

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, August 18, 2015
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, August 18, 2015. Chair O'Neill opened the meeting at 7:08 p.m.

The following were in attendance:

**Chair Shawn O'Neill
Vice Chair Joseph Thornton
Councilor Kenneth Blow
Councilor Jay Kelley
Councilor Michael Tousignant
Town Manager Larry Mead
Assistant Town Manager V. Louise Reid**

**Pledge to the Flag
Roll Call**

ACKNOWLEDGEMENTS:

COUNCILOR BLOW: Here is a great opportunity for Book Lovers. Friends of Libby Library Book Sale. Thursday, August 27 and Friday, August 28, 2015 from 10:00 a.m. to 4:00 p.m. at the Libby Library on Staples Street. Funds will benefit the Library.

COUNCILOR KELLEY: Please put this date on your calendar – Saturday, August 29, 2015 from 6:30 to 8:30 at Mr. Goodbars, East Grand Avenue, and a Charity Fundraiser for the Community Animal Watch. They are in need of funding and we thank Jeannie LaChance for this event.

ACCEPTANCE OF MINUTES:

Accept the Town Council Meeting Minutes of August 4, 2015.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Accept the Minutes as read.

VOTE: Unanimous.

PUBLIC HEARING: Shall we consider a request from owners Homewood Park LLC, HP/OOB, LLC, HP Developers, LLC, Fortin Construction, Inc., and Vacation Properties, Inc., to accept Poplar Street Extension as a Town way?

CHAIR: I open this Public Hearing at 7:10 p.m.

HP/OOB, LLC
 Poplar Street Extension – Old Orchard Beach
 Owners of Abutting Property
 Revised: April 24, 2015

Map-Lot	Property Location	Owner Address	Book/Page
401-5-1	41 Poplar Street	Louis J. Angelo, Jr. 41 Poplar Street Old Orchard Beach, ME 04064	16745/853
401-6-1	34 Poplar Street	Matthew J. White Jillian E. Higgins 34 Poplar Street Old Orchard Beach, ME 04064	16724/871
403-15-7	29 Poplar Street	Justin & Jessica Mansir 29 Poplar Street Old Orchard Beach, ME 04064	16838/327
401-5-2	39 Poplar Street	Robert S. Arey 39 Poplar Street Old Orchard Beach, ME 04064	16793/440
401-5-4 401-5-7	35 Poplar Street 33 Poplar Street	J&J Realty Trust Partnership, LLC 33-35 Poplar Street Old Orchard Beach, ME 04064	16957/186
401-5-3 403-15-5	37 Poplar Street 31 Poplar Street	Richard P. Potvin II 381 Main Street Biddeford, ME 04004	16893/118 16893/94
401-6-5	42 Poplar Street	Patricia Davis 4 Shady Lane Old Orchard Beach, ME 04064	16617/946
401-6-3 401-6-4	38 Poplar Street 40 Poplar Street	Vacation Properties, Inc. 381 Main Street Biddeford, ME 04005	16882/305
401-6-2	36 Poplar Street	Eli G. & Nicole M. Weymouth 36 Poplar Street Old Orchard Beach, ME 04064	16695/253
403-15-8	27 Poplar Street	Nicole M. Fortin 27 Poplar Street Old Orchard Beach, ME 04064	16734/930
403-16-6	32 Poplar Street	David Viger 32 Poplar Street Old Orchard Beach, ME 04064	16699/457
403-15-10	19 Homewood Blvd.	Mark & Linda Kreider 19 Homewood Blvd. Old Orchard Beach, ME 04064	16800/932

Abutters List (Revised 2015) ² pgs ①

HP/OOB, LLC
Poplar Street Extension – Old Orchard Beach
Owners of Abutting Property
Revised: April 24, 2015

Map-Lot	Property Location	Owner Address	Book/Page
403-16-1	21 Homewood Blvd.	Travis Schafer Julia Follansbee 21 Homewood Boulevard Old Orchard Beach, ME 04064	14172/393
403-16-3	28 Poplar Street	Larry & Darlene Dodier, Trustees L&D Dodier Family Revocable Trust of 2011 33 Garden Street Old Orchard Beach, ME 04064	16836/230
403-16-5	30 Poplar Street	John & Beatrice Lonigro 2 Fleet Court Northport, NY 11768	1687/14

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The following attended the Public Hearing and some made comments relative to the discussion:

Michael F. Gotto of Stoneybrook Consultants, Inc. who spoke and encouraged the Town Council to move forward and approve this request for acceptance. John Bird asked specifically the costs that might be relative to us accepting this is a public way. The Town Manager reminded everyone that these individuals pay their taxes and should have the option to become a public way and receive the same services as provided to other citizens. The Town Manager also stated that this would include street lights as provided in other instances such as this.

