

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, August 4, 2015
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, August 4, 2015. Chair O'Neill opened the meeting at 7:00 p.m.

The following were in attendance:

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

Absent: Councilor Jay Kelley

**Pledge to the Flag
Roll Call**

ACKNOWLEDGEMENTS:

COUNCILOR TOUSIGNANT: Also we wish Bill Woolf – a regular visitor to Old Orchard Beach, a happy 100th birthday. A celebration will be held at the Pier on August 9th to celebrate this important occasion.

ASSISTANT TOWN MANAGER: I have been asked by The Salvation Army to read the following thanks to the Town Council.

“Dear Old Orchard Beach Town Council,

RE: THE SALVATION ARMY AT THE OOB PIER 2015

Someone once said "Every successful individual knows that his or her achievement depends on a community of persons working together." We believe this to be true, especially as far as Salvation Army Week at the OOB Pier is concerned! We have had a wonderful week in your beautiful town and, on behalf of The Salvation Army, we wanted to extend to you our sincere thanks and appreciation for your kindness, open hearts and hospitality. Not only were the Business owners at the Pier welcoming, kind and enthusiastic about the activities at the Pier, but the Police force was incredibly helpful and courteous as well. It was a joy to get to know several of the members of your community a little better this year and each person we met reinforced the beauty and hospitality of Old Orchard Beach. Words cannot begin to express our gratitude for allowing us to be at the OOB Pier. We do pray that our presence was a blessing to your community. Thank you for making this year at OOB successful. We look forward to future opportunities to partner together to make this week a week to remember in your lovely town. Many blessings. Steve and Sharon Bussey. We also received a very touching thank you letter for the use of the Beach Wheelchair.

ACCEPTANCE OF MINUTES:

Accept the Town Council Meeting Minutes of July 21, 2015.

MOTION: Vice Chair Thornton motioned and Councilor Blow seconded to Accept the Minutes as read.

VOTE: Unanimous.

PUBLIC HEARING:

PUBLIC HEARING: Shall We Amend the Town of Old Orchard Beach Code of Ordinances as follows: Chapter 54 – Traffic and Vehicles, Article V – Stopping, Standing, Parking, Division 2 – Specific Places, Section 54-187 – Restrictions and Prohibitions, *Seaside Avenue*?

The Chair opened the Public Hearing at 7:05 p.m.

BACKGROUND:

**Ch. 54, Parking Restrictions and Prohibitions Ordinance Amendments: Seaside Ave. from Seacliff to Odessa
(21 July 2015)**

Amendment to Chapter 54 – Traffic and Vehicles, Article V – Stopping, Standing, Parking, Division 2 – Specific Places, Section 54-187 – Restrictions and Prohibitions, *Seaside Avenue*

1. Chapter 54 – Traffic and Vehicles, Article V – Stopping, Standing, Parking, Division 2 – Specific Places, Section 54-187 – Restrictions and Prohibitions, *Seaside Avenue* shall be amended by adding the underscore language and deleting the ~~strikethrough~~ language as follows:

Parking is allowed on both sides of Seaside Avenue from Tunis Avenue to Odessa Seacliff Avenue. No vehicle shall be parked on both either sides of Seaside Avenue from Odessa Seacliff Avenue to Union Avenue.

Chief Dana Kelley addressed the Council and suggested that it might be more helpful to have a Workshop so that these issues can be resolved as they are numerous and complicated. Mrs. Philomena O'Connor spoke as well as she was the citizen who moved this item forward. She encouraged the Council to address the issue. Councilor Tousignant indicated that this area of Ocean Park has long been the subject of discussion within the Council and at previous workshops and that he believes a workshop is necessary before moving to pass any ordinance changes. It was decided that the Workshop would be held on Wednesday, August 19th at 6:30 in the Town Council Chamber.

The Chair closed the Public Hearing at 7:10 p.m.

Shawn O'Neill, Chair Town Council
Joseph Thornton, Vice Chair
Kenneth Blow, Councilor
Michael Tousignant, Councilor
Jay Kelley, Councilor
1 Portland Avenue
Old Orchard Beach, ME 04064

Dear Town Council

I am writing the Town Council to request a change in Ordinance Section 54-187 (Restrictions and Prohibitions) to extend the no parking zone from Seacliff Avenue to Odessa Avenue on both sides of Seaside Avenue. There is currently no parking from Union Avenue to Seacliff Avenue and it would be an additional 320 feet to extend the no parking to Odessa Avenue.

