

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
Tuesday, February 16, 2016  
TOWN HALL CHAMBERS  
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, February 16, 2016. Chair O'Neill opened the meeting at 7:01 p.m.

The following were in attendance:

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

Pledge to the Flag  
Roll Call

**PRESENTATION:**

**CHAIR:** Mrs. Joan Evans of The Salvation Army will present a check to the Town Manager, Larry Mead, from The Salvation Army Women's Services in the amount of \$600 to cover the remaining amount of the \$1,669 needing to be raised to purchase a second Beach Wheel Chair. During the summer Camp Meetings which the Army has every August, the beach wheel chair was used by one of their members who started the funding raising effort. We express our thanks to The Salvation Army for their community involvement in this great project.

**PRESENTATION:**

We are pleased this evening to recognize the service of Michael Gray since August of 2009 as a member and Chair of the Finance Committee. His latest term ended on December 31, 2015 and he chose to take a "time out." You heard of "The Man for All Seasons." Well that could describe Michael Gray. Professionally astute in banking matters; a training specialist; customer service representative, involved in *Kids Peace National Centers of New England*; and a Pastor of the Methodist Church – just to name a few. Mike has also served on the Community Watch Council. Mike took his responsibilities on the Finance Committee seriously for indeed serving on the Finance Committee one is the overseer of the financial affairs and stewardship of the municipality. Budgeting and financial planning can be exhaustive but the Committee under his leadership participated in creation and monitoring of internal controls and accountability policies and for that we are grateful. Mike's suggestions through the Committee included long-range financial goals along with funding strategic planning and the ability to present these to the Town Council in a manner that gained their support. Mike was concerned that we would not realize that it was the Committee as a whole that made their work so

effective. We extend our appreciation to the Committee as well. We thank Mike this evening for serving as the principal liaison between the Committee and the Town Council.

**ACKNOWLEDGEMENT:**

**CHAIR:** We offer to the Weinstein family our deepest sympathy at the passing of their mother, Beatrice Weinstein. Mrs. Weinstein has been an extraordinary woman with a passion for real estate and a keen business sense. We offer our thoughts and prayers to the Weinstein family at this time.

**ACCEPTANCE OF MINUTES:** Town Council Workshop Minutes of February 2, 2016; and Administrative Review Board Minutes of February 3, 2016.

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

**VOTE:** Unanimous.

**PUBLIC HEARING:** Shall We Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 18, Business Licenses, Section 18-35 (Denial; imposition of conditions of issuance), 18-38 (Renewals) and 18-39 (Suspension or Revocation.)

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

**BACKGROUND:**

The Administrative Review Board has met several times to review the Town of Old Orchard Beach Code of Ordinances, Chapter 18, Business Licenses, Sections 18-35 (Denial, Imposition of conditions of issuance), 18-38 (Renewals), and 18-39 (Suspension of Revocation).

The Board recommended the following amendments to the ordinance:

1. Clarifying that the Council shall consider information provided by the Administrative Review Board in determining whether to issue, issue with conditions, or deny a business license.
2. Add the Planning Director as a member of the Administrative Review Board.
3. Specify that the Administrative Review Board membership will include two alternate members; an alternate member of the business community and an alternate citizen member.
4. Clarify that when reviewing a license holder pending renewal the Administrative Review Board can determine that the License Administrator may renew the license without further action by the Town Council.

**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 February 16<sup>th</sup>, 2016, 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 18, Business Licenses, sections 18-35, Denial; imposition of conditions for license, Section 18-38, Renewals, and Section 18-39, suspension or revocation, of the Town of Old Orchard Beach Code of Ordinances is amended by adding the underscored language:

**Sec. 18-35. - Denial; imposition of conditions for issuance.**

**(a) Failure to provide any of the information required by section 18-33 to the license administrator in a timely manner shall be cause for a denial of a license application.**

**(b) The town council shall consider information provided by the applicant or received from the administrative board convened per section 18-38 or 18-39, the building inspector, the electrical inspector, the town manager, the police chief, the fire chief or any other municipal employee or the general public in determining whether to issue, issue subject to conditions, or deny any license requested. The town council may deny a license application if it finds that:**

**(1) The applicant does not have the legal right to occupy the premises for which the license is sought;**

**(2) Required state or local permits have not been obtained or applied for;**

**(3) The business or activity is not or the premises are not in compliance with other local ordinances;**

**(4) Any public health, safety or welfare problems which occurred in the operation of the business or activity or a similar business or activity on the premises during the immediately preceding year were not satisfactorily resolved and are likely to recur;**

**(5) The applicant for the license has, during the immediately preceding year, committed or permitted, in the course of conducting a business or activity subject to this article, an act or omission which constitutes a violation of this article as defined in section 18-28 or 18-39;**

**(6) The applicant is delinquent in paying any personal property tax assessed by the town, unless there is pending at the time of application for the license a request for abatement of the tax or an appeal of the tax assessment;**

**(7) The licensed location has had three or more documented and relevant disturbances as verified by the police chief within the previous licensing period, which documentation shall be provided to the license administrator by the police department; or**

**(8) The applicant owes any fine, penalty or judgment to the town as a result of any violation of this article and the fine, penalty or judgment, with any accrued interest, has not been paid in full. Notwithstanding anything to the contrary in 1 M.R.S.A. § 18-3202, this subsection applies to actions and proceedings pending on the effective date of the Ordinance of April 15, 1997.**

(9) The applicant owes any amount to the Town of Old Orchard Beach for services rendered by the town or by town employees to the applicant or the applicant's property, is in default on any performance guarantee or contractual obligation to the town, or is otherwise delinquent in any financial obligation to the town, including real property taxes.