CHAIR: I close this Public Hearing at 7:17 p.m.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 7:18 p.m.

Lorraine P. Bouchard (107-3-1-M26), 26 MacIntosh Lane, one year round rental; Deborah & Paul Petrone (205-19-37), 4 Willow Creek, one year round rental; Priscilla Day (211-7-18), 176 Temple Avenue, Apartment 2, one year round rental; Robert Silver & Melissa Duca (302-2-6), 5 Seabreeze Avenue, one seasonal rental; Old Orchard Beach LLC (209-9-21), 20 Hillcrest Avenue, one year round rental; The Ocean House CJ Inc. dba/Driftwood Motel (310-7-1), 68-70 West Grand Avenue, five (5) seasonal rentals (cabins); John A. Smith (311-18-1A), 34 Evergreen Avenue, one seasonal rental; and James & Marcia Cocker (315-9-13), 37 Seaview Avenue, one seasonal rental.

CHAIR: I close this Public Hearing at 7:19 p.m.

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

VOTE: Unanimous.

PUBLIC HEARING AMUSEMENT PERMITS:

CHAIR: I open this Public Hearing at 7:19 p.m.

Joseph's by the Sea dba/Joseph's by the Sea (310-3-3), 55 West Grand Avenue, DJ & Wedding, Music Inside, 12:00 p.m. to 11:00 p.m.; and Oceanic Inn Inc. dba/One Soho Square (310-6-3), 43 West Grand Avenue, Live music, Inside – 8:00 p.m. to 12:00 a.m.

CHAIR: I close this Public Hearing at 7:20 p.m.

TOWN MANAGER'S REPORT:

- **Tax Bills mailed out: First half Due Sept 16.**
 - **Tax rate: \$15.18/1000 2% increase \$60 for \$200,000 home**

- **Saco Avenue intersection project will begin sometime after Labor Day. More information will be coming forth on timing. This will eliminate the large hump in the intersection, improve drainage, better identify turning lanes, and much more visible traffic lights.**
 - **PACTS funding. \$50,000**

- **Dye Testing of waste disposal systems in Ocean Park. Help identify problems that may be introducing unwanted bacteria into Goosefare Brook. Target streets include W. Tioga, Winona, Temple, Free Street and West Casco. Letters have gone out. Please call DPW.**

- **Cable franchise renewal: Public hearing on September 15. Time Warner Cable may be acquired by Charter Communications. We will be seeking improvements in our local access channel broadcasting.**

- **Town Hall siding project: Windows and siding are now being installed.**

- **W. Grand pump station: We have put in place a backup pump structure while we do work on the existing pumps. This is to protect against system failure in the event of a tropical storm or other major rain event that inundates the system.**

- **Public Works Dept has been working with the Conservation Commission on creating connections to the Easter Trail:**
 - **Creating a usable bike/ped path on School Street Ext which runs end of School St to Dirigo Road near the Dunegrass Golf clubhouse.**
 - **Installing drainage pipes and culverts at the end of the path at Dirigo Road Ext.**
 - **Installed a culvert and trail connection at the end of Pond View Rd which joins the Eastern Trail**

 - **DPW assisted Conservation Commission members in installing three information kiosks:**
 - **At the end of School Street Extension**
 - **At Dirigo Road extension, and**
 - **At the end of Pondview Road at the Eastern Trail**
 - **The Conservation Commission will be adding information and maps to the kiosks in the next two weeks.**

6481 Discussion with Action: Request from John Komola, Trustee of the Cheryl A. Komola Living Trust, for a no-action letter for Map 204, Block 3, Lot 6, 7 Orchard Hill Terrace.

BACKGROUND:

The Council is addressing a request for a No Action Letter as it regards the Living Trust of Cheryl A. Komola.