The reasons I feel that no parking is necessary:

1. Children's safety is my main concern. Seaside Avenue is a busy street and it is very difficult to cross, because your vision is impaired, with the cars parked.
2. Seaside is a walking and bicycling street, and it is difficult for cars traveling to avoid people walking and bicycling.
3. Seaside has been identified as an evacuation route. The street should be passable in case of an emergency situation.
4. Emergency vehicles will have problems getting through.
5. I have difficulty seeing oncoming cars, when I try to get out of my driveway. I sometimes need someone to direct me.

I believe Police Chief Dana Kelley and Town Planner Jeffrey Hinderliter, agree that allowing parking in this area reduces the width of travel area, thereby, creating a potentially unsafe situation for vehicle, pedestrian and bicycle traffic.

I ask the Town Council to please consider my request, to not allow parking on Seaside Avenue, for that additional 320 feet. Thank You!

Gratefully yours,

Kevin O'Connor
Philomena O'Connor
10 Seaside Avenue
Old Orchard Beach, ME 04064


12 Seaside Avenue
Old Orchard Beach, ME 04064
July 8, 2015

Ms. V. Louise Reid, Assistant Town Manager
1 Portland Avenue
Old Orchard Beach, ME 04064

Dear Ms. Reid:

I am writing to request that the Town Council consider, not allow parking from Seacliff Avenue to Odessa Avenue, on Seaside Avenue. My niece and nephew are with me each summer and I am worried about them crossing the street to get to the beach. This has been an ongoing problem and it would be very helpful, if the Town Council, did not allow parking on this one block. I am sure the Town Council is concerned about children's safety.

Sincerely,



Cheri Silva

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

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

Neil M. Shapiro (206-24-6), 15 Grand Avenue, one year round rental; **JoAnn Keyser** (210-2-6-64), 18 Smithwheel Road, one year round rental; and **Anita Perry** (311-17-1), one year round license Main House.

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

MOTION: Vice Chair Thornton motioned and Councilor Tousignant seconded to Approve the business licenses as read.

VOTE: Unanimous.

TOWN MANAGER'S REPORT:

The Town Manager being on vacation the previous ten days, the Chair said there would be no report this evening.

NEW BUSINESS:

6474 Discussion with Action: Add Chapter 7, Sections 26-33, entitled "Sex Offender Residency Restrictions" to the Old Orchard Beach Code of Ordinances.

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 July 21, 2015, 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 Chapter 7, sections 26-33, entitled "Sex Offender Residency Restrictions", is being created by adding the underscored language below to the Old Orchard Beach Code of Ordinances:

CHAPTER 7: SEX OFFENDER RESIDENCY RESTRICTIONS

Sec. 7-26. Title.

This Chapter shall be known as the "Town of Old Orchard Beach Sex Offender Residency Restriction Ordinance."

Sec. 7-27. Findings and purpose.

The Town promotes and strives to create a safe environment for its citizens to live and raise families and considers the promotion of the safety and welfare of children to be of paramount importance. The Town recognizes that sex offenders who prey upon children may have a high rate of recidivism. Notwithstanding the fact that certain persons convicted of sex offenses or sexually violent offenses are required to register pursuant to the Maine Sex Offender Registration and Notification Act of 1999, 34-A M.R.S.A. § 11201 et seq., as may be amended from time to time, the Town finds that further protective measures are necessary and warranted to safeguard places where children congregate. The purpose of this ordinance is to provide such further protective measures while balancing the interests and residential needs of sex offenders.

Sec. 7-28. Authority.

This ordinance is adopted in accordance with the provisions of 30-A M.R.S.A. § 3001 and 30-A M.R.S.A. § 3014, as may be amended from time to time.

Sec. 7-29. Definitions.

Setback - A 750 foot radius surrounding "Restricted Property."

Designated Sex Offender(s) - Person(s) convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense, regardless of whether the offense was committed in the State of Maine or another jurisdiction.

Residence – The temporary or permanent occupation or use of a place, including, but not limited to a domicile, for the purpose of living, residing or dwelling.

Restricted Property – (i) The real property comprising a public or private elementary, middle or secondary school; and (ii) the real property comprising a municipally owned property or State-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreation facility that is open to the public where children are the primary users.

Sec. 7-30. Restricted Property map; restrictions.