(c) The town council may also impose conditions on the operation of any licensed business or activity, such as restrictions on the hours of operation, a requirement of trash removal at specified intervals, or implementation of particular forms of crowd control, where the public interest so requires.

(d) When the town council denies a license, written notice of the decision shall be provided to the applicant within ten days thereof, which shall set forth the reasons for the denial. The licensee shall receive written notice in the same manner of any conditions imposed upon the license whenever conditions are imposed, and the license administrator shall note such conditions on the license records maintained by the license administrator.

(Ord. of 6-13-1961, § 4(C); Ord. of 2-16-1988; Ord. of 6-18-1991; Ord. of 11-8-1993; Ord. of 3-4-1997; Ord. of 4-15-1997; Ord. of 3-2-1999; Ord. of 4-20-1999; Ord. of 4-15-2008; Ord. of 5-4-10(1))

#### Sec. 18-38. - Renewals.

(a) The license administrator is authorized to renew, without further action by the town council, the license of any person holding a license pursuant to this article, referred to as the "licensee," upon receipt of the required fee and of a written statement from the licensee that there has been no material change in the information provided in the licensee's previous application. The license administrator may not renew a license, but must refer the application to the town council, if:

(1) The license has been suspended or revoked by the town council during the preceding licensing cycle as outlined in section 18-31 of this chapter

(2) The license administrator has received, during the past licensing cycle as outlined in section 18-31 of this chapter, any written complaint from any person charging that the licensee has violated the terms of this article or any other section of this Code or town ordinance.

(3) The applicant is delinquent in paying any personal property tax assessed by the town, unless there is pending at the time of application for the license a request for abatement of the tax or an appeal of the tax assessment.

(4) The licensed location has had three or more documented and relevant disturbances as verified by the police chief within the previous licensing cycle as outlined in section 18-31 of this chapter, which documentation shall be presented to the license administrator in writing by the police department.

(b) In cases involving a complaint under subsection (a)(2) of this section or disturbances under subsection (a)(4) of this section, the license administrator shall bring the complaint or disturbance to the attention of the town manager before referring the application to the town council. The town manager will then convene an administrative board consisting of the town manager; the police chief; the fire chief; the license administrator; the planning director; a member of the town business community appointed by the town council; and a citizen of the town, not an employee of the town, appointed by the town council, an alternate member of the town business community appointed by the town council; and an alternate citizen of the town, not an employee of the town, appointed by the town council. to discuss the complaint or disturbance with the applicant. At this time, the town manager shall notify the town council chairperson, in writing, that this

board is being convened. The purpose of the administrative board will be fact finding with the goal of resolving the issues raised by the complaint or disturbance. The administrative board can determine that the license administrator may renew the license without further action by the town council. If the administrative board finds that the applicant has not successfully addressed the complaint or disturbance, the administrative board shall propose a consent agreement with the applicant to address the complaint or disturbance. If the applicant fails to appear before the administrative board, or fails to accept a consent agreement proposed by the administrative board, the license administrator shall refer the application to the town council with the recommendation that the license not be renewed.

(c) Action undertaken by the administrative board will be viewed as advisory to the town council. The town manager will place recommendations on the agenda for the next regular meeting of the town council. The town council will act upon such recommendations in the same manner as used for license hearings.

(Ord. of 6-13-1961, § 1-A; Ord. of 2-16-1988; Ord. of 6-18-1991; Ord. of 11-8-1993; Ord. of 3-2-1999; Ord. of 4-20-1999; Ord. of 9-18-2001; Ord. of 5-4-10(1))

Sec. 18-39. - Suspension or revocation.

(a) The town council, upon notice and after hearing, for cause, may suspend or revoke any license issued pursuant to this article. The term "cause" shall mean the violation of any license condition, any section of this article, any condition constituting a threat to the public health or safety, or the revocation or suspension of any state or local license that is a condition precedent to the issuance of a license pursuant to this article. The term "cause" shall also include any of the grounds for denying a license application under section 18-35.\* Licenses may be temporarily suspended without prior notice and hearing if, in the judgment of the building inspector, the town manager or the town council, the continued operation of the licensed business or activity constitutes an immediate and substantial threat to the public health and safety, provided the licensee receives written notification of the suspension and the reasons therefor, prior to its taking effect, and a hearing is scheduled as soon as possible thereafter.

\*Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, this amendment shall apply to any actions or proceedings pending on the date of its enactment.

(b) Before the town council conducts a hearing on a suspension or revocation, the town manager will convene an administrative board consisting of the town manager; the police chief; the fire chief; the license administrator; the planning director; a member of the town business community appointed by the town council; and a citizen of the town, not an employee of the town, appointed by the town council, an alternate member of the town business community appointed by the town council; and an alternate citizen of the town, not an employee of the town, appointed by the town council, to discuss with the licensee the situation giving rise to the possible suspension or revocation.

(c) The purpose of the administrative board will be fact finding with the goal of resolving the situation by proposing a consent agreement with the licensee. If the licensee fails to appear before the administrative board or fails to accept a consent agreement proposed by the administrative board, the license administrator shall recommend to the town council that the license be suspended or revoked, as appropriate.

(d) Action undertaken by the administrative board will be viewed as advisory to the town council. The town manager will place recommendations on the agenda for the next regular meeting of the town council. The town council will act upon such recommendations in the same manner as used for license hearings.

(Ord. of 6-13-1961, § 5(C); Ord. of 2-16-1988; Ord. of 8-7-2001; Ord. of 9-18-2001; Ord. of 4-15-2008)

CHAIR: I close this Public Hearing at 7:11.

**PUBLIC HEARING: BUSINESS LICENSES AND APPROVAL**

CHAIR: I open this Public Hearing at 7:12 p.m.

Smithwheel Court LLC (210-2-6), 18 Smithwheel Road, seventeen year round rentals; OOB LLC/Trahan Apartments (304-6-1), 68 East Grand Avenue, four year round rentals; SRA Varieties Inc. (311-1-10), 141 Saco Avenue, five year round rentals, Buildings 1 & 3 only; and SRA Varieties, Inc. dba/Paul's II Gas & Convenience Store (311-1-10), 141 Saco Avenue, Victualers with Preparation with Beer, Wine and/or Liquor Off Premise; two gas pumps.

Councilor Tousignant raised concerns regarding the remainder of the SRA Varieties, Inc. dba/Paul's II Gas & Convenience Store cottages and their seasonal availability, not year round. The Town Manager explained that this project was being addressed almost daily and that the right licenses will be issued according to the ordinances. The cottages this evening were grandfathered.

CHAIR: I close this Public Hearing at 7:14 p.m.

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

**VOTE:** Unanimous.

**PUBLIC HEARING: AMUSEMENT PERMITS:**

CHAIR: I open this Public Hearing at 7:15 p.m.

Dale Tarbox dba/Sunset Bar & Grill (307-1-6), 6 Fernald Street, Live Music Outside and Inside – 2:00 p.m. – 10:00 p.m.; and Fly by Night Inc. dba/Mr. Goodbar (306-5-2), Live Music, Karaoke, D.J., Comedy and Dancing Inside – 7:00 p.m. to 1:00 a.m.

CHAIR: I close this Public Hearing at 7:16 p.m.

**MOTION:** Councilor Tousignant motioned and Councilor Blow seconded to approve the Amusement Permits as read.

**VOTE:** Unanimous.

**TOWN MANAGER'S REPORT:**

The Town Manager reported that he has been involved in budget meetings most of last week when he met with department heads for an initial review of the FY17 budget requests. Also met last week and this evening with the Finance Committee and will be meeting with them for the next few weeks. He went on to say that the Milliken Street Facility has been through the Planning Board and the Planning Board certified as appropriate the design of the trash handling facility building. We are not going to advertise the bid proposals for the construction of the building and will be bringing to the Council in March for an agenda item to approve a contract for construction of the building. The project cannot move forward until the Town Council approves a contract and until the DEP approves a permit. The Downtown trash/maintenance contract bids came in this week and there were proposals from six companies for the downtown trash and maintenance operations. Each Company was asked to submit two proposals for both using Milliken Street as a holding location and for transporting trash directly to BBI. We will be interviewing several this week and next with the intention of bringing a recommendation to the Council at the Council meeting on March 1<sup>st</sup>. He also announced that the OOB365 Winterfest will be going on and this activity is scheduled for Friday, weather conditions permitting. The Department of Public Works will be assisting, attempting to get snow for the sledding.

**NEW BUSINESS:**

# 6611 Discussion with Action: Set a Public Hearing date of March 1, 2016 to Amend Chapter 34, Housing, Section 34-26 (Definitions); 34-91 (Occupancy requirements); 34-93 (Habitable space requirement); of the Town of Old Orchard Beach Code of Ordinances.

**MOTION:** Councilor Kelley motioned and Councilor Blow seconded to Set a Public Hearing date of March 1, 2016 to Amend Chapter 34, Housing, Section 34-26 (Definitions); 34-91 (Occupancy requirements); 34-93 (Habitable space requirement); of the Town of Old Orchard Beach Code of Ordinances.

**VOTE:** Unanimous.

**BACKGROUND:**

**TOWN OF OLD ORCHARD BEACH**

**Memorandum**

February 11, 2016

**TO:** Members of the Town Council  
**FROM:** Larry Mead, Town Manager

**SUBJECT: PUBLIC HEARING ON PROPOSED HOUSING ORDINANCE CHANGES**

The changes proposed for Chapter 34 of the Town Ordinances related to housing requirements are intended to create or validate additional options for housing targeted to

seasonal summer employees, in particular to international J-1 students. This is accomplished by the following proposed changes:

1. In existing structures, reduce the allowable square footage for a room providing sleeping quarters to a single individual from the current requirement of 75 square feet to 70 square feet.
2. In existing structures, where a room provides sleeping quarters to more than one individual reduce the allowable square footage from the current requirement of 75 square feet to 50 square feet.

In addition, under advice of Town legal counsel, the specific reference in Chapter 34 to J-1 international students is deleted and replaced by the term Temporary Seasonal Worker, which is defined as a person who is employed in a seasonal job between the times of April 1 to October 31.

**MOTION:** \_\_\_\_\_ motioned and \_\_\_\_\_ seconded to Set a Public Hearing date of March 1, 2016 to Amend Chapter 34, Housing, Section 34-26 (Definitions); 34-91 (Occupancy requirements); 34-93 (Habitable space requirement); of the Town of Old Orchard Beach Code of Ordinances.

**VOTE:** Unanimous.

**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 March 1<sup>st</sup>, 2016, 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 34, Housing, section 34-26 (definitions); 34-91 (Occupancy Requirements); 34-93 (Habitable space requirements), of the Town of Old Orchard Beach Code of Ordinances is amended by adding the underscored language and deleting the strikethrough language:

Chapter 34 - HOUSING<sup>[1]</sup>

Footnotes:

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Cross reference— Utilities, ch. 58; buildings and building regulations, ch. 66.

**ARTICLE I. - IN GENERAL**

Secs. 34-1—34-25. - Reserved.

**ARTICLE II. - MINIMUM STANDARDS**

**DIVISION 1. - GENERALLY**

Sec. 34-26. - 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:

**Alcove** means a small recessed section of a room.

**Basement** means that portion of a building located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.



**Cellar means that portion of a building located partly or entirely underground but having half or more than half its clear floor-to-ceiling height below the average grade of the adjoining ground.**

**Dwelling means any building which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants, with the exception of buildings or parts of buildings used as a motel, hotel, guest cottage, cabin, sporting camp or other similar facility, rented or leased for a period not more than 30 days.**

**Dwelling unit means any room or groups of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.**

**Existing structure means any residence erected prior to the date of the adoption of this code which has a legal building permit and legal occupancy permit.**

**Family means a household containing a single housekeeping unit occupied by one or more persons.**

**Finished grade means the natural surface of the ground, or surface of the ground after completion of any change in contour.**

**Habitable room means a room or enclosed floor area consisting of habitable space.**

**Habitable space means space occupied by one or more persons for living, sleeping, eating or cooking, excluding kitchenettes, bathrooms, toilet rooms, laundries, foyers, pantries, corridors, stairways, closets, cellars, and storage spaces.**

**Immediate family means mother, father, sister, brother, and children of the owner or occupant and spouse.**

**Temporary seasonal worker means a person who is employed in a seasonal job between April 1 and October 31.**

**Kitchen means space, 60 square feet or more in floor area, used for cooking or preparation of food.**

**Kitchenette means space less than 60 square feet in floor area, used for cooking or preparation of food.**

**Living room means a room used for common social activities by the occupants of a residence.**

**Mixed occupancy means occupancy of a building in part residential use and in part some other use not accessory thereto.**

**Multiple dwelling means any dwelling containing more than two dwelling units, rooming units or a combination of both.**

**Premises means a lot, plot, or parcel of land including the buildings or structures thereon.**

**Public space means that space used in common by the occupants of several units within a dwelling or rooming house and by the public.**

**Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.**

**Rooming house means any dwelling or part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not members of the owner's or operators immediate family.**

**Stairway means one or more flights of stairs and the necessary landings and platforms connected therewith to form a continuous passage from one floor to another.**

Story means the portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed to be a story only when its ceiling is six or more feet above the finished grade.

~~Students traveling with a J-1 cultural exchange work visa means nonimmigrant students visiting with a J-1 visa from May to October of the calendar year.~~

Toilet room means enclosed space containing one or more water closets, which may also contain one or more lavatories, and other plumbing fixtures.

(Ord. of 4-2-1991, § 4; Ord. of 4-7-2009(1))

**Sec. 34-27. - Applicability.**

This article shall apply to residential premises as follows:

- (1) Lots, plots, or parcels of land on which residential buildings, buildings of mixed occupancy or accessory structures are located.
- (2) Residential buildings, including one- and two-family dwellings, multiple dwellings, and rooming houses or boardinghouses.
- (3) Residential occupancies in buildings of mixed occupancy.

(Ord. of 4-2-1991, § 1)

**Sec. 34-28. - Prohibition.**

No person shall occupy as owner/occupant or shall rent to another for occupancy any dwelling, dwelling unit, or rooming unit that does not comply with the requirements of this article.

(Ord. of 4-2-1991, § 3)

**Sec. 34-29. - Responsibility of owners.**

- (a) Owners of premises shall be responsible for compliance with this article and shall remain responsible therefor regardless of the fact that this division may also place certain responsibilities on operators and occupants and regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.
- (b) Owners of premises shall be responsible for proper maintenance, condition, and operation of service facilities.

(Ord. of 4-2-1991, § 30)

**Sec. 34-30. - Responsibilities of rooming house operators.**

Rooming house operators shall be responsible for compliance with this article in regard to the following:

- (1) Limiting occupancy to the maximum permitted by this article.
- (2) Maintenance of safe and sanitary conditions in all parts of the rooming house premises.
- (3) Maintenance and operation of all required service facilities.

- (4) Maintenance of all plumbing, cooking and refrigeration fixtures and appliances within his control, as well as building equipment and facilities, in an operative, clean and sanitary condition.
- (5) Sanitary maintenance of walls, floors and ceilings.
- (6) Keeping exits clear and unencumbered.
- (7) Disposal of building garbage and refuse in a clean and sanitary manner.
- (8) Extermination of insects, rodents or other pests on the premises.
- (9) Hanging and removing required screens.

(Ord. of 4-2-1991, § 31)

**Sec. 34-31. - Responsibilities of occupants.**

Occupants of dwelling units shall be responsible for compliance with this article in regard to the following:

- (1) Limiting occupancy of that part of the premises which he occupies or controls to the maximum permitted by this article.
- (2) Maintenance of that part of the premises which he occupies or controls in a clean, sanitary and safe condition.
- (3) Maintenance of all plumbing, cooking and refrigeration fixtures and appliances, as well as other building equipment and storage facilities, in that part of the premises which he occupies or controls, in a clean and sanitary condition and providing reasonable care in the operation and use thereof.
- (4) Keeping exits from his dwelling unit clear and unencumbered.
- (5) Disposal of garbage and refuse into provided facilities in a clean and sanitary manner.
- (6) Extermination of insects, rodents or other pests within his dwelling unit.
- (7) Hanging and removing required screens.
- (8) Keeping his domestic animals and pets in an appropriate manner and under control.

(Ord. of 4-2-1991, § 32)

**Secs. 34-32—34-60. - Reserved.**

**DIVISION 2. - ADMINISTRATION AND ENFORCEMENT<sup>[2]</sup>**

**Footnotes:**

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Cross reference— Administration, ch. 2.

**Sec. 34-61. - Duty of code enforcement officer.**

This article shall be administered by the code enforcement officer. The code enforcement officer shall cooperate with other municipal, governmental and private agencies engaged in the study and improvement of housing conditions.

(Ord. of 4-2-1991, § 33)

**Sec. 34-62. - Inspections.**

- (a) Conduct of inspections.** The code enforcement officer is authorized to conduct inspections of all premises within the scope of this article.
- (b) Investigation of complaints.** The code enforcement officer shall investigate all complaints of alleged housing violations.
- (c) Right of entry.** The code enforcement officer in the performance of his duties shall have the right of access to any premises at reasonable hours, upon giving proper identification, for the purpose of inspecting the premises in order to determine compliance with this article and for the purpose of examining and inspecting any work performed under this article.
- (d) Access.** Owners, agents, operators and occupants shall provide access to all parts of the premises within their control to the code enforcement officer acting in the performance of his duties. A refusal to provide such access shall be a violation of this article.

**(Ord. of 4-2-1991, § 34)**

**Sec. 34-63. - Enforcement.**

**(a) Orders and hearings.** Procedures for orders and hearings under this article are as follows:

**(1) Whenever the code enforcement officer determines that there are reasonable grounds to believe that there has been a violation of any section of this article, he shall give notice of such violation to the person responsible therefor as provided in this section. Such notice shall:**

- a. Be in writing.**
- b. Include a statement of the reason why the notice is being issued.**
- c. Allow a reasonable time for the performance of any act it requires.**
- d. Be served upon the owner or his agent or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally, if a copy thereof is sent by registered mail to his last known address, if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if he is served with such notice by any other method authorized or required under state laws.**

Such notice may contain an outline of remedial action which, if taken, will effect compliance with this article.

**(2) Any person affected by any notice which has been issued in connection with the enforcement of any section of this article may request and shall be granted a hearing on the matter before the code enforcement officer by filing a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served. Upon receipt of such petition, the code enforcement officer shall set a time and place for such hearing and shall give the petitioner notice thereof in the matter prescribed in subsection (a) (1)d of this section. Such hearing shall be commenced not later than ten days after the day on which the petition was filed, provided that, upon application of the petitioner, the code enforcement officer may postpone the date of the hearing for a reasonable time beyond such ten-day period.**

**(3) If any violation of this article is not cured to the satisfaction of the code enforcement officer after notice and hearing is provided in accordance with this section, and after the expiration of the time for compliance set forth in the notice, the town**

manager or town council is authorized to commence legal proceedings to enforce this article and to recover appropriate penalties and costs.

(b) Posting of unfit dwelling. Where violations of this article exist and pose an immediate hazard and danger to the health, safety or welfare of building occupants or of the public, the code enforcement officer may declare the premises unfit for human habitation and order the evacuation of all occupants. The premises shall be posted with notices of such order prominently displayed at every entrance. Any person affected by such declaration and evacuation order may request a hearing as provided in subsection (a) of this section.

(c) Removal of notice prohibited. It shall be unlawful to deface or remove the placard from any premises which have been condemned as unfit for human habitation and posted as such.

(d) Use of posted premises for human habitation. No premises which have been condemned and posted as unfit for human habitation shall again be used for human habitation until written approval is secured from and such notice is removed by the code enforcement officer. The code enforcement officer shall remove such notice whenever the defect upon which the condemnation order was based has been eliminated.

(Ord. of 4-2-1991, § 35)

**Sec. 34-64. - Appeals procedure.**

(a) The zoning board of appeals is empowered to review decisions of the code enforcement officer pursuant to this article. Within 30 days of a written determination, an appeal may be filed. The zoning board of appeals is authorized to hear the following two types of appeals:

(1) Administrative review. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the code enforcement officer in the enforcement of this article.

(2) Variances. To authorize upon appeal in specific cases, such as a variance from the terms of this article, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this article will, in an individual case, result in unnecessary hardship, so that the spirit of this article shall be observed, public safety and welfare security and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding of the board of appeals that:

a. The application of this article to this particular piece of property would create an unnecessary hardship;

b. The conditions giving rise to the variance request are peculiar to the particular piece of property involved; and

c. The relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this article.

(b) The concurring vote of a majority of the members of the board shall be necessary to reverse any order, requirement, decision or determination of the code enforcement officer or to decide in favor of the applicant of any matter on which it is required to pass under this article or to effect any variation in the application of this article. The board will notify, in writing, the applicant within seven working days of its decision under review. Appeals from decisions of the board of appeals must be directed to the superior court within 30 days of the decision.

(Ord. of 4-2-1991, §§ 38, 39)

Secs. 34-65—34-90. - Reserved.

**DIVISION 3. - SPACE AND OCCUPANCY**<sup>(3)</sup>

**Footnotes:**

--- (3) ---

Cross reference— Retention of proposed public sites and open spaces, § 74-269.

**Sec. 34-91. - Occupancy requirements.**

(a) Generally. No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, dwelling unit, or rooming unit which does not comply with the minimum standards for space and occupancy in this section. Any motel, hotel, guest cottage, cabin, sporting camp or similar facility must comply with these space and occupancy standards when an occupant stays in one or more units for a continuous period in excess of 30 days.

(b) Dwelling and rooming units. Every dwelling, dwelling unit and rooming unit shall contain at least 200 square feet of floor area of habitable space for the first occupant and at least 150 square feet of additional area of habitable space for each additional occupant. A child under the age of one shall not be counted as an occupant for the purposes of this section.

(c) Temporary seasonal housing. Students traveling with a J-1 cultural exchange work visa, clubs, dormitories, sorority and fraternity houses. Where sleeping quarters are furnished within existing structures between April 1 and October 31 for persons in a club, dormitory or sorority or fraternity house or students traveling with a J-1 cultural exchange work visa the number of occupants in any habitable room occupied for sleeping purposes shall be limited to the number determined on the basis of the floor area, in square feet, of the habitable space divided by 75 square feet per occupant temporary seasonal workers, every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant thereof, and the dwelling unit shall include a kitchen or kitchenette, a bathroom, and a living room of not less than 120 square feet of gross floor area.

(d) Posting of notice of permitted occupancy. Notice shall be posted in each unit offered for rent stating the maximum number of occupants allowed under this article.

(e) Notice of permitted occupancy required. When a person lets to another for occupancy any dwelling, dwelling unit, or rooming unit, he shall notify the occupant in writing of the maximum number of persons permitted to occupy the premises by this section.

(Ord. of 4-2-1991, § 4; Ord. of 4-7-2009(1))

**Sec. 34-92. - Prohibited uses.**

(a) Sleeping. No kitchen, nonhabitable space, or public space shall be used for sleeping purposes in a residential premises.

(b) Meal preparation. Meals shall not be prepared in any room other than a kitchen or kitchenette.

(c) **Basement.** No basement space shall be used as a habitable space unit unless the floors and walls are free from chronic dampness and protected from surface runoff and the space otherwise complies with the requirements of this article.

(Ord. of 4-2-1991, § 5)

**Sec. 34-93. - Habitable space requirements.**

(a) **Minimum ceiling height.** Fifty percent of the floor area of a residential premises shall have a minimum ceiling height of seven feet six inches, and any floor area where the ceiling height is less than five feet shall not be considered in computing floor area.

(b) **Minimum size of rooms.** With the exception of Section 34.91 (c) every Every dwelling unit shall contain at least one habitable room having a minimum of 150 square feet of floor area with no horizontal dimension of less than ten feet. Every other habitable space, except kitchens, shall contain not less than 80 square feet of floor area and shall have no horizontal dimension of less than seven feet.

(c) **Alcove considered part of habitable room.** Every alcove having less than 80 square feet in area, except a kitchenette or foyer, shall be deemed part of an adjacent room. The area of the opening in the dividing partition between any alcove having less than 80 square feet and the adjacent room shall be at least 80 percent of the wall area of such partition, measured on the alcove side, but in no case less than 40 square feet. The floor area of the alcove shall be added to the floor area of the adjacent room in determining space, light and ventilation requirements for the room. Any alcove with an area of more than 80 square feet shall be separately lighted and ventilated as required for habitable space.

(d) **Light and ventilation.** Light and ventilation shall be provided as follows:

(1) Every habitable room shall be provided with natural light through one or more windows, skylights, transparent or translucent panels, or any combination thereof that open directly to the outdoors, at least six inches above the adjoining finished grade, or are above a roof. The amount of light shall be equivalent to that transmitted through clear glass equal in area to at least ten percent of the floor area of the room.

(2) Every habitable room shall contain at least two separate duplex convenience outlets or at least one duplex convenience outlet and one ceiling-type or wall-type electric light fixture.

(3) Every habitable room shall be provided with natural ventilation through windows or other openings in exterior walls that face directly out-of-doors above the adjoining finished grade or above a roof, or through skylights, providing total clear ventilation area that is equal to not less than five percent of the total floor area of each habitable space.

(4) Habitable rooms also may be provided with mechanical ventilation, but this may not be substituted for natural ventilation.

(e) **Separation of rooming units.** Rooming units shall be separated from each other and from other spaces outside the rooming units.

(f) **Access to communal kitchen or dining room in rooming house.** A communal kitchen or dining room in a rooming house shall be accessible to the occupants sharing such kitchen or dining room without going through a dwelling unit or rooming unit of another occupant.

(Ord. of 4-2-1991, § 6)

**Sec. 34-94. - Public space.**

(a) Height. Public space in a residential premises shall have a minimum height of seven feet six inches measured from finished floor to finished ceiling.

(b) Light and ventilation. Light and ventilation in a residential premises shall be provided as follows:

(1) Public spaces shall be provided with electric lighting.

(2) In public stairs, stairways, and passageways, electric lighting shall be available at all times so as to afford safe visible passage for occupants and users. Such lighting shall conform to the following:

a. A sufficient number of fixtures shall be provided so that the distance between fixtures is not more than 30 feet, and so that no wall is more than 15 feet distant from a fixture.

b. Incandescent lighting shall be based on not less than one-fourth watt per square foot of floor area, except that no fixture shall have a lamp with less than 25 watts.

c. Fluorescent lighting shall be based on not less than one-tenth watt per square foot of floor area, except that no fixture shall have a lamp with less than 15 watts.

d. Where under these formulae the calculated wattage does not correspond to that of a standard lamp, the next larger standard size shall be used.

(3) Public spaces shall be provided with either natural ventilation, conforming to the requirements for habitable space, or with mechanical ventilation.

(Ord. of 4-2-1991, § 7)

**Sec. 34-95. - Accessory rooms.**

(a) Toilet rooms and bathrooms. Standards for toilet rooms and bathrooms in residential premises shall be as follows:

(1) Toilet rooms and bathrooms in one- and two-family dwellings shall have provisions for privacy.

(2) Toilet rooms and bathrooms for dwelling units in multiple dwellings shall be located within each dwelling unit and shall be accessible from any sleeping room without passing through any other sleeping room.

(3) Rooming houses shall include at least one toilet room and bathroom or combination toilet room/bathroom for every three rooming units, and such toilet and bathroom facility shall be located no more than one floor away from the rooming unit and shall be accessible from every rooming unit utilizing the facility without passing through any other rooming unit or dwelling unit.

(4) In one- and two-family dwellings, bathrooms and toilet rooms shall be provided with floors of moisture-resistant material.

(5) In multiple dwellings, floors of bathrooms, toilet rooms and similar spaces shall be waterproof; such waterproofing shall extend six inches or more up on adjacent walls, except at doors, so that floors can be flushed or washed without leaking.

(b) Light and ventilation. Light and ventilation shall be provided as follows:

(1) Kitchenettes, bathrooms and toilet rooms shall be provided with artificial light appropriate for the use of such rooms.



- (2) Laundry rooms, furnace rooms, and similar spaces shall be provided with artificial light appropriate for the intended use of such rooms.
- (3) Kitchenettes shall be provided with ventilation in accordance with either of the following:
- a. Natural ventilation as required for habitable space, except that such openable areas shall be not less than three square feet.
  - b. Mechanical ventilation exhausting not less than 100 cubic feet per minute.
- (4) Bathrooms and toilet rooms shall be provided with ventilation in accordance with either of the following:
- a. Natural ventilation as required for habitable space, except that such openable areas shall be not less than 1½ square feet.
  - b. Mechanical ventilation exhausting not less than 25 cubic feet per minute.
- (5) Spaces in multiple dwellings which contain central heating, air conditioning and similar equipment shall be ventilated to the outer air, and air from these spaces shall not be recirculated to other parts of the building.
- (6) Natural ventilation shall be provided in unheated attics, spaces below flat roofs and crawl spaces. Ventilation location and net areas of openings shall be such as to minimize deterioration from condensation or other causes, in conformity with generally accepted standards.

(Ord. of 4-2-1991, § 8)

**Sec. 34-96. - Access and vertical travel between stories.**

- (a) Stairs. Stairs in a residential premises must comply with sections 8.17.3 through and including 8.17.6 of the building code adopted in section 66-26.
- (b) Railings. Hand railings shall be provided on all portions of stairs, balconies, landings and stairwells.

(Ord. of 4-2-1991, § 9)

**Sec. 34-97. - Exits.**

Exits in a residential premises must comply with section 809 of the building code adopted in section 66-26.

(Ord. of 4-2-1991, § 10)

**Secs. 34-98—34-125. - Reserved.**

**DIVISION 4. - STRUCTURAL REQUIREMENTS<sup>[4]</sup>**

**Footnotes:**

--- (4) ---

Cross reference— Buildings and building regulations, ch. 66.

**Sec. 34-126. - General requirements.**

- (a) Loads. Residential buildings and parts thereof shall be maintained so as to be capable of sustaining safely their own weight and the loads to which they may be subject.

(b) Loads transmitted to soil. Buildings shall be maintained so that loads are transmitted to the soil without undue differential settlement, unsafe deformation or movement of the building or of any structural part.

(c) Protection of structural members. All structural members shall be protected against freezing and thawing, dampness, corrosion, wetting and drying, termites and other destructive insects and all similar causes of deterioration.

(d) Water penetration into basements and cellars. A building built in soil which is water-bearing at any season of the year shall be maintained so that groundwater and surface water will not penetrate into habitable spaces, basements and cellars.

(Ord. of 4-2-1991, § 11)

**Sec. 34-127. - Exterior protection.**

(a) Foundation walls. Foundation walls in a residential premises shall be maintained so as to be structurally sound and to prevent entrance of moisture, termites and vermin by shoring where necessary, installing subsoil drains at footings, grouting of masonry cracks, waterproofing of walls and joists, and other suitable means.

(b) Exterior walls. Exterior wall components shall be maintained so as to prevent deterioration due to the elements and destructive insects by painting, installing or repairing termite shields; by poison treatment of soil; or other suitable means.

(c) Roofs. Roofing shall be maintained in a watertight condition so as to prevent leakage into the building by repairs to roofing, flashings, waterproof coatings, or other suitable means.

(Ord. of 4-2-1991, § 12)

**Sec. 34-128. - Interior protection.**

(a) Subterranean crawl space. Crawl spaces in a residential premises shall be maintained free of moisture, and the flow of air from such spaces into walls above shall be effectively barred so as to prevent deterioration of structural members or the spread of fire. Foundation walls shall have openings to provide adequate circulation of air in any subterranean crawl space. The ground in the crawl space shall be covered with a moisture barrier. Drains shall be installed outside the structure if the crawl space is below the surrounding grade. Openings shall be blocked in stud walls to prevent flow of air and moisture into walls. Termite tubes from the soil to wood floor members above shall be kept destroyed. The soil shall be poison treated when necessary.

(b) Structural members. Structural members shall be maintained so as to be structurally sound by shoring, reinforcement or repair when necessary; destruction of termite's tubes; and other appropriate maintenance.

(c) Chimneys and flues. Chimneys and flues shall be maintained so as to be structurally sound and to prevent leakage of gases into the structure. Flue stoppages shall be cleared, open joists sealed, and masonry repaired where necessary.

(d) Ceilings and walls. Ceilings and walls shall be maintained so that parts which become loose or defective shall be removed and replaced so as to not constitute a hazard to occupants.

(Ord. of 4-2-1991, § 13)

**Secs. 34-129—34-155. - Reserved.**

## **DIVISION 5. - EQUIPMENT**

### **Sec. 34-156. - Installation, location and maintenance.**

Plumbing, heating, electrical, ventilating, air conditioning, refrigerating, cooking, radiation-producing equipment, elevators, dumbwaiters, escalators and other mechanical additions, installations or systems for the use of the residential building shall be installed, located and maintained so that under normal conditions of use such equipment and systems will not be a danger to health or welfare, a danger because of structural defects or a source of ignition or a radiation hazard and will not create excessive noise or otherwise become a nuisance. Equipment and systems include but are not limited to apparatus, devices, fixtures, piping, pipe hangers, pipe covering, wiring, fittings, and materials used as part of or in connection with such installations.

(Ord. of 4-2-1991, § 14(I))

### **Sec. 34-157. - Protection from freezing.**

In a residential premises, equipment and systems subject to damage from freezing shall be adequately protected against freezing.

(Ord. of 4-2-1991, § 14(II))

### **Sec. 34-158. - Safeguarding of moving parts.**

Moving parts of equipment in a residential premises which may be a potential hazard shall be safeguarded to protect against accidental physical contact.

(Ord. of 4-2-1991, § 14(III))

### **Sec. 34-159. - Plumbing.**

(a) Generally. All plumbing and sewage disposal shall be in strict conformance with the state plumbing code and the town sewer regulations in article III of chapter 58.

(b) Storm drainage. Roofs and paved areas, including yards and courts, shall be drained in a method as provided for in article III of chapter 58.

(c) Sanitary fixtures. There shall be provided within each dwelling unit not less than one water closet, one bathtub or shower, one lavatory, and one kitchen sink, all of an approved type pursuant to the state plumbing code, with piped cold water to all fixtures and piped hot water