cultivation approved on September 2, 2014 and expiring on November 13, 2014; and reenacted for sixty days expiring on January 12, 2015.

BACKGROUND: The present Moratorium on medical marijuana expires on November 13, 2014 which is before the next scheduled Town Council meeting (November 18, 2014). The extension is needed to allow the Planning Board to review the draft ordinance which it will do at both the November and December meetings. Most likely this will come before the Council at the December 16th meeting. Regarding Planning Board consideration of amendments to Chapter 78. Please note:

- The Medical Marijuana Proposal also includes amendments to Chapter 18 (Businesses) and Appendix A (Schedule of License, Permit and Application Fees). Both do not require PB consideration but I intend to include these amendments with the Chapter 78 as part of the PB submission. I will notify the PB that they only have jurisdiction over those amendments to Ch.78.
- The typical PB process takes two months and two formal meetings. The first meeting (which I intend to schedule for 13 November) includes Planning Board discussion and scheduling of the public hearing. The second meeting (which if the PB agrees, I will schedule for 11 December) will include the public hearing and I'll include "Provide recommendation to Council." Assuming the PB provides a recommendation at the 11 December meeting, the Council will then have the ability to rule on the amendments.

- PB and Council consideration can happen at the same time but the Council cannot rule on Ch. 78 amendments until the PB provides a recommendation.
- I will provide a memo with attachments. This will include:
 1. Some background on the creation of the ordinance
 2. Ordinance highlights (e.g. permissible only within GB1 Zone, 1 Registered Dispensary allowed in town, etc.)
 3. Map showing the locations in town where the uses are permissible
 4. PB process with projected meeting dates

Ordinance language regarding PB review of amendments to Chapter 78:

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. – GENERALLY

Sec. 78-31. - Amendments to chapter.

(a) This chapter may be amended from time to time as the needs of the town require after public hearing on a proposed amendment held by the planning board and following posting and publishing of notice of the hearing.

(b) Such notice shall be posted in the town office at least 14 days before the public hearing and shall be published at least two times in a newspaper of general circulation in the town. The date of the first publication must be at least 14 days before the hearing, and the date of the second publication must be at least seven days before the hearing.

(c) Amendments to this chapter shall be adopted only after favorable vote of a majority of the members of the town council.

Pierre Bouthiller, business owner, who is interested in developing a marijuana product facility, spoke about the ordinance which was being written and considered by the Planning Board, and his concern that they don't specifically define the difference between a marijuana production facility which he is anxious to begin and a marijuana dispensary. He indicated that there is a difference about where a dispensary could be established and the traffic considerations and where there would not be traffic or parking issue as it related to a product facility. Dispensaries have limited locations based on schools or day-cares or other places where children are located. Mr. Bouthiller explained that he is interested in opening a medical marijuana production facility which is quite different and he would like the ordinance to define the difference. Medical pot is used by people who have chronic pain that can't be managed well by using other forms of pain medication. A doctor's referral is required along with a special federal license to possess the legal pot. His desire is to open a production facility only which will manage safe production, storage and shipment of controlled substances. Security protocols and procedures will be in place. He explained that no one will be walking in off the streets. The ordinance which also takes in mind the zoning issue is coming before the Planning Board before it can be brought for a vote to the Town Council. Mr. Bouthiller naturally is interested in the time element and moving this forward but the Chair explained that the extension of the moratorium is necessary so the Planning Board can do what it is necessary to do and then move it to the Council sometime in December. He reassured residents and the Town Council that stringent security measures will be in place with security cameras. The production facility means that the business will be restricted to mail-order sales with no opportunity for on-site retail. The Chair indicated that this slight time delay is necessary

for the proper ordinance requirements to be observed. There would be no big signs indicating that pot is being grown there.

MOTION: Councilor Thornton motioned and Councilor Blow seconded to Reenact the Emergency Ordinance Establishing a Moratorium on Medical Marijuana Non-Residential Cultivation approved on September 2, 2014 and expiring on November 13, 2014; and reenacted for sixty days expiring on January 12, 2015.

VOTE: Unanimous.

6304 Discussion with Action: Approve the purchase of a replacement 75 horsepower motor for West Grand Pump Station Pump Number 2 from Hayes Pump in the amount of \$16,600 from Account Number 20161-50330 – Wastewater Equipment Replacement, with a balance of \$69,504.

BACKGROUND: The Town of Old Orchard Beach Wastewater Department is requesting the purchase of a replacement motor for pump #2 at the West Grand pump station. On August 29th it was reported the pump had stopped working. Shortly thereafter it was brought to Stultz for evaluation. The evaluation determined that the motor had multiple issues. After further investigation it was determined that the hydraulic portion of the pump could be reused. The pump was originally supplied by Fairbanks Morse. In this type of pump Fairbanks Morse supplies and builds the motor so other quotes will not be available. The Wastewater Superintendent has spoken with the sales representative and he has assured him that they are selling the motor to us at their cost. The quote for the motor is included in the packet. After consulting with Stultz, it was determined that the repair of the existing motor would be close to the cost of a new one. Included in your packet are the motor evaluation and the corresponding e-mails as back up to this item. The amount requested includes \$1,000 for shipping.