(a) The Planning Department, with the assistance of the Police Department, shall prepare and file with the Town Clerk and Police Department an official map showing Restricted Property as defined by this ordinance. Said map is hereby incorporated herein and made a part of this ordinance. The Planning Department, with the assistance of the Police Department, shall by July 1 of each year recommend updates to the map to the Town Council to reflect any changes in the locations of any Restricted Property and Setbacks. The Town Council may amend the Restricted Property official map by Council Order, and any amended official map shall be filed with the Town Clerk and the Police Department.

(b) No Designated Sex Offender shall reside within the Setback of any Restricted Property.

Sec. 7-31. Exceptions.

A Designated Sex Offender maintaining a residence within the Setback of a Restricted Property is not in violation of this ordinance if the residence was established and consistently maintained as a residence prior to August 4th, 2015, the date of adoption of this ordinance. A Designated Sex Offender is not in violation of this ordinance if the Restricted Property is created, moved or enlarged and such creation, movement or

enlargement results in a Designated Sex Offender residing within the Setback of a Restricted Property, as long as the residence was in place and consistently maintained prior thereto.

Sec. 7-32. Violations and penalties.

(a) A Designated Sex Offender who, thirty (30) days after actual receipt of written notice sent by regular mail or hand-delivered from the Town, acting by and through its Police Department, is in violation of this ordinance shall be subject to an action brought by the Town to enforce the requirements of this ordinance. The Town may file a legal action against the violator seeking any and all remedies to which it is entitled pursuant to State and local laws, including, without limitation, declaratory and injunctive relief.

(b) The Town may also seek a penalty in the minimum amount of \$500.00 per day. Each day of violation shall constitute a separate violation. In the event the Town is the prevailing party in any action under this ordinance, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the Town. All civil penalties shall inure to the benefit of the Town of Old Orchard Beach.

Sec. 7-33. Severability.

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

MOTION: Councilor Blow motioned and Vice Chair Thornton seconded to Add Chapter 7, Sections 26-33, entitled "Sex Offender Residency Restrictions" to the Old Orchard Beach Code of Ordinances.

VOTE: Unanimous.

6475 Discussion with Action: Amend the Town of Old Orchard Beach Code of Ordinances as follows: Chapter 78 – ZONING, Article I – IN GENERAL, Section 78-1 – DEFINITIONS; Chapter 78 – ZONING, Article VI – DISTRICTS, Division 8 – GENERAL BUSINESS DISTRICT 1 (GB-1), Section 78-803 – CONDITIONAL USES; Chapter 78 – ZONING, Article VI – DISTRICTS, Division 11 – INDUSTRIAL DISTRICT (ID), Section 78-903 – CONDITIONAL USES and Section 78-904 – PROHIBITED USES; Chapter 78 – ZONING, Article VI – DISTRICTS, Division 16 – HISTORIC OVERLAY DISTRICT (HO), Section 78-1135 – PROHIBITED USES; Chapter 78 – ZONING, Article VII – CONDITIONAL USES, Division 2 – CONDITIONS, Section 78-1277 – MEDICAL MARIJUANA; Chapter 18 – BUSINESSES, Article XI – RESERVED, Sections 18-601 – 18-606 – Reserved; Appendix A – SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES – LICENSE ORDINANCE CATEGORIES.

BACKGROUND:

At the 21 April 2015 Council Meeting, the Council voted in favor of several changes to the proposed Medical Marijuana Ordinance. These changes include:

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1. Increasing the minimum distance, from 250 feet to 500 feet, which a Medical Marijuana Registered Dispensary and a Medical Marijuana Production Facility can be located 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.
2. Allowing a Medical Marijuana Production Facility as a Conditional Use within the Industrial Zoning District.
3. Prohibiting Medical Marijuana Registered Dispensaries within the Industrial Zoning District.
4. Adjusting the proposed ordinance Performance Standards to include odor related standards.

Councilor Thornton stated again that he was voting to pass this ordinance because it is required by the State but that he has never been in favor

MOTION: Councilor Tousignant motioned and Councilor Thornton seconded to Amend the Town of Old Orchard Beach Code of Ordinances as follows: Chapter 78 – ZONING, Article I – IN GENERAL, Section 78-1 – DEFINITIONS; Chapter 78 – ZONING, Article VI – DISTRICTS, Division 8 – GENERAL BUSINESS DISTRICT 1 (GB-1), Section 78-803 – CONDITIONAL USES; Chapter 78 – ZONING, Article VI – DISTRICTS, Division 11 – INDUSTRIAL DISTRICT (ID), Section 78-903 – CONDITIONAL USES and Section 78-904 – PROHIBITED USES; Chapter 78 – ZONING, Article VI – DISTRICTS, Division 16 – HISTORIC OVERLAY DISTRICT (HO), Section 78-1135 – PROHIBITED USES; Chapter 78 – ZONING, Article VII – CONDITIONAL USES, Division 2 – CONDITIONS, Section 78-1277 – MEDICAL MARIJUANA; Chapter 18 – BUSINESSES, Article XI – RESERVED, Sections 18-601 – 18-606 – Reserved; Appendix A – SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES – LICENSE ORDINANCE CATEGORIES.

