

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
Tuesday, May 19, 2015  
TOWN HALL CHAMBERS  
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, May 19, 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 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

**PRESENTATION BY  
THE VETERANS MEMORIAL PARK COMMITTEE  
To  
JAY CHASE  
by  
ASSISTANT TOWN MANAGER:**

For those of us who love Memorial Park and recognize all that has been done there over the past few years, we marvel that the wisdom and inspiration of the planning and the upkeep. Robert Frost said it much more beautifully:

God made a beauteous garden  
with lovely flowers strown,  
but one straight, narrow pathway  
that was not overgrown.  
And to this beauteous garden  
He brought mankind to live,  
and said "To you, my children,  
these lovely flowers I give.  
Prune ye my vines and fig trees,  
with care my flowers tend,  
but keep the pathway open  
your home is at the end."

And so this evening we pay tribute to the man who has been the primary "gardener" – Jay Chase. Jay is no stranger to gardening. He took care of the gardens at the Shawmut Inn before it closed and he worked at the elder President George Bush's home at Walker's Point. By planting seeds himself in the Park, he has saved an enormous amount of money into the hundreds for the Town. Jay – we are most grateful for your dedication and the hours of hard toil that you put into our park so that we who call it our own, and those summer visitors who wish they had such a beautiful place in their town, get to enjoy.

In your honor the Veteran's Memorial Park Committee wishes to plant in your honor a sugar maple tree noting that it is in recognition of all that you have done. We all know that in every gardener there is a child who believes in The Seed Fairy. I would also like at this time to thank Andrea Berlin and the Veterans Memorial Park Committee for making this honor possible and for all that they individually do to keep our park beautiful. May I end this presentation by giving you an Irish blessing:

May the wings of the butterfly kiss the sun  
And find your shoulder to light on,  
To bring you luck, happiness and riches  
Today, tomorrow and beyond.

**PRESENTATION BY CHAIR SHAWN O'NEILL**

to  
**JAMES (BUD) HARMON**  
**EXECUTIVE DIRECTOR**  
Old Orchard Beach Chamber of Commerce

**ASSISTANT TOWN MANAGER:**

James Harmon, better known to us all as "Bud" has been with the Chamber of Commerce since 1998, for seventeen years. His contribution to our community is recognized by us all and by many others as indicated by the many awards that have been presented to the Chamber because of his work. We are happy for Bud that he will have a chance to "slow down" and perhaps do some of those things that we all dream of doing but the time never permits it. He has been a good friend to the Town of Old Orchard Beach – a business owner in his own right. He has supported so many organizations and associations within and outside the community. Bud had success in what he did because he surrounded himself with dedicated people to build something that was not a "one-man show." It taught us that it is more important to have people who really believe in what they are doing than those who may not share the dream. Projects were fun when Bud was there; even difficult assignments were enveloped in laughter and were always successful. During his tenure the Old Orchard Beach Chamber of Commerce has achieved many proud accomplishments within the community and throughout the State of Maine. Under his leadership what was once a one room, ranch style Chamber of Commerce dwelling with no hot water, one computer and a residential style bathroom, it now has become a modern, state of the art facility for the community and an outstanding Visitor's Information Center. Bud has served on the Biddeford Saco Old Orchard Beach (Shuttlebus) Commission, Junior Achievement, The Downeaster Committee, Special Olympics, Ballpark Steering Committee and Mobilize Maine Workforce Development Committee. He is currently Chair of The Maine Beaches Association; active on the Board of the Maine Innkeepers Association, serving on the executive and legislative committee. He serves as a director of the Maine Tourism Association, a member of the Maine Society of Association Executives and Treasurer of the Maine Association of Chamber of Commerce Executives. In 2009 Governor Baldacci appointed him to the Maine Tourism Commission. He has been recognized by the state of Maine's 123<sup>rd</sup> Legislature for the Advancement of Tourism in Southern Maine. He is a past recipient of the State Tourism Excellence Award presented by Governor LePage at the Annual Governor's Conference of Tourism in August. He was also the recipient of the Maine State Chamber of Commerce's "Chamber of Commerce Executive Director of the year" award.

He won't be far away but we will miss him. We know his loyalty even as a Biddeford resident will be to Old Orchard Beach. Bud, - thinking of Donna – just remember that when you retire

you switch bosses – from the one who hired you to the one who married you. We also know that when a man retires and time is no longer a matter of urgent importance, his friends generally present him with a watch. Not us – we want to present you with something of more value – one of Gary Curtis' photographs. Good luck – Bud and please stay in touch.

**CHAIR O'NEILL:** We are indebted to Bud for his years of service and his contribution to our community. Our relationship with the Chamber has always been positive and we wish the best for Bud in the days and months ahead. I am pleased to present to him this beautiful framed picture of the Pier done by Gary Curtis.

**BUD HARMON:** I am very grateful for your kindness. He thanked the Council and the community for giving him the opportunity to serve. Talked about the earlier days and how so much have developed through the Chamber of Commerce but always his highest endeavors were for this Town which he loved.

**ACKNOWLEDGEMENTS:**

**COUNCILOR KELLEY:** It is my pleasure this evening on behalf of the Town Council to welcome three new businesses to Old Orchard Beach.

**BULLDOG CAFÉ RESTAURANT LOCATED AT 8 HEATH STREET.  
SIP OF EUROPE LOCATED AT 1 EAST GRAND AVENUE  
JUNGALICIOUS AT 2 OLD ORCHARD STREET.**

Our best wishes to each of them and we encourage everyone to pay them a visit.

**ACCEPTANCE OF MINUTES:** Town Council Minutes of May 5, 2015; Town Council Workshop of May 6, 2015; Town Council Workshop of May 13, 2015; and Administrative Review Board Minutes of May 5, 2015.

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

**VOTE:** Unanimous

**PUBLIC HEARING:**

**CHAIR O'NEILL:** I open this Public Hearing at 7:15 p.m.

**MARIJUANA ORDINANCE**

Shall We 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:**

**FROM:** Jeffrey Hinderliter, Town Planner  
**SUBJECT:** Proposed Medical Marijuana Ordinance, Draft 2  
**DATE:** 5 May 2015

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

1. Increasing the minimum distance, from 250 feet to 500 feet that 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. Adjusting the proposed ordinance Performance Standards to include more specific language (e.g.,

During the same meeting, the Town Attorney informed the Council that the only ordinance change that the Council must hold at the next public hearing is the one which allows a Medical Marijuana Production Facility as a Conditional Use in the Industrial District. The Ordinance reflects this change.