No-Action Letter

The Town Councilors of the Town of Old Orchard Beach understand that a single family residence located on a lot identified as Tax Map 204, Lot 3-6, located at 7 Orchard Hill Terrace, Old Orchard Beach, Maine, currently owned by Cheryl A. Komola Living Trust, was built in 1986 and at that time was inadvertently located eleven feet (plus/minus) from the adjacent lot identified as Tax Map 204, Lot 3-5 and fourteen feet (plus/minus) from the adjacent lot identified as Tax Map 204 Lot 3-19. We further understand that the location of the structure resulted in a violation of the Zoning Ordinance requiring a side setback of fifteen feet from the property line. We further understand that Cheryl A. Komola, the beneficiary of the Living Trust is deceased, and that the trustees desire to convey the property.

Given these circumstances, the Town will not take any action regarding the setback violations of Section 78-489 of the Town of Old Orchard Beach Zoning Ordinance against lot 3-6.

Executed as of the date and year as set forth below by a Council vote on August 18, 2015.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Approve the No Action Letter as read.

VOTE: Unanimous.

July 30, 2015

Mr. Larry S. Mead, Town Manager
1 Portland Ave
Old Orchard Beach, Maine 04064

Dear Mr. Mead,

My name is John Komola and I am Trustee of the Cheryl A. Komola Living Trust. I am in the process selling an asset of the Trust, 7 Orchard Hill Terrace, but I've been informed by Saco Biddeford Savings Institution that the dwelling was not in compliance with municipal zoning setback requirements at the time of construction (refer to enclosed plot plan). The dwelling was built in 1986 as a Planned Unit Development.

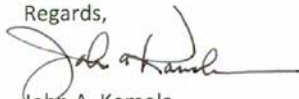
The Declaration of Ocean Fairways, A Planned Community is recorded in the York County Registry in Book 4097, Page 85. On Page 102 in the registry there is Section 2 entitled "Encroachments." It states that "if any such building structure [which includes structures built on the lots] encroachment shall occur hereafter as a result of construction, settling or shifting of any building or structures thereon, a valid easement for the encroachment and for the maintenance of the same exists and shall exist so long as the structures exist."

By way of background, this dwelling was originally purchased from the builder by Michael Rague and Cheryl Rague, jointly. As a result of a divorce settlement in January 2012, Cheryl (Rague) Komola became the sole owner of this dwelling. Upon Cheryl's death on February 5, 2013, this dwelling was transferred to the Cheryl A. Komola Living Trust. The Trust would now like to sell this property back to Michael Rague. However, to do so requires the issuance of a "No Action Letter" by the Town of Old Orchard Beach. As such, I am inquiring if you will consider providing a "No Action Letter" with respect to this dwelling to facilitate the sale of 7 Orchard Hill Terrace back to the original owner, Michael Rague.

If you have any questions, or require additional information, please don't hesitate to contact me at 617-329-4063.

Thank you for your consideration.

Regards,



John A. Komola
Trustee of the Cheryl A. Komola Living Trust
295 Bridle Trail Rd
Needham, MA 02492

Copy to: Dan Feeney, Code Enforcement Officer, Town of Old Orchard Beach
Mark Jones, SVP Director of Retail Lending SBSI
Michael Rague, Buyer of 7 Orchard Hill Terrace

6482 Discussion with Action: Change the Deputy Freedom of Access Liaison from Tammy Lambert to Deputy Town Clerk John Leighton.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Change the Deputy Freedom of Access Liaison from Tammy Lambert to Deputy Town Clerk John Leighton.

VOTE: Unanimous.

6483 Discussion with Action: Approve the Liquor License Renewals for Joseph's by the Sea dba/Joseph's by the Sea (310-3-3), 55 West Grand Avenue, m-s-v in a Restaurant; Oceanic Inn Inc. dba/One Soho Square (310-6-3), 43 West Grand Avenue, m-s-v in a Hotel - Optional Food; and VFW Memorial Post 7997 dba/VFW Memorial Post 7997 (312-14-2X), 76 Atlantic Avenue, m-s-v in a Club.

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

VOTE: Unanimous.

6484 Discussion with Action: Amend the Code of Ordinances, Appendix A, Schedule of License, Permit and Application Fees, by adding the fees to the following sections: Medical Marijuana Production Facility; Medical Marijuana Registered Dispensary.