MOTION: Councilor Thornton motioned and Councilor Blow seconded to Approve the purchase of a replacement 75 horsepower motor for West Grand Pump Station Pump Number 2 from Hayes Pump in the amount of \$16,600 from Account Number 20161-50330 – Wastewater Equipment Replacement, with a balance of \$69,504.

VOTE: Unanimous.

6305 Discussion with Action: Approve the Liquor License Renewals for HFY Enterprises Inc. dba/Oceanside Grille at the Brunswick (310-6-1), m-s-v in a Restaurant/Lounge.

MOTION: Councilor Thornton motioned and Councilor Blow seconded to Approve the Liquor License as read.

VOTE: Unanimous.

It should be noted that John Bird, during each presentation of Special Event Permits, asked who would benefit from the particular special event. In each case it was the agency or organization requesting the permit.

6306 Discussion with Action: Approve the Special Event Permit application for the Special Olympics of Maine to hold their annual Lobster Dip on the beach by the Brunswick on Thursday, January 1st, 2015 from 9 a.m. to when the “Dip” takes place at noon; clean up by 2 p.m.; and a request to waive the fee. No parking allowed on West Grand Avenue; Insurance, listing the 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: Vice Chair Quinn motioned and Councilor Thornton seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

6307 Discussion with Action: Approve the Special Event Permit application for the Chamber of Commerce to hold their Annual Car Show on Friday, September 18th from 3 p.m. to 8:30 p.m., closing Old Orchard Street, and on Saturday, September 19th, 2015, from 6 a.m. to 4 p.m., in Memorial Park and the Milliken Street parking lot, and closing First Street; request for a banner in the Square, up to two weeks prior to the event. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk’s Office at least one month prior to the event; and a request to waive the fee.

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

VOTE: Unanimous.

6308 Discussion with Action: Approve the Special Event Permit application for the Chamber of Commerce to hold their Annual Beach Olympics on the beach and in the Square (request to close the Square) on Friday, August 14th through Sunday, August 16th, 2015, 5 p.m. to 9:30 p.m. on Friday; 10 a.m. to 9:30 p.m. on Saturday; 10:00 a.m. to 4 p.m. on Sunday. Request to place a banner in the Square for up to two weeks prior to the event, to be coordinated with MAPS Breakaway 5k; Insurance, listing the Town as additionally insured, to be provided to the Town Clerk’s Office at least one month prior to the event; and a request to waive the fee.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

6309 Discussion with Action: Confirm the dates of August 26th through August 31st, 2015 for the REV3 Triathlon. Requirement of submittal of the Special Event Permit application to the Town Council at least six months prior to the 2015 date of event.

MOTION: Councilor Pastor motioned and Councilor Kelley seconded to Confirm the dates of August 26th through August 31st, 2015 for the REV3 Triathlon with requirements as stipulated.

VOTE: Unanimous.

6310 Discussion with Action: Amend Town Council Policy 07-01, Parking Permits, by adding 30 parking permits for the Milliken Street lot only, allowing overnight parking, offered on a first come, first served basis to both businesses and residents, at a cost of \$300, from Memorial Day weekend to Labor Day, and removing temporary permits issued for parking at Town Hall.

BACKGROUND: The Town Council recently met in a Workshop to discuss this policy and as a result the following changes were suggested by Council in response to citizens and business owner's suggestions.

**TOWN OF OLD ORCHARD BEACH
Town Council Policy 07-01
Parking Permits**

The Town Council has established the following policy for the issuance of and charges for Municipal Parking permits.

Resident Parking Permits: Permits for parking in Municipal Parking lots may be issued only to Town residents. The cost for a Municipal Parking Permit for the Milliken Street and Memorial Park Municipal Lots, inclusive, will cost \$50.00 per permit. There will be a limit of two (2) Municipal Parking Permits per Household. Permits for individual lots may not be purchased separately.

Resident Eligibility: Only the following shall be considered residents who are eligible for Municipal Parking permits:

- (1) Individuals who register their car in Old Orchard Beach, who presently live in Town.
- (2) Individuals who register their car in Old Orchard Beach and who pay real estate taxes.
- (3) Individuals who pay real estate taxes, and who live in their homes for the summer season.

Non-Resident Parking Permits: All individuals who do not qualify for a municipal resident parking permit may purchase a non-resident parking permit for \$150. There will be a maximum of 100 Non-Resident Parking Permits, and they will be available at a first-come, first-served basis. These permits will authorize parking in the Milliken Street Municipal Parking Lot only, and are not valid for July 3rd, July 4th or July 5th [amended this section 2/7/12].

Overnight Parking Permits: There will be a maximum of 30 parking permits for overnight parking in the Milliken Street parking lot only, at a cost of \$300 per permit, available on a first-come, first-served basis.

Employee and Staff Permits: Staff permits may be issued, at no cost, to Town employees, Staff and Town Councilors for parking in the Employees parking area and Veterans Square area.

Visitor Parking: No permit will be required for parking in the upper Town Hall Parking lot. Temporary permits for parking in Veterans Square may be issued by the Town Manager's office.