**Medical Marijuana Ordinances  
(Draft 2 – 5 May 2015. Industrial District Amendment)**

**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:

**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.

**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 250 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) Odors. No use shall emit offensive, harmful, or noxious odors beyond the property line.**

**(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.

#### **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 and applicable Town of Old Orchard Beach licensing criteria.

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

The only individual seeking to comment was Pierre Bouthiller, the permittee. He said that bringing to the Industrial zone is not even a reasonable suggestion for there are safety and security concerns in this area because of the lack of proximity to nearby safety facilities. Monitoring would not possible and we would be vulnerable to unscrupulous individuals who would seek to penetrate security. It is too remote, not frequently patrolled, and another way the Council is seeking to not address this issue. The challenge if there to meet the requirements of state law. This was not done in good faith and GB2 is the area that the Planning Board recommended and should be the consideration of the Council.

CHAIR: I close this Public Hearing at 7:22 p.m.

**PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:**

CHAIR: I open this Public Hearing at 7:22 p.m.

Mike & Jaime Vallee (205-8-15), 32 Imperial Street, one year round rental; Mark Lindquist (206-7-2), 8 Eden Lane, one year round rental; Charles A. Johnston, Jr. dba/Bulldog Café Restaurant (206-27-13-E), 8 Heath Street, Victualers with Preparation with no Alcohol Sales; Meghan & James Laplante dba/Miss Meghan’s Lobster Catch (210-2-4A), 1 Olympia Avenue, Victualers with Preparation with no Alcohol Sales, Retail; Iuliia Stolkner dba/Sip of Europe (306-1-2), 1 East Grand Avenue, Victualers with Preparation with no Alcohol Sales; Kathleen Gross dba/Jungalicious (306-6-1KY), 2 Old Orchard Street, Victualers with

Preparation with no Alcohol sales; Lori & Kavein Hammond (315-9-8), 34 Park Avenue, two seasonal rentals; and Sarah Boutin (316-5-2-2), 15 Seacliff Avenue, #2, one seasonal rental.

CHAIR: I close this Public Hearing at 7:23 p.m.

MOTION: Vice Chair Thornton 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 7:24 p.m.

GFB Scottish Pub LLC dba/GFB Scottish Pub (205-3-1), 32 Old Orchard Street, DJ's & Bands Inside – 1:00 p.m. – 1:00 a.m.; William Marshall dba/The Whaler (206-31-17), 20 Staples Avenue, Acoustic Inside – 8:30 p.m. – 12:30 a.m.; Bernard L. Orne dba/Weekend at Bernies Beach Club (307-3-1), 8 West Grand Avenue, Music Live & Recorded – Inside 12:00 p.m. – 1:00 a.m.

CHAIR: I close this Public Hearing at 7:25 p.m.

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

VOTE: Unanimous.

#### **TOWN MANAGER'S REPORT**

The Town Manager reported that striping of cross walks and center lines begun this week by our Public Works Department taking this on. Bids are in for the Town Hall improvements and will be brought to Council at the next meeting. We met with the Administrative Review Board who would like in the coming months to have a meeting with the Town Council. We have been meeting on J-1 students and have been monitoring housing inspections. We had the opportunity to welcome over twenty of our new recruits. These summer reserve officers will be a very professional group of men and women. Work on the Skate park is ongoing and although just a "soft opening", in the coming month, late June, we will have a more significant opening. We attended the Chamber after Hours event at Saco Biddeford Savings Institution and our meetings regarding Centennial Place at School Street. We hope that we will be moving them back the end of this month.

# 6415      Discussion with Action: Accept the bid of \$18,000 from RHR Smith & Company for auditing services for each fiscal year June 30, 2015, June 30, 2016, and June 30, 2017 from Account Number 20102 - 50303 – Audit Services Expense Account, with a recommended balance of \$18,000, for the June 30, 2015 Audit, subject to final approval of the FY2016 budget.

We received three (3) responses for the Audit Services RFP as follows:

RHR Smith & Company – each of the 3 fiscal years FY 15, FY 16, and FY 17 \$18,000 per year for a total of \$54,000.

1. Runyon Kersteen Ouellete FY 15 \$17,000, or for a three (3) year engagement – FY 15 \$16,000, FY 16 \$16,500 and FY 17 \$17,000 for a total of \$49,500
2. Ron L. Beaulieu & Company each of the 3 fiscal years FY 15, FY 16 and FY 17 \$15,000 per year for a total of \$45,000.

Although RHR Smith & Company is slightly higher than the other two (2) responding firms, I feel RHR Smith & Company is the right choice for the Town for several reasons:

- ✓ RHR Smith & Company has performed the audit for the Town since fiscal year 2012, and prior to that Runyon Kersteen Ouellete were the Town's auditor since 1987, which is as far back as the audit reports I have on file (it may go back even further). I feel it is in the best interest of the Town to remain with RHR Smith & Company based on where we are now and what we have accomplished since 2012 to improve internal controls and accurate financial reporting.
- ✓ In my experience, I feel that RHR Smith & Company has a unique approach to understanding the make-up of the Town and the operations of each department by taking the time to sit down and meet with each one. By building on that relationship, RHR Smith & Company provided the Town with opportunities to improve internal controls that helped to establish, document and implement standard operating procedures and policies. By establishing these standard practices we were also successful in addressing Control Deficiencies and Material Weaknesses that were included in the Management Letter for the fiscal Years 2012 and 2013 audit.
- ✓ Additionally the Town received a credit rating upgrade by Standard and Poor's with the last bond rating June 2014 to AA+, and the Town's financial stability reported in the annual audit report and improved internal controls were part of the positive outlook. Credit Rating Agencies look at the budgetary flexibility and performance as well as liquidity, and debt levels when determining a Town's financial outlook, but more importantly it looks at Financial Management which again RHR Smith & Company pointed out as well by bringing to our attention the need to develop an Investment Policy, the need to update our Unassigned Fund Balance policy, and look at creating reserve funds for such items as capital improvements.
- ✓ In addition, the relationship I have developed with the audit staff at RHR Smith & Company provides Finance with a resource to ask questions and seek guidance for best practices on various accounting issues to ensure we are handling them properly and accurately.