BACKGROUND:

FROM: Jeffrey Hinderliter, Town Planner

SUBJECT: Proposed Medical Marijuana Business License language and fees

DATE: 11 August 2015

At the 18 August Council Meeting, the proposal before the Council is to amend the Schedule of License, Permit and Application Fees by adding language associated with the recently approved Medical Marijuana land uses and assigning a fee to each use. The Codes and Business Licensing Department recommends the following (Note: the fee is per year):

License Ordinance Categories shall be amended by adding the underscore language as follows:

Medical Marijuana Production Facility \$325.00 (per Caregiver)

Medical Marijuana Registered Dispensary \$325.00 (per Registered Dispensary)

Medical Marijuana License Fee Amendments
(18 August 2015)

Amendment to Appendix A – SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES
– LICENSE ORDINANCE CATEGORIES

License Ordinance Categories shall be amended by adding the underscore language as follows:

<u>Medical Marijuana Production Facility</u>	<u>\$325.00 (per Caregiver)</u>
<u>Medical Marijuana Registered Dispensary</u>	<u>\$325.00 (per Registered Dispensary)</u>

The following was passed on August 4th but still remaining to be addressed were the fees.
Medical Marijuana Ordinances
(4 August 2015)
New language **highlighted**

Amendment to Chapter 78 – ZONING, Article I – IN GENERAL, Section 78-1 – DEFINITIONS

Section 78-1 shall be amended by adding the underscore language as follows:

Air Contaminant: Any fume, odor, smoke, particulate matter, vapor, gas or any combination thereof but not including water vapor or steam condensation.

Air Contaminant Source: Any source whatsoever at, from or by reason of which there is emitted or discharged into the atmosphere any air contaminant.

Emission: To discharge, release or to permit or cause the discharge or release of one (1) or more air contaminants into the atmosphere.

Marijuana: As defined in State Administrative Rules (10-144 CMR Chapter 122), §1.17, "Marijuana."

Medical Marijuana: Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

Medical Marijuana Caregiver: A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of marijuana in accordance with state law. A person who is a medical marijuana caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.

Medical Marijuana Land Uses: Any of 3 types of land uses, defined below, that cover the full range of options for lawful cultivating, processing, storing and distributing medical marijuana.

Medical Marijuana Home Production (Land Use): Cultivating, processing and/or storing of medical marijuana by a qualifying patient at their own residence or a medical marijuana

caregiver at their own primary year-round residence for use by a qualifying patient. This use shall be considered an accessory use.

Medical Marijuana Production Facility (Land Use): A facility used for cultivating, processing, and/or storing medical marijuana by one or more medical marijuana caregiver(s) at a location which is not the medical marijuana caregiver's primary year-round residence or their patient's primary year-round residence. This shall be considered a commercial use.

Medical Marijuana Registered Dispensary (Land Use): A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a commercial use.

Nuisance: The doing of or the failure to do something that allows or permits air contaminants to escape into the open air that are or tend to be detrimental to the health, comfort, safety or welfare of the public or that causes or tends to cause injury or substantial annoyance or inconvenience to persons exposed thereto or causes or tends to cause damage to property.

Amendment to Chapter 78 – ZONING, Article VI – DISTRICTS, Division 8 – GENERAL BUSINESS DISTRICT 1 (GB-1), Section 78-803 – CONDITIONAL USES

Section 78-803 shall be amended by adding the underscore language as follows:

- (5) Medical Marijuana Production Facility**
- (6) Medical Marijuana Registered Dispensary**

Amendment to Chapter 78 – ZONING, Article VI – DISTRICTS, Division 11 – INDUSTRIAL DISTRICT (ID), Section 78-903 – CONDITIONAL USES

Section 78-903 shall be amended by adding the underscore language as follows:

- (7) Medical Marijuana Production Facility**

Amendment to Chapter 78 – ZONING, Article VI – DISTRICTS, Division 11 – INDUSTRIAL DISTRICT (ID), Section 78-904 – PROHIBITED USES

Section 78-904 shall be amended by adding the underscore language as follows:

- (11) Medical Marijuana Registered Dispensary**

Amendment to Chapter 78 – ZONING, Article VI – DISTRICTS, Division 16 – HISTORIC OVERLAY DISTRICT (HO), Section 78-1135 – PROHIBITED USES

Section 78-1135 shall be amended by adding the underscore language as follows:

- (8) Medical Marijuana Production Facility**
- (9) Medical Marijuana Registered Dispensary**

Amendment to Chapter 78 – ZONING, Article VII – CONDITIONAL USES, Division 2 –
CONDITIONS, Section 78-1277 – MEDICAL MARIJUANA

Division 2, Section 78-1277 shall be amended by adding the underscore language as follows:
Sec. 78-1277 – Medical Marijuana

The purpose of this Section and related provisions of Article VII is to control the cultivation, processing, storage and distribution of medical marijuana by controlling land uses consistent with State law and in a manner that prevents unintended consequences that could adversely impact the Town and its residents.

(a) Approval Process: Any proposal to establish a new or alter an existing Medical Marijuana Registered Dispensary or Medical Marijuana Production Facility shall require approval of the Planning Board as a Conditional Use. The Planning Board and applicant shall follow the Application and Review Process (Sec. 78-1238), Standards (Sec. 78-1240), Authority (Sec. 78-1266), and this Section (Sec. 78-1277) within Article VII. Notification of site walks and public hearings shall include all property owners within 1,000 linear feet, measured in a straight line from the property boundary of the proposed Dispensary or Facility. Notification or property owners shall be mailed at least 10 days before the scheduled site walk and public hearing. Applicants shall be responsible for mailing notifications to property owners to the addresses identified on a mailing list provided by the Town. In addition to other public notification requirements, the Town shall notify the Old Orchard Beach Police Department and the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services prior to the public hearing on any application.

(b) State Authorization: Before submission of a Conditional Use Application, the applicant must demonstrate their authorization to cultivate, process and store medical marijuana pursuant to the Maine Use of Medical Marijuana Program.

(c) Exemptions: As an accessory use, Medical Marijuana Home Production shall be allowed in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every base zone and overlay zone, without any requirement for land use permitting.

(d) Performance Standards: In addition to other requirements of this Section and related provisions of Article VII and other Chapters within the Town of Old Orchard Beach Code of Ordinances, the following shall apply to any application for a new or altered medical marijuana registered dispensary or a medical marijuana production facility:

(1) Medical Marijuana Registered Dispensary Limit. There shall be no more than one Medical Marijuana Registered Dispensary in the Town of Old Orchard Beach.

(2) Medical Marijuana Production Facility Limit. There shall be no more than four Medical Marijuana Caregivers allowed to operate within a single Medical Marijuana Production Facility.

(3) Proximity Limit. Only one Medical Marijuana Registered Dispensary or Medical Marijuana Production Facility shall be permitted per lot. Additionally, no Medical Marijuana Production Facility shall be located on a lot that is

within 250 feet of another lot on which a Medical Marijuana Production Facility or Medical Marijuana Registered Dispensary is located. This separation requirement will prevent a concentration of these facilities and helps to ensure compliance with the State prohibition against collectives.

(4) Proximity Location to other Uses. No Medical Marijuana Registered Dispensary or Medical Marijuana Production Facility shall be closer than 500 linear feet, measured in a straight line from the Dispensary or Facility building entrance, to the nearest point on the boundary of any property which is occupied by a licensed day care facility, school, Town park, Town playground or church.

(5) Security. Before granting an approval, the Planning Board shall ensure the Applicant has reviewed their property and building security plans with the Old Orchard Beach Police Department and the Police Department finds the security measures are consistent with State requirements.

(6) Outside Appearance. No signs containing the word “marijuana,” or a graphic/image of any portion of a marijuana plant or otherwise identifying medical marijuana shall be erected, posted or in any way displayed on the outside of a Medical Marijuana Registered Dispensary or a Medical Marijuana Production Facility. Interior advertisements, displays of merchandise or signs depicting the activities of a Medical Marijuana Registered Dispensary or a Medical Marijuana Production Facility shall be screened to prevent public viewing from outside such facility.