Permits: Permits shall be in the form of hang tags to be affixed to the rear view mirror. All stickers for which a fee is charged shall be issued by the Town Clerk's Office. The Municipal Parking Permits, and Non-Resident Parking Permits, and overnight permits are valid from the Friday before Memorial Day through Labor Day of each year. Colors of the stickers are to be determined by the Town Clerk. Stickers shall be numbered consecutively. Staff parking stickers shall be issued by the Town Manager's office and shall be valid only while the individual is employed.

Permits Not Transferable: Permits issued under this policy are personal and not transferable. If the Town Clerk determines that a permit has been sold or otherwise transferred, the Clerk shall immediately void the permit and the permit fee shall be forfeited to the Town. This provision does not prevent the temporary use of a permit by a member of the permit holder's household or a guest of the permit holder [with the written permission of the permit holder]. (Amended by adding this section 9/18/07).

General Information: Stickers/permits do not allow overnight parking in any location, except the overnight parking permits. All Permits are non-replaceable.

Adopted: February 6, 2007
Amended: September 18, 2007
Amended: February 7, 2012

MOTION: Councilor Pastor motioned and Councilor Kelley seconded to Amend Town Council Policy 07-01, Parking Permits, by adding 30 parking permits for the Milliken Street lot only, allowing overnight parking, offered on a first come, first served basis to both businesses and residents, at a cost of \$300, from Memorial Day weekend to Labor Day, and removing temporary permits issued for parking at Town Hall.

VOTE: Unanimous.

6311 Discussion with Action: Appoint Town Councilor as Ex-officio member of the Edith Belle Memorial Library Board of Directors.

BACKGROUND: The Administration and Town Council have discussed the appointment of a Town Councilor as the Ex-officio member of the Edith Belle Memorial Library Board of Directors and consideration of that appointment will be discussed this evening.

There was discussion amongst the Board as to whether this was simply an ex-officio member appointment or would that individual be a voting member. The Library was to make that decision based on the Bylaws. It was recommended that the motion contain both positions until confirmed by the Board of the Edith Belle Memorial Library.

MOTION: Councilor Tousignant motioned and Councilor Thornton seconded to Appoint Councilor Kenneth Blow as an Ex-official and voting member of the Edith Belle Memorial Library Board of Directors.

VOTE: Unanimous.

6312 Discussion with Action: Set the Public Hearing date of November 18, 2014, to Amend the Town of Old Orchard Beach Code of Ordinances, Section 42-81, Posting of Signs, and Section 42-83, Hours of Use, regarding the Town of Old Orchard Beach Recreation property.

**BACKGROUND: 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 November 18th, 2014, 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 42-81, Posting of Signs, and Section 42-83, Hours of Use, of the Town of Old Orchard Beach Code of Ordinances is amended by adding the underscored language:

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, the Ballpark, and at such other parks or recreation property as he deems necessary to ensure compliance with this article.

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.

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, or with permission by the Town Manager or his designee, no person shall loiter or remain in or upon any outdoor park or recreation property, including the Ballpark, owned, leased, managed or controlled by the town ~~after the hour of 9:00 p.m. to 9:00 a.m.,~~ one half hour after sunset until one half hour before sunrise the following morning, prevailing time, with the exception of East and West Surf Streets, commonly referred to as "the beach."

MOTION: Councilor Pastor motioned and Councilor Kelley seconded to Set the Public Hearing date of November 18, 2014, to Amend the Town of Old Orchard Beach Code of Ordinances, Section 42-81, Posting of Signs, and Section 42-83, Hours of Use, regarding the Town of Old Orchard Beach Recreation property.

VOTE: Unanimous.

GOOD AND WELFARE:

JEROME BEGART: He explained that in the four square miles of Old Orchard Beach, only 1.5 miles are taxable properties; a matter of trivia.

6313 Executive Session: AFSCME Council 93 Local 481-06, Old Orchard Beach Public Works Department Union Contract, pursuant to 1 M.R.S.A., Section 405C(d). (Note: This item discusses labor negotiations, and the Council anticipates that the discussion portion will occur in Executive Session.)

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Enter into Executive Session: AFSCME Council 93 Local 481-06, Old Orchard Beach Public Works Department Union Contract, pursuant to 1 M.R.S.A., Section 405C(d). (Note: This item discusses labor negotiations, and the Council anticipates that the discussion portion will occur in Executive Session.)

VOTE: Unanimous.

MOTION: Councilor Tousignant motioned and Councilor Thornton seconded to Exit the Executive Session: AFSCME Council 93 Local 481-06, Old Orchard Beach Public Works Department Union Contract, pursuant to 1 M.R.S.A., Section 405C(d). (Note: This item discusses labor negotiations, and the Council anticipates that the discussion portion will occur in Executive Session.) at 9:45 p.m.

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Councilor Tousignant motioned and Councilor Pastor seconded to Adjourn the Town Council Meeting at 9:46 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 twenty-one (21) pages is a copy of the original Minutes of the Town Council Meeting of October 21, 2014.

V. Louise Reid