VOTE: Unanimous.

**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 of 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 or 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:

<u>Medical Marijuana Production Facility</u>	<u>\$ _____</u>
<u>Medical Marijuana Registered Dispensary</u>	<u>\$ _____</u>

6476 Discussion with Action: Consideration of 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; and set a Public Hearing for August 18, 2015.

BACKGROUND:

PLEASE NOTE: The Planner will have a memo for the Council on Monday which will be e-mailed to the Council. The Planner has arranged the documents as follows:

Application		4 pages
Petition		4 pages
Abutters		2 pages
Appointment of Agent		2 pages
Signed Deed (Revised 2015)	17 pages	
Plan Profile (Revised 12/2014)		1 page
Plan (Revised 2015)		1 page

MOTION: Councilor Tousignant motioned and Vice Chair Thornton seconded to Set a Public Hearing for August 18, 2016 to 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.

VOTE: Unanimous.

6477 Discussion with Action: Approve the purchase of a replacement 75 horsepower motor for West Grand pump station pump #1 from Hayes Pump in the amount of \$16,600 from Account Number 20161-50330 - Wastewater Equipment Replacement, with a balance of \$101,933; \$1000 included for shipping.

BACKGROUND:

The West Grand pump station is configured with four pumps. Pumps #1-3 are 75 horsepower and pump #4 is 20 horsepower. These pumps were put into operation in 2010.

Pump #1 motor failed on July 9th, 2015 after 3,500 hours of operating time. Shortly thereafter it was brought to Stultz for evaluation. As with pump #2, the evaluation determined that the motor had multiple issues due to catastrophic failure. I have included the motor evaluation and the corresponding e-mails as back up to this item. The Town of Old Orchard Beach Wastewater Department is requesting the purchase of a replacement motor. The pump motor was originally supplied by Fairbanks Morse so other quotes will not be available. I requested additional discounts and an expedited delivery time, but the manufacturer will only offer the same terms as they did with pump #2. The delivery of the motor will take 12-16 weeks.

Pump #2 motor failed in August of 2014 after 3,500 hours of operating time. The motor had suffered catastrophic failure so a root cause could not be determined. Consequently the council authorized the purchase of a new motor at a cost \$15,600 with a 12-16 week delivery time. The pump is now installed and in operation.

Pump #3 is still original and now has 3,500 hours of operating time. I will be proposing to pull this pump for inspection before it has catastrophic failure. An inspection prior to catastrophic failure would better determine why these failures are occurring.

Pump #4 now has over 30,000 hours. The council has previously approved a replacement pump for pump #4. The existing pump will be inspected and wear parts will be replaced. This is a planned replacement.

The Fairbanks Morse rep reviewed our operational procedures on July 24th and found nothing that would cause premature failure. Fairbanks Morse has a copy of the inspection report from both motors.

MOTION: Councilor Blow motioned and Vice Chair Thornton seconded to Approve the purchase of a replacement 75 horsepower motor for West Grand pump station pump #1 from Hayes Pump in the amount of \$16,600 from Account Number 20161-50330 - Wastewater Equipment Replacement, with a balance of \$101,933; \$1,000 included for shipping.

VOTE: Unanimous.



Luci Woods
Shop Supervisor

T 207.699.2501
F 207.699.2508
Luci@stultzelectric.com

RR1961 Town of Old Orchard Beach

Complaint: Pump motor failed

Initial inspection: There were no signs of water in either seal oil cavity or in the motor housing. The motor housing had pressure in it during disassembly indicating the sealing system was working. The power and sensor cords were disconnected and the connections and markings were checked. The cap and cord was removed, the terminal board was removed and the motor and sensor connections and markings were checked. The top end bell was removed and inspected. The stator housing was removed. Due to the damage observed, disassembly was halted.

Findings: There were no signs of water, indicating the sealing system is ok. The power cord and sensor cord connections were ok. The water sensor leads were connected to W1 & W2 (orange and red leads) which is ok and standard. The Klaxons normally P1&P2 black & white were connected to P2 and R2. The motor connections to the bottom side of the terminal board were ok expect for the marking. Lead 2 went to T3 and lead 3 went to T2. The sensor lead connections were loose. The terminal P1 on top of the terminal board was marked R1 on the bottom. Terminal R1&R2 nuts holding them to the board were missing. One was found in the winding and the other was never found.