(7) Odorous Air Contaminants. It shall be an unlawful nuisance for any person to cause or permit the emission of odorous air contaminants from any source so as to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of property. Upon the following occurrence, any odor will be deemed to interfere with reasonable and comfortable use and enjoyment of property:

(i) If odorous air contaminants are detected when one (1) volume of the odorous air has been diluted with seven (7) or more volumes of odor-free air, as measured by any instrument, device, or method designed to be used in the determination of the intensity of an odor. Measurement shall be taken at property boundary lines.

(8) Business License. As a condition of use, the operator of a Medical Marijuana Registered Dispensary or a Medical Marijuana Production Facility shall obtain and retain all required business licenses pursuant to Chapter 18 - Businesses. The land use approval shall be considered abandoned if no license- holder occupies the Facility for a period of 2 years of more.

Amendment to Chapter 18 – BUSINESSES, Article XI – RESERVED, Sections 18-601 – 18-606 – Reserved

Article XI, Sections 18-601 - 18-606 shall be amended by deleting the ~~strikethrough~~ language as follows:

ARTICLE XI. – RESERVED

Secs. 18-601 – 18-606. – Reserved.

Article XI, Section 18-601 – 18-603 shall be amended by adding the underscore language as follows:

ARTICLE XI. – MEDICAL MARIJUANA REGISTERED DISPENSARY or MEDICAL MARIJUANA PRODUCTION FACILITY

DIVISION 1 – GENERALLY

Sec. 18-601 – Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***Marijuana:* As defined in State Administrative Rules (10-144 CMR Chapter 122), §1.17, “Marijuana.”**

***Medical Marijuana:* Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the qualifying patient’s debilitating medical condition.**

***Medical Marijuana Caregiver:* A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of marijuana in accordance with state law. A person who is a medical marijuana caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.**

***Medical Marijuana Land Uses:* Any of 3 types of land uses, defined below, that cover the full range of options for lawful cultivating, processing, storing and distributing medical marijuana.**

***Medical Marijuana Home Production (Land Use):* Cultivating, processing and/or storing of medical marijuana by a qualifying patient at their own residence or a medical marijuana caregiver at their own primary year-round residence for use by a qualifying patient. This use shall be considered an accessory use.**

***Medical Marijuana Production Facility (Land Use):* A facility used for cultivating, processing, and/or storing medical marijuana by one or more medical marijuana caregiver(s) at a location which is not the medical marijuana caregiver’s primary year-round residence or their patient’s primary year- round residence. This shall be considered a commercial use.**

***Medical Marijuana Registered Dispensary (Land Use):* A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a commercial use.**

Nuisance: The doing of or the failure to do something that allows or permits air contaminants to escape into the open air that are or tend to be detrimental to the health, comfort, safety or welfare of the public or that causes or tends to cause injury or substantial annoyance or inconvenience to persons exposed thereto or causes or tends to cause damage to property.

Sec. 78-602 – Purpose

The purpose of this Article is to control the cultivation, processing, storage and distribution of medical marijuana by controlling land uses consistent with State law and in a manner that prevents unintended consequences that could adversely impact the Town and its residents.

Sec. 78-603 – Medical Marijuana License

This license shall be required for a Medical Marijuana Registered Dispensary or Medical Marijuana Production Facility. The following shall apply:

- (1) Town Approvals. Before issuance, renewal or amendment of a License, the applicant shall secure applicable Town of Old Orchard Beach approvals including, but not limited to, Conditional Use.**
- (2) State Authorization. Before issuance, renewal or amendment of a License, the applicant must demonstrate their authorization to cultivate, process and store medical marijuana pursuant to the Maine Use of Medical Marijuana Program. Loss of such State authorization shall automatically invalidate the Town-issued License.**
- (3) Inspections Required. At initial and subsequent licensing, the Old Orchard Beach Police Department, Fire Department and Code Enforcement Officer shall inspect the premises to ensure security meets State requirements, applicable Town of Old Orchard Beach licensing criteria and Code of Ordinances**

Article XII, Sections 18-601 - 18-606 shall be amended by adding the underscore language as follows:

ARTICLE XII. – RESERVED

Secs. 18-604 - 18-620. - Reserved.

Amendment to Appendix A – SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES – LICENSE ORDINANCE CATEGORIES

License Ordinance Categories shall be amended by adding the underscore language as follows:

Medical Marijuana Production Facility **\$ _____**

Medical Marijuana Registered Dispensary **\$ _____**

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to

Amend the Code of Ordinances, Appendix A, Schedule of License, Permit and Application Fees, by adding the fees to the following sections: Medical Marijuana Production Facility; Medical Marijuana Registered Dispensary.