# Town of Old Orchard Beach

## Request for Proposal – Audit Services - continued

### OFFICIAL BID RESPONSE FORM

In accordance with the Request for Proposals, Instructions, and General Conditions to Bidders, Specifications, and Official Bid Form, all of which we recognize as part of the AUDIT SERVICES PROPOSAL, we hereby submit the following:

#### OPTION 1

Annual Audit	Bid Price
FYE June 30, 2015	\$ 18,000.00

#### OPTION 2

Annual Audit	Bid Price
FYE June 30, 2015	\$ 18,000.00
FYE June 30, 2016	\$ 18,000.00
FYE June 30, 2017	\$ 18,000.00
<b>Total Three-Year Bid Price</b>	<b>\$ 54,000.00</b>

Auditing Firm Name RHR SMITH & COMPANY

Authorized Signature



Printed Name

Ronald H. R. Smith, CPA, CFE

Position

Principal

E-mail Address

rsmith@rhrsmith.com

Date

4-23-2015

# Town of Old Orchard Beach

## Request for Proposal – Audit Services - continued

### OFFICIAL BID RESPONSE FORM

In accordance with the Request for Proposals, Instructions, and General Conditions to Bidders, Specifications, and Official Bid Form, all of which we recognize as part of the AUDIT SERVICES PROPOSAL, we hereby submit the following:

#### OPTION 1

Annual Audit	Bid Price
FYE June 30, 2015	\$17,000

#### OPTION 2

Annual Audit	Bid Price
FYE June 30, 2015	\$16,000
FYE June 30, 2016	\$16,500
FYE June 30, 2017	\$17,000
<b>Total Three-Year Bid Price</b>	<b>\$49,500</b>

Auditing Firm Name Runyon Kersteen Ouellette

Authorized Signature 

Printed Name Jeremy "Hank" Farrah, CPA

Position Partner

E-mail Address hfarrah@rko-cpas.com

Date April 30, 2015

# Town of Old Orchard Beach

## Request for Proposal – Audit Services - continued

### OFFICIAL BID RESPONSE FORM

In accordance with the Request for Proposals, Instructions, and General Conditions to Bidders, Specifications, and Official Bid Form, all of which we recognize as part of the AUDIT SERVICES PROPOSAL, we hereby submit the following:


#### OPTION 1

Annual Audit	Bid Price
FYE June 30, 2015	

#### OPTION 2

Annual Audit	Bid Price
FYE June 30, 2015	\$ 15,000
FYE June 30, 2016	\$ 15,000
FYE June 30, 2017	\$ 15,000
<b>Total Three-Year Bid Price</b>	<b>\$ 45,000</b>

Auditing Firm Name Ron L. Beaulieu & Company

Authorized Signature 

Printed Name Ron L. Beaulieu, CPA, CGMA

Position President

E-mail Address Jared.A@RLBco.com

Date April 28, 2015

**MOTION:** Councilor Blow motioned and Vice Chair Thornton seconded to Accept the bid of \$18,000 from RHR Smith & Company for auditing services for each fiscal year June 30, 2015, June 30, 2016, and June 30, 2017 from Account Number 20102 - 50303 – Audit Services Expense Account, with a recommended balance of \$18,000, for the June 30, 2015 Audit, subject to final approval of the FY2016 budget.

**VOTE:** Unanimous.

**# 6416** Discussion with Action: Approve the transfer of \$10,550 from Account Number 20118 – 50350 - Contingency with a balance of \$88,926.06; to the Ballpark Account Number 30414-50804, Ballpark Improvements Expense with a balance of \$4,545.01, for expenditures in FY15.

**BACKGROUND:**

During the FY16 budget process, the Ballpark Commission requested the Town provided money before the approval of the 2016 budget to enable the Ballpark Commission to take care of land repairs and upgrades prior to the opening of the Ballpark in May of 2015. The Council had consensus that evening to approve the transfer of \$10,550 from the Contingency Account to the Ballpark Account.

**MOTION:** Vice Chair Thornton motioned and Councilor Blow seconded to Approve the transfer of \$10,550 from Account Number 20118 – 50350 – Contingency - with a balance of \$88,926.06; to the Ballpark Account Number 30414-50804, Ballpark Improvements Expense with a balance of \$4,545.01, for expenditures in FY15.

**VOTE:** Unanimous.

**# 6417** Discussion with Action: Approve the purchase of furniture from Creative Office Pavilion in the amount of \$10,599.53 from Account Number 31144-50396 – Library Expense Bond, with a balance of \$338,009.31.

**BACKGROUND:**

The Library Board of Trustees has selected furniture for the sitting area of Libby Library. The Board looked at several options and decided on furniture from Creative Office Pavilion. The total cost is \$10,599.53. The Library renovation budget included an allocation for furnishings.

Jerome Begart reminded the Council that even though this is a three year contract, it needs to be brought, per Charter, to the Council each year.

**MOTION:** Vice Chair Thornton motioned and Councilor Kelley seconded to Approve the purchase of furniture from Creative Office Pavilion in the amount of \$10,599.53 from Account Number 31144-50396 – Library Expense Bond, with a balance of \$338,009.31.

**VOTE:** Unanimous.

# CREATIVE OFFICE PAVILION

QUOTATION

141 Middle Street  
 Portland, ME 04101  
 207-775-7100 p  
 207-775-1003 f

5/13/2015

Page 1 of 2

Line #	Cat	Qty	Part Number	Part Description	Unit Price	Extended
1	NL1	2	N95AAL	SWIFT, ONE SEAT LOUNGE, LEFT TABLET ARM	\$1,015.62	\$2,031.24
			2	GRADE 2		
			20011	SPECTRUM SAND		
			W	WOOD TABLET ARM		
			CL	CARAMEL		
			501	PLATINUM METALLIC		
2	NL1	2	N95AAR	SWIFT, ONE SEAT LOUNGE, RIGHT TABLET ARM	\$1,015.62	\$2,031.24
			2	GRADE 2		
			20011	SPECTRUM SAND		
			W	WOOD TABLET ARM		
			CL	CARAMEL		
			501	PLATINUM METALLIC		
3	NL2	4	91NA2424CUL	MYRIAD, 24DX24W, END TABLE, CUBE, SQUARE, LAMINATE	\$253.69	\$1,014.76
			X	NO SURFACE GROMMET		
			CUT-G23C	CUTOUT-G23, SIDE		
			CL	CARAMEL		
4	NL2	1	91NA2448MGTL	MYRIAD, 24DX48W, MAGAZINE TABLE, CUBE, RECTANGLE, LAMINATE	\$335.01	\$335.01
			X	NO SURFACE GROMMET		
			X	NO SIDE GROMMET		
			CL	CARAMEL		
5	NL2	4	NACG23ELS	ACCESSORIES, POWER GROMMET, SILVER	\$171.95	\$687.80
6	76D	1	Delivery	Labor to Deliver 4 Lounge Chairs, 5 Magazine Tables (1 with power)	\$245.00	\$245.00
					Total Price:	\$6,345.05



# CREATIVE OFFICE PAVILION

QUOTATION

141 Middle Street  
 Portland, ME 04101  
 207-775-7100 p  
 207-775-1003 f

5/13/2015

Page 1 of 2

Line #	Cat	Qty	Part Number	Part Description	Unit Price	Extended
1	NL1	2	N95AAL	SWIFT, ONE SEAT LOUNGE, LEFT TABLET ARM	\$1,015.62	\$2,031.24
			2	GRADE 2		
			20084	SPECTRUM ROYAL		
			W	WOOD TABLET ARM		
			CL	CARAMEL		
			501	PLATINUM METALLIC		
2	NL1	2	N95AAR	SWIFT, ONE SEAT LOUNGE, RIGHT TABLET ARM	\$1,015.62	\$2,031.24
			2	GRADE 2		
			20084	SPECTRUM ROYAL		
			W	WOOD TABLET ARM		
			CL	CARAMEL		
			501	PLATINUM METALLIC		
3	76D	1	Delivery	Delivery of 4 Lounge Chairs	\$192.00	\$192.00
					<b>Total Price:</b>	<b>\$4,254.48</b>

**# 6418 Discussion with Action: Consider donation of \$8,000 from the Friends of the Libby Library (FOLL) towards the cost of a new book shed as part of the current Library expansion supported by bond funds; with stipulation that construction will include insulation, plasterboard wall, lighting and shelving; and \$10,000 in funding from Account Number 3144-50396, with a balance of \$338,009.31.**

**BACKGROUND:**

A letter, dated April 27, 2015, from Doris Harris, Chair of the Friends of Libby Library has requested this agenda item. The Friends have committed \$8,000 toward the book shed with expectations that the Council approve a sum, perhaps \$10,000 towards this project. The issue must be resolved in order to proceed. She has provided a list of items, but not limited to this project:

- Plan for Book Shed;
- Shed – siding, roofing, windows, vents;
- Skylight – workable for additional light and air;
- Electric lights for inside the shed;
- Doorway – ADA approved & 6 ½ high;
- Insulation, plaster board and paint;
- Shelving;
- Ramp – handicap accessible

There was a very lengthy discussion by Doris Harris, a member of the Library Board and also the Friends of the Library, regarding this project. She went through a lengthy historical account of the work of the Friends of the Library as it regarded the Book Shed that they used to have giving all kinds of details including amount of money raised; condition of the building; desire of the Friends of the Library to continue what is a great service to the community. The concern of the Council members was that there were no plans presented as it regards the building of the book shed and concerns about the type of building, the actual cost, water access, needing to turn off at the end of the season, etc. The Council reiterated several times that they support the Library and the book shed but they don't have anything in front of them to determine the actual cost. The Town Manager indicated that he has been heavily involved in the building of the Library and would continue to assure that a plan is in place and bring it back to the Council before this project actually moves forward.

The Council considered motions from just approving the agenda as written or limiting the amount of the \$10,000 to “up t to \$10,000 to Removing without Prejudice or Tabling the Item. They all indicated that had nothing to do with their support for the project but rather the lack of plans at this point. Finally the motion was made to:

**MOTION: Vice Chair Thornton motioned and Councilor Blow seconded to Consider donation of \$8,000 from the Friends of the Libby Library (FOLL) towards the cost of a new book shed as part of the current Library expansion supported by bond funds; with stipulation that construction will include insulation, plasterboard wall, lighting and shelving; and up to \$10,000 in funding from Account Number 3144-50396, with a balance of \$338,009.31; and a plan submitted to the Town Council before the project is approved.**

**VOTE: Unanimous.**

**# 6419            Discussion with Action: Approve the purchase of a replacement pump for the West Grand Pump Station from Hayes Pump Inc. in the amount of \$17,367.00, from Account Number 53002-50846 – Wastewater CIP, with a balance of \$339,512.**

**BACKGROUND:**

The Old Orchard Beach wastewater department is requesting the purchase of a replacement pump for the West Grand pump station. The pump being replaced is the primary pump used and is integral in an efficient operation in the off season. The pump is labeled as pump #4 and is approaching 30,000 hours of use. The existing pump will be brought in for inspection and possible rebuild. If rebuild is possible, it will be used the next time we swap out pump #4. This purchase was approved in the FY15 budget process.

**MOTION: Councilor Kelley motioned and Councilor Blow seconded to Approve the purchase of a replacement pump for the West Grand Pump Station from Hayes Pump Inc. in the amount of \$17,367.00, from Account Number 53002-50846 – Wastewater CIP, with a balance of \$339,512.**

**VOTE:    Yea: Councilors Blow and Kelley, Vice Chair Thornton, Chair O’Neill  
          Nea: Councilor Tousignant.**

# QUOTATION



**Quote From:**

Hayes Pump, Inc- (01-WC)  
 66 Old Powder Mill Road  
 Concord MA 01742  
 US

Quote Number	Quote Date	Payment Terms	FOB
00063341	4/30/2015	NET 30 DAYS	Shipping point

Customer PO: SN 1948316

Mark #: Spare Pump

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B  
Y

Chris White  
 OLD ORCHARD BEACH WTP  
 1 PORTLAND AVE  
 OLD ORCHARD BCH ME 04064  
 US

S  
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P  
T  
O

OLD ORCHARD BEACH WTP  
 ATTN: Chris White  
 24 MANOR ST  
 OLD ORCHARD BCH ME 04064  
 US

Phone: 207-934-4416

Fax: 207-934-7951

**TERMS**

FOB: Shipping Point.  
 Freight: ALLOWED.  
 Estimated Shipment: 12 to 14 Weeks ARO.  
 Estimated Shipping Weight: 1,075 LBS.  
 Quotation is valid 30 days.

LINE	ITEM / DESCRIPTION	QUANTITY UOM	UNIT PRICE DISCOUNT	NET UNIT PRICE EXTENDED PRICE
0010	<p><b>5" D5433WD PUMP &amp; MOTOR ONLY, 63341</b>                      FAIRBANKS SUBMERSIBLE DRY-PIT SLDS                      HDLG                      DUPLICATE SPARE PUMP PER SN 1948316</p> <p>w/ STANDARD DOUBLE MECHANICAL SEAL,                      DYNAMICALLY BALANCED IMPELLER, 300-350 BHN                      STAINLESS STEEL CASING &amp; IMPELLER WEAR RINGS,                      DRIVEN BY SUBMERSIBLE 19.4 HP, 1200 RPM,                      3/60/460V, 250 FRAME, INVERTER DUTY MOTOR w/                      STANDARD COOLING JACKET &amp; 40 ft CABLE, EXTERIOR                      OF PUMP &amp; MOTOR COATED w/ TNEMEC 66                      EPOXOLINE (red)</p> <p><u>LESS</u> VERTICAL PUMP BASE &amp; SUCTION ELBOW</p> <p>DESIGN CONDITIONS: 900/1260 GPM @ 48/36 FT TDH                      CLOCKWISE ROTATION &amp; DISCHARGE POSITION #5</p>	1.00 EA	17,367.0000	17,367.0000 17,367.00

Questions? Phone: 978 369-8800 Josh Lapointe

Fax: 978 369-8461

**# 6420 Discussion with Action: Accept the bid in the amount of \$15,485 from Burns Fencing, Inc., to construct a fence around the Skateboard Park, from Account Number 30210-50311 – Skate park Expense, with a balance of \$49,177.34.**

**BACKGROUND:**

The Recreation Director met on site with six companies to review the specs required. Along the sides and back will be an 8 foot high black vinyl coated chain-link fence. Along the front will be a four foot high black vinyl coated chain-link fence. Also on the front will be a ten foot wide double drive swinging gate and a four foot wide gate for the entrance.

The bids were received:

Burns Fencing	\$15,485
Anchor Fencing	17,900
Gorham Fencing	18,200
Coastal Fencing	22,500
H.A. Stone	22,621
Horizon Fencing	Did not bid

The Recreation Director is recommending Burns Fencing.

**MOTION: Councilor Kelley motioned and Councilor Blow seconded to Accept the bid in the amount of \$15,485 from Burns Fencing, Inc., to construct a fence around the Skateboard Park, from Account Number 30210-50311 – Skate park Expense, with a balance of \$49,177.34.**

**VOTE: Unanimous.**

**# 6421 Discussion with Action: Request from Eileen Pfeiffer for a non-action letter for Map 205, Block 3, Lot 2, 2 Old Orchard Hill Terrace.**

**BACKGROUND:**

The owner of 2 Orchard Hill Terrace (204-3-2) is seeking a letter of non-action from the Town Council affirming that the Town will not take any type of remedial or enforcement action with regards to this property's non-conformance with Section 78-145 of the zoning ordinance pertaining to merger of lots. The house on the property was constructed in 1987. The original owners later purchased an abutting lot (204-3-8) in 1994. The current owner, Eileen Pfeiffer, purchased the property in 2010. Section 78-145 of the zoning ordinance requires the merging of improved lots with any unimproved lots under the minimum lot size, which is 20,000sf in the R-1 zone. In 2007 the original owners died and the estate sold the abutting lot (204-3-8) to a different owner. There was a legal dispute in 2012 between the owners of (204-3-2) and (204.3.8) and the Court ruled that the two lots should not have been separated in 2007. Pfeiffer is now seeking to sell her home and as part of this transaction is requesting the Town's letter of non-action as it relates to the 2007 transactions that separated the two lots.

The Town Council has drafted a letter of non-action for the Council to consider.

**MOTION: Councilor Blow motioned and Vice Chair Thornton seconded to Direct the Town Manager to provide a non-action letter to Eileen Pfeiffer for property at 2 Old Orchard Hill Terrace (Map 205, Block 3, Lot 2.**

**VOTE: Unanimous.**

**No-Action Letter**

**The Town Councilors of the Town of Old Orchard Beach understand that the developed lot identified as Tax Map 24, Lot 3-2, located at 2 Orchard Hill Tr., Old Orchard Beach, Maine, currently owned by Eileen A. Pfeiffer, and the abutting undeveloped lot identified as Tax Map 24, Lot 3-8, located at 29 Birkdale Circle, Old Orchard Beach, Maine, currently owned by Thomas F. Hickey, were merged by operation of Section 78-145 of the Town of Old Orchard Beach Zoning Ordinance. We further understand that the two lots were subsequently sold as separate parcels by prior owners, an action that resulted in a division in violation of the Zoning Ordinance. Given these circumstances, the Town will not take any action regarding violations of Section 78-145 of the Town of Old Orchard Beach Zoning Ordinance against Lot 3-2. Executed as of the date and year as set forth below by a Council vote of \_\_\_\_\_.**

**OLD ORCHARD BEACH TOWN COUNCIL**

\_\_\_\_\_  
**Dated**

\_\_\_\_\_  
**By: Shawn O'Neill, Chair**



# 6422 Discussion with Action: Amend Chapter 54, Traffic and Vehicles, Sections 54-1 (Definitions), Section 54-37 (Penalty), Section 54-142 (Parking at expired meters and overtime parking), Section 54-154 (All-Night Parking), Section 54-114 (Milliken Street parking lot), and Section 54-115 (Memorial Park parking lot), of the Town of Old Orchard Beach Traffic Ordinance.

#### BACKGROUND:

The Town of Old Orchard Beach is considering allowing motorcycles to park in standard car spaces year-round. On-street parking downtown is metered from Memorial Day weekend through Labor Day weekend. There are 205 parking spaces of which are smaller spaces designated for motorcycles, according to Police Chief Dana Kelley. Currently Town Ordinances require motorcycles to park in the designated motorcycle-only spaces from May 15<sup>th</sup> to October 15<sup>th</sup>. The proposed ordinance would allow motorcycles to park in metered car spots in the summer and the plan would be to keep the designated motorcycle spaces, as they are too small to accommodate cars. Many individuals have contacted the administration and expressed the desire for the option of parking their motorcycles in the car spaces. Also included in the amendment would be the adding of the definition and use of "pay stations". Currently, the Ordinance regulates "coin-fed" meters, and the Town now uses both "coin-fed" meters and "pay stations".

#### ORDINANCE

#### 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 May 5, 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 54, Traffic and Vehicles, Sections 54-1 (Definitions), Section 54-37 (Penalty), Section 54-142 (Parking at expired meters and overtime parking), Section 54-154 (All-Night Parking), Section 54-114 (Milliken Street parking lot), and Section 54-115 (Memorial Park parking lot), of the Town of Old Orchard Beach Traffic Ordinance is amended by adding the underscored language, and deleting the strikethrough language :

Sec. 54-1. - Definitions.

*Parking meter* means a device which shall indicate thereon the length of time during which a vehicle may be parked in a particular place, having as a part thereof a receptacle or chamber for receiving and storing coins of the United States money, a slot or place in which such coins may be deposited; a timing mechanism to indicate the passage of the interval of time during which parking is permissible with an appropriate signal to indicate when the interval of time shall have elapsed, and brief instructions as to its operation.

Parking meter as used herein shall also include a multi-space parking meter which may accept coins and other forms of payment such as debit and credit cards, and provide a timed receipt permitting parking in any multi-space or single space parking during such time.



**Parking space** means any space adjacent to a parking meter and which is duly designated for the parking of a single vehicle by painted lines or other durable markings. **Parking space shall also include a space controlled by a multi-space meter.**

**Prolonged parking shall mean parking, without moving the vehicle out of the space and making the space available for use by another person, at a meter or a designated parking space in excess of the maximum limit of parking designated for such space.**

**Receipt shall mean the paper receipt dispensed from a multispace meter showing the date purchased with the time during which it permits parking in a multi or single meter parking space.**

Sec. 54-37. - Penalty.

(14) ~~Parking at expired meter~~ **Expired Meter or receipt/no receipt/receipt face down...25.00**

(26) ~~Prolonged Parking—Feeding Meters~~...25.00

(27) ~~No parking That Takes More Than One Metered Space~~...25.00

Sec. 54-142. - Parking at expired meters and overtime parking.

**(a) Parking of vehicles in parking spaces; (a) Single space meter. Except as provided herein, where a parking meter has been installed, every person shall park a vehicle, adjacent to the curb and either immediately in front of or behind a single space meter and shall deposit the required amount of United States money in the meter or obtain and properly display a receipt issued by a multi-space meter. (b) Multi-space meter. Except as provided herein, where a multi-space meter has been installed, every person shall park a vehicle or motorcycle to the curb and in a space controlled by a multispace meter or in a space controlled by a single meter and shall deposit the required amount of payment for the time the person intends to park, up to the maximum time limit available. The foregoing shall apply from 10:00 a.m. to 11:00 p.m. from the Friday before Memorial Day to Labor Day of each year.**

~~Between the hours of 10:00 a.m. and 11:00 p.m., no person shall park a vehicle in a metered parking space without first depositing a coin into the adjacent parking meter in the amount indicated on the parking meter for the appropriate time. No person shall allow a vehicle to remain in a metered parking space when the time signal on the adjacent parking meter indicates that the time for parking has expired (parking at expired meter). No person shall allow a vehicle to remain in a parking space for a period of time longer than the maximum time limit for that parking space posted on a sign or indicated on a parking meter (parked overtime). Parking shall be allowed in metered spots without first depositing a coin into the adjacent parking meter in the amount indicated on the parking meter between the hours of 11:00 p.m. and 10:00 a.m.~~

~~(b) No person shall park or stand any vehicle having fewer than four wheels at or in a metered parking space which is designated by a sign or by notice posted on or near the parking meter as restricted to parking of automobiles only. No person shall park or~~

stand any vehicle other than a motorcycle at or in a metered parking space which is designated by a sign or by notice posted on or near the parking meter as restricted to parking of motorcycles only.

(c) It shall be unlawful for any person to cause, allow or permit any vehicle registered in the name of or operated by such person to:

(1) be parked in any parking space where a single space parking meter is installed unless a deposit of the coin or coins indicated by the single space meter is made as herein provided, except that, in the event a single space parking meter indicates that unused time has been left in the meter by a previous occupant of the parking space, any such person shall not be required to deposit any such coin or coins so long as his or her occupancy of the space does not exceed the indicated unused parking time; or

(2) remain in a parking space controlled by a multi-space parking meter or single space meter without displaying a valid receipt while so parked, or without displaying the receipt on the dashboard in such a manner as to be clearly visible and face up, showing the date and time available to park on the receipt;

(3) remain in a parking space beyond the period of legal parking time established for such parking space as provided in the traffic ordinance, or to deposit in the adjacent single-space parking meter or a multi-space meter any payment for the purpose of parking beyond the maximum legal parking time designated by the parking meter or multi-space meter ("prolonged parking" or "feeding the meter");

(4) remain in any parking space adjacent to any single-space parking meter while the meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the maximum legal parking time designated for such parking space or the receipt has expired;

(5) remain or be placed in any parking space controlled by a multi-space meter while failing to display a valid multi-space meter timed receipt for such parking, or displaying a receipt indicating that the vehicle occupying such parking space has already been parked beyond the maximum legal parking time designated for such parking space;

(6) be parked across any line or marking of a parking space or in such position that the vehicle shall not be entirely within the limits of the parking space or such that the parked vehicle otherwise impedes or obstructs the flow of traffic; the minimum fine for a violation of this section shall be fifty dollars (\$50);

(7) Deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions herein; to deposit or cause to be deposited in any parking meter any slug, device, metallic substance or any other substitute for a coin of the United States.

In the event of a violation of the provisions of subsections (c) (1-7) above, the fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered, and the fact that a vehicle is in a metered parking space when the time signal on the parking meter for such space indicates no parking permitted without the deposit of a coin or coins, or when the receipt from a multi-space meter has expired or no receipt is properly displayed, shall also be prima facie evidence that the vehicle has been parked in the parking space longer than the lawfully permitted period.

Sec. 54-154 – All-Night parking.

Overnight parking shall be allowed on streets where on-street parking is allowed by the provisions of this Chapter except as follows:

From April 1<sup>st</sup> to September 15<sup>th</sup>, to allow for street sweeping activities overnight parking, **between the hours of 2 a.m. and 6 a.m.**, shall not be allowed in the following locations:

- Old Orchard Street
- The Square
- First Street from Old Orchard Street to Heath Street
- Heath Street
- Milliken Street to Imperial Street
- West Grand from the Square to Union Ave
- East Grand from the Square to Walnut Street
- Seavey Street
- Veteran's Square at Town Hall
- Staples Street
- Imperial Street
- Saco Ave, Rite-Aid to Old Orchard Street

**Sec. 54-114. - Milliken Street parking lot**

- (a) No vehicle shall park in the Milliken Street parking lot without first obtaining a valid parking slip from a pay station or by obtaining a resident parking permit from the town clerk. The parking slip shall be displayed on the dashboard of the vehicle for the allotted time that was paid for, **and the valid parking slip obtained at the pay station in the Milliken Street parking lot shall be valid only for the Milliken Street parking lot.** This section will be enforced between the Friday before Memorial Day and Labor Day.

**Sec. 54-115. - Memorial Park parking lot.**

- (a) No vehicle shall park in the Memorial Park parking lot without first obtaining a valid parking slip from a pay station or by obtaining a resident or nonresident parking permit from the town clerk. The parking slip shall be displayed on the dashboard of the vehicle for the allotted time that was paid for, **and the valid parking slip obtained at the pay station in the Memorial Park parking lot shall be valid only for the Memorial Park parking lot.** This ordinance will be enforced between the Friday before Memorial Day and Labor Day.

Per Order of the Municipal Officers this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

A True Copy

Attest:

\_\_\_\_\_  
Kim M. McLaughlin, Town Clerk

Ricki Letowt asked for an explanation of the ordinance change and it was discussed by Chief Kelley. The subject of parking down in Milliken Street Parking lot was raised again and it was noted that there were only two people that purchased the \$300 pass to park their overnight. It is something that perhaps the Council will consider again in the future.

**MOTION:** Councilor Kelley motioned and Vice Chair Thornton seconded to Amend Chapter 54, Traffic and Vehicles, Sections 54-1 (Definitions), Section 54-37 (Penalty), Section 54-142 (Parking at expired meters and overtime parking), Section 54-154 (All-Night Parking), Section 54-114 (Milliken Street parking lot), and Section 54-115 (Memorial Park parking lot), of the Town of Old Orchard Beach Traffic Ordinance.

**VOTE:** Unanimous.

**# 6423** Discussion with Action: Amend the Special Event Permit Ordinance, Section 42-256 (Required), Section 42-258 (Fee), Section 42-259 (Conditions.)

**BACKGROUND:**

The Town Clerk worked diligently on this Ordinance and there have been many discussions with the Department Heads over the past few months. Highlights include a completed application being received at least 30 calendar days prior to the event, with a \$10 per day surcharge for each day late, and the possibility of the application not being approved due to lack of time; the ability to apply three years out, but meet with department heads at least 60 days before the event each year; \$10 to amend a permit; bonfires, small gatherings, will require administrative approval only; Events at the Ballpark require a contract/agreement, with administrative approval for events of less than 1,000 people (Town Council reserves the right to place on an agenda); ability of the administration to change the date of the event because of snow, piping plovers, rain, or other conflicts; \$50 fee per day for all applicants except RSU #23 and Town Sponsored/co-sponsored events; services will be invoiced (25% deposit due 14 days prior to event), however, any non-profit organization that has not been assessed those charges within the past five years (2010-2015), will continue to not be charged unless alcohol service is involved; although insurance has been required, the amount will not be listed in the ordinance.

**ORDINANCE:**

- Subdivision II. - Permit
- **Sec. 42-256. - Required.**

No person may conduct a special event on public property without a special events permit issued by the town council pursuant to this subdivision. The completed application must be received at least 30 calendar days prior to the event. For each day late, there will be a \$10 surcharge fee for all applicants, and the possibility the event may be denied due to lack of time to approve.

Applications may be approved for up to three-years prior to the event; however, the applicant must meet with the department heads at least 60 days prior to the event for that year. At the sole discretion of the Town of Old Orchard Beach, you may be authorized to submit written amendments to your initial permit application due to unique or changing

circumstances related to the event. Amendments to the permit application must be received at least 30 calendar days prior to the event, and will be assessed a \$10.00 fee each time an amendment is requested, due prior to the amendment being approved for consideration.

Bonfires, small gatherings, including weddings (less than 25 people), will require administrative approval only.

Events at the Ballpark will require an approved contract or agreement with the Ballpark Commission, and final administrative approval only, for events of less than 1000 people; however, the Town Council reserves the right to place the application on the Town Council agenda before a contract is signed.

A change in date may be granted administratively due to a cancellation because of rain, snow, piping plovers, conflict with another event, or other needs that may arise.

*(Ord. of 5-17-1988, § V; Ord. of 4-2-2002, § V)*

- **Sec. 42-257. - Criteria for issuance.**

In considering whether to issue a special events permit pursuant to this subdivision, the town council shall consider whether the proposed special event:

(1) Is consistent with the goal of promoting use of public property for recreational, entertainment or charitable events.

(2) Can be conducted in the location proposed without endangering the public safety or disturbing the peace and order of the public property.

*(Ord. of 5-17-1988, § VI; Ord. of 4-2-2002, § VI)*

- **Sec. 42-258. - Fee.**

Before ~~Upon~~ issuance of the special events permit by the town council pursuant to this subdivision and prior to the conduct of the special event, the permit holder shall pay to the town clerk a permit fee in the amount as specified in the schedule of license, permit and application fees in appendix A of this Code per day or portion thereof the special event will occur, including set-up and take-down dates. The Town Council may waive at will or reduce the permit fees for ~~nonprofit-charitable~~ RSU #23 or Town sponsored or co-sponsored special events or for special events which are sponsored or cosponsored by the town.

Non-profit events that have received approved Special Event Permits for five consecutive years between the years of 2010-2015, shall be exempt from staff related service fees not assessed in the past, unless alcohol is being served, or able to be purchased. The application fee is not waived. For all other events, additional fees may be applicable for cost recovery or other permits depending on the event. Applicant is solely responsible for costs incurred for Town services rendered for the event, i.e. police, licenses, sanitation, fire, etc. A cost analysis and invoice will be provided at least 21 days prior to the event, and a 25% deposit will be due for those services at least 14 days prior to the event. The remainder will be due in full within 60 days of the conclusion of the event.

In the event is cancelled, the applicant must notify the Town Clerk's Office in writing no less than 48 hours in advance of the set-up time for the event. Should personnel or other resources be dispatched to support the proposed event and the event has been cancelled, the applicant will be assessed the cost of the services provided.

(Ord. of 5-17-1988, § VIII; Ord. of 4-1-2003, § 2)

- **Sec. 42-259. - Conditions.**

Each special events permit issued pursuant to this subdivision shall, at a minimum, specify the permit holder's obligations as to the following:

(1) Dates and times.

(2) Designated areas of public property to be affected.

(3) An insurance policy, for property damage or bodily injury in the amount not less than Four Hundred Thousand Dollars (\$400,000) or such other amount as is established by the Maine Tort Claims Act (14 M.R.S.A. §8101 et seq., as amended from time to time, listing the Town of Old Orchard Beach as additionally insured. If alcohol is being served, liquor liability insurance is required, with a minimum amount of \$2,000,000, listing the Town as additionally insured. and evidence of financial capacity, including insurance.

(4) Crowd control.

(5) Parking.

(6) Cleanup.

(7) Any other conditions which the Town Council deems necessary to protect the public safety and maintain order on the public property.

(Ord. of 5-17-1988, § VII; Ord. of 4-2-2002, § VII(2), (f))

- **Sec. 42-260. - Liability.**

The holder of a special events permit issued pursuant to this subdivision shall be solely responsible for conducting the special event in compliance with the conditions of the permit and for maintaining public safety and order during the special event. The town assumes no liability or responsibility by issuing the permit.

(Ord. of 5-17-1988, § XI(2))

**MOTION:** Councilor Blow motioned and Vice Chair Thornton seconded to Amend the Special Event Permit Ordinance, Section 42-256 (Required), Section 42-258 (Fee), Section 42-259 (Conditions.)

**VOTE:** Unanimous.

# 6424      Discussion with Action: Approve the Liquor License Renewals for GFB Scottish Pub (205-3-1), 32 Old Orchard Street, m-s-v in a Restaurant; Brentland Beth Inc. dba/Bell Buoy Restaurant (205-4-5), m-s-v in a Restaurant; William Marshall dba/The Whaler (206-31-17), m-s-v in a Class A Lounge; Napoli Inc. dba/47 East (305-4-4), 47 East Grand Avenue, m-s-v in a Restaurant; Bernard L. Orne dba/Weekend at Bernies Beach Club (307-3-1), 8 West Grand Avenue, m-s-v in a Class A. Lounge; and Venetia Kouzounas dba/Venetia's Restaurant (313-4-3), 93 West Grand Avenue, m-v in a Restaurant.

**MOTION: Councilor Kelley motioned and Councilor Blow seconded to Approve the Liquor Licenses as read.**

**VOTE: Unanimous.**

**# 6425 Discussion with Action: Act on Warrant and Notice of Election calling a Regional School Unit No. 23 Budget Validation Referendum for June 9, 2015.**

**BACKGROUND:**

**This is a legal requirement validating the RSU23 Budget Referendum for June 9, 2015.**

**MOTION: Vice Chair Thornton motioned and Councilor Blow seconded to Act on Warrant and Notice of Election calling a Regional School Unit No. 23 Budget Validation Referendum for June 9, 2015.**

**VOTE: Unanimous.**

**# 6426 Discussion with Action: Approve the Special Event Permit Application for the Milestone Foundation to gather in the Milliken Street Parking Lot from 10 a.m. to 11:30 a.m. on Saturday, September 12<sup>th</sup>, to start the motorcycle ride "Sixty Miles for Milestone". Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk's Office no later than one month prior to the event. Request for a banner on Cascade Road from September 4<sup>th</sup> to the 14<sup>th</sup>, 2015; and a request to waive the fee.**

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

**VOTE: Unanimous.**

**# 6427 Discussion with Action: Approve the Special Event Permit application for JTG Hospitality Inc. to hold a Blues Festival at the Ballpark on Saturday, September 5<sup>th</sup>, rain date of September 6<sup>th</sup>, 2015, from noon to 8 p.m. Alcohol to be served. Liquor Liability Insurance and general insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk's Office no later than one month prior to the event. Requirement of one Old Orchard Beach Police Officer. Request for a banner on Saco Avenue for one month prior to the event.**

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

**VOTE: Unanimous.**

**# 6428 Discussion with Action: Approve the Special Event Permit application for the OOB Recreation Department to hold "Concerts in the Park" Thursday nights on July 9<sup>th</sup>, July 16<sup>th</sup>, July 23<sup>rd</sup>, July 30<sup>th</sup>, August 6<sup>th</sup> and August 13<sup>th</sup>, 2015. Set up from 5 p.m. to 6 p.m., 6 p.m. to 6:30 p.m. quiet time for Flag Raising Ceremony, performance 6:30 p.m. to 8 p.m., and a request to waive the fee.**

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

**VOTE:** Unanimous.

**# 6429** Discussion with Action: Approve the Special Event Permit application from RS Fireworks LLC to hold a Fireworks display on Tuesday, June 2<sup>nd</sup>, 2015 at approximately 9:45 p.m. at the Ballpark with a rain date of June 4<sup>th</sup>, 2015. Approval by the State Fire Marshall's Office and insurance listing the Town as additionally insured to be provided to the Town Clerk's Office at least one week prior to the event; and a request to waive the fee.

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

**VOTE:** Unanimous.

**#6430** Discussion with Action: Approve the Special Event Permit application for Kara Sprague and Steven Magee to hold their wedding ceremony and bonfire with tiki torches, on the beach in front of 4 Wavelet Street on Sunday, June 7<sup>th</sup>, 2015 from 2 p.m. to 10 p.m. 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:** Councilor Blow motioned and Councilor Kelley seconded to Approve the Special Event Permit as read.

**VOTE;** Unanimous.

**# 6431** Discussion with Action: Approve Special Event Permit Application for Challenge Family (formerly REV3) to host Challenge Maine at Old Orchard Beach on Thursday, August 27<sup>th</sup>, 2015 at 8 a.m. through midnight on Sunday, August 30<sup>th</sup>, 2015; a request to close First Street from Staples to Heath Street during that time period, and the use of the Memorial Park Parking Lot and Memorial Park; close Staples Street on Sunday, August 30<sup>th</sup> for bike in/out; also a 5K on August 28<sup>th</sup>, 2015; request for a banner on Cascade Road and Saco Avenue, 8/22/15 to 8/30/15; 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; payment to be received within one week of approval. Town Council reserved dates of August 26<sup>th</sup> thru August 31<sup>st</sup>, 2015 for event on October 21<sup>st</sup>, 2014.

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

**VOTE:** Unanimous.

**GOOD AND WELFARE:**



**ADJOURNMENT:**

**MOTION:** Councilor Tousignant motioned and Councilor Blow seconded to Adjourn the Town Council Meeting at 9:00 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 thirty-three (33) pages is a copy of the original Minutes of the Town Council Meeting of May 19, 2015.  
V. Louise Reid