Top End bell bearing housing fit was worn. The bearing housing dimension should be 4.3307-4.3316. As found measurement was 4.5230 which is .1914 oversize, a little over 3/16" loose.

The Top bearing 63102RS sealed bearing showed signs of spinning on the outer race but the bearing itself felt ok.

The stator lamination had been rubbed hard by the rotor laying over some of the laminations shorting the winding to ground.

Due to the looseness of the upper bearing fit, the rotor was able to rub on the stator damaging both stator and rotor laminations. It appears that the rotor laminations heated up to a point that the laminations drop about 3/4" on the shaft.

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Timken NCT LLC
dba Stultz Electric
1 McAlister Farm Rd
Portland, ME 04103 USA

TIMKEN

The condition of the motor was very dirty from the metal pounded out from the upper bearing fit and the rotor rubbing in the bore.

Conclusion: The failure appears to have started at the wearing of the upper bearing housing which allowed the rotor to come in contact with the stator damaging both stator and rotor.

Cause: The upper bearing has neither axial nor radial load which would help keep the outer race from spinning. The upper bearing works mainly as a guide bearing to keep the rotor in the center of the stator. This upper bearing is a sealed bearing which causes more drag on the outer race which give it more of a tendency to spin in the bearing housing if there is nothing to stop it which will cause wear in the housing. When the wear was great enough the rotor started to vibrate and may have loosen the nuts on the sensor leads.

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6478 Discussion with Action: Approve the Special Event Permit application for Pier Leasing Co. to hold the Old Orchard Beach Bikefest on Saturday, September 12, 2015, from 11 a.m. to 10 p.m. in the Square; and a request to close the Square to motorcycles only, leaving the emergency vehicle parking spaces open.

BACKGROUND:

It should be noted that this event does not conflict with the New England Parkinson Ride, the Eastern Trail Alliance Lighthouse Ride or the Sixty Miles for Milestone.

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

VOTE: Unanimous.

6479 Discussion with Action: Approve the Special Event Permit application for the U.S. Army to hold a radio broadcast and recruiting, to include free entertainment and give-a-ways, on Friday, August 21st; Friday, August 28th; and Friday, September 4, 2015, from 12 p.m. to 3 p.m. in the Square. Request to waive the fee as the event is being co-sponsored by the Recreation Department. Insurance, listing the Town as additionally insured, to be provided to the Town Clerk's Office at least two weeks before the first event.

BACKGROUND: United State Army is holding a recruiting event to include free games and giveaways in the Square. Radio Station HOT 104.7 will be at the event as well, broadcasting live. The Recreation Director, Jason Webber, will be co-sponsoring the event, and will ensure the insurance is in place.

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

VOTE: Unanimous.

6480 Discussion with Action: Approve the purchase of a Surf Rescue Jet Ski from Robertson's Power Sports in the amount of \$10,400, from Account Number 52002-50898 – Lifeguard Rescue Jet Ski, with a balance of \$13,000; and approval to use the balance in the purchase of a trailer for the Jet Ski.

BACKGROUND:

The Fire Chief received three verbal quotes for the 2015 personal water craft:

Robertson's Power Sports	\$10,400
3 year warranty	
Richardson's Marina	10,644
No warranty	
Reggie's Kawasaki Ski-Doo	10,800
1 year warranty	

The Chief is requesting permission to purchase from Robertson's Power Sports in the amount of \$10,400 from Account Number 52002-50898, with the balance of \$13,000; and approval to use the left to purchase a balloon tire beach cable trailer for the Jet Ski.

MOTION: Councilor Blow motioned and Vice Chair Thornton seconded to Approve the purchase of a Surf Rescue Jet Ski from Robertson's Power Sports in the amount of \$10,400, from Account Number 52002-50898 – Lifeguard Rescue Jet Ski, with a balance of \$13,000; and approval to use the balance in the purchase of a trailer for the Jet Ski.

VOTE: Unanimous

GOOD AND WELFARE:

ADJOURNMENT:

MOTION: Councilor Blow motioned and Vice Chair Thornton seconded to Adjourn the Town Council Meeting at 7:35 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 nineteen (19) pages is a copy of the original Minutes of the Town Council Meeting of August 4, 2015.

V. Louise Reid