VOTE: Unanimous.

6485 Discussion with Action: Appoint David Huntington as Warden, and Warren “Todd” Bassett as Deputy Warden, terms to expire August 18, 2016.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Appoint David Huntington as Warden, and Warren “Todd” Bassett as Deputy Warden, terms to expire August 18, 2016.

VOTE: Unanimous.

6486 Discussion with Action: Approve the purchase from Frank Galos for a 2015 Chevrolet 3500HD with stainless steel dump body, sander and plow, in the amount of \$49,441 from Account Number 50002-50551- Public Works Equipment, with a balance of \$72,306.33; to be used by the Public Works Department,

BACKGROUND:

The Public Works Director went out to bid, originally for a regular steel dump body, but after the bid opening and talking to dealers it was more cost effective for the Town to purchase a stainless steel dump body instead of replacing the regular steel body every couple of years. A bid addendum went out and two of the three dealers sent pricing back. Bids were received from:

Frank Galos:		
One 1 ton Cab and Chassis w/Dump and Hitch	\$46,181	
Addendum – Stainless Steel		\$ 49,441
Weirs		
One 1 ton Cab and Chassis w/Dump and Hitch	\$47,747	
Addendum = Stainless Steel		\$50,528
Quirk		
One 1 ton Cab and Chassis w/Dump and Hitch		\$46,440.71
They did not provide bid for the Addendum – Stainless Steel.		

The Public Works Director recommended the purchase from Frank Galos of a 2015 Chevrolet 3500HD with stainless steel dump body, sander and plow, in the amount of \$49,441 from Account Number 50002-50551 – Public Works Equipment, with a balance of \$72,306.33.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Approve the purchase from Frank Galos for a 2015 Chevrolet 3500HD with stainless steel dump body, sander and plow, in the amount of \$49,441 from Account Number 50002-50551- Public Works Equipment, with a balance of \$72,306.33; to be used by the Public Works Department,

VOTE: Unanimous.

One (1) 1-Ton Cab and Chassis w/ Dump and Hitch

Frank Galos

One (1) 1-Ton Cab and Chassis w/ Dump and Hitch **Bid Price: \$46,181.00**

Bid Addendum: One (1) 1-Ton Cab and Chassis w/ Stainless Steel Dump and Hitch
Bid Price: \$49,441

Weirs

One (1) 1-Ton Cab and Chassis w/ Dump and Hitch **Bid Price: \$47,747.00**

Bid Addendum: One (1) 1-Ton Cab and Chassis w/ Stainless Steel Dump and Hitch
Bid Price: \$50,528

Quirk

One (1) 1-Ton Cab and Chassis w/ Dump and Hitch **Bid Price: \$46,440.71**

Bid Addendum: One (1) 1-Ton Cab and Chassis w/ Stainless Steel Dump and Hitch **(They did not provide a bid to the bid addendum for the stainless steel dump body.**

6487 Discussion with Action: Approve a four year lease purchase from Central Equipment Co. for a 2015 Wacker Neuson WL32 in the amount of \$74,585, with the first annual payment of \$19,491.50 paid upon delivery, from Account Number 20197-50330 – Debt Service Equipment Lease, with a balance of \$183,846.76; for use by the Public Works Department.

BACKGROUND:

The Public Works Director went out with an RFP and received the following bids:

HP Fairfield	\$ 91,000
Chadwick Barok	128,500
Beauregard	96,421
Central	74,585

The Public Works Director is recommending the four year lease agreement with Central Equipment.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Approve a four year lease purchase from Central Equipment Co. for a 2015 Wacker Neuson WL32 in the amount of \$74,585, with the first annual payment of \$19,491.50 paid upon delivery, from Account Number 20197-50330 – Debt Service Equipment Lease, with a balance of \$183,846.76; for use by the Public Works Department.

VOTE: Unanimous.

Specification	HP Fairfield	Chadwick Baross	Beauregard	Central Equipment
4-Cyl. Diesel	Yes	Yes	Yes	Yes
Hydro Stat Trans 4x4	Yes	Yes	Yes	Yes
Front Axle – Planetary or Hydraulic	Planetary	Hydraulic	Planetary	Planetary
Rear Axle – Planetary or Hydraulic	Planetary	Hydraulic	Planetary	Planetary
Tires – Mud & Snow	Yes	Yes	Yes	Yes
Brakes – Hydrostatic or Mechanical	Mechanical	Hydraulic	Hydraulic	Hydraulic
Steering – Power	Yes	Yes	Yes	Yes
Electrical System – 12volt	Yes	Yes	Yes	Yes
Paint (OEM)	Yes	Yes	Yes	Yes
Plow & Snow Blower 48"	50" Blower 60" Plow	Not Specified	50" Blower 52" Plow	48" Blower 60" Plow
Equipment Name	Trackless	Holder	MV	Wacker
Total Bid Price	\$91,000	\$128,500	\$96,421	\$74,585

**Upon opening bid packages we checked all bid specifications between the 4 bids that were received. The bid packet didn't specify what needed to be 48" on the Plow and Blower specification. All bidders met the specifications that were asked. Wacker Neuson from Central Equipment bid amount was the lowest.



**WACKER
NEUSON**

WL32

Articulated Wheel Loaders



WL 32 Articulated Wheel Loader offers power and performance

The WL 32 is equipped with a powerful Perkins 4-cylinder, Tier IV Final diesel engine that delivers high performance. Available with either a 48-hp or 60-hp designed for maximum efficiency. This articulating wheel loader features a modern cab design ensuring panoramic visibility with excellent headroom and freedom of movement. With the universal attachment plate, Faster Hydraulic Block and 14-pin auxiliary electrical harness all standard, operating attachments is quick and easy.

- Universal attachment plate accepts most existing skid steer attachments.
- Standard aux hydraulic flow of 16 gpm with 28 gpm high flow option
- Compact design with 48-inch width (narrow tires required), is ideal for maneuvering on sidewalks
- Operators station is easily accessible from both sides for added convenience. Ergonomically shaped and spring mounted seat is designed for operator comfort and added productivity. Choice of canopy or cab.
- Excellent visibility; infinitely adjustable steering column; platform is side tilting for better serviceability

Wheel Loader competence to the last detail.



Maneuverable to the tightest corner

The articulated pendulum joint makes the machine uniquely manoeuvrable and provides constant traction also on uneven ground.



100% connectable differential lock

The up to 100% connectable differential lock offers maximum traction even on difficult ground.

6488 Discussion with Action: Approve the five year lease purchase from Portland North Truck Center for a 2016 International 7400 SFA with stainless steel single axel dump and sander, in the amount of \$166,724; with first annual payment of \$35,388.18, paid upon delivery; from Account Number 20197-50330 – Debt Service Equipment Lease, with a balance of \$183,846.76; for use by the Public Works Department.

BACKGROUND:

The Public Works Department went out with an RFP and received three bids:

ONE (1) SINGLE AXLE DUMP/SANDER & PLOW TRUCK

Freightliner of Maine:

BID PRICE FOR SINGLE AXLE DUMP/SANDER & PLOW TRUCK: Bid 1 - \$162,592, Bid 2 \$162,366

(This truck does not match specifications that were asked)

Portland North:

BID PRICE FOR SINGLE AXLE DUMP/SANDER & PLOW TRUCK STEEL: \$163,724

BID PRICE FOR SINGLE AXLE DUMP/SANDER & PLOW TRUCK STAINLESS STEEL: \$166,724

Freightliner of Maine:

BID PRICE FOR SINGLE AXLE DUMP/SANDER & PLOW TRUCK: Bid 1 \$167,543, Bid 2 \$167,769

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Approve the five year lease purchase from Portland North Truck Center for a 2016 International 7400 SFA with stainless steel single axel dump and sander, in the amount of \$166,724; with first annual payment of \$35,388.18, paid upon delivery; from Account Number 20197-50330 – Debt Service Equipment Lease, with a balance of \$183,846.76; for use by the Public Works Department.

VOTE: Unanimous.

GOOD AND WELFARE

ADJOURNMENT:

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Adjourn the Meeting at 7:35 p.m.

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 nineteen (19) pages is a copy of the original Minutes of the Town Council Meeting of August 18, 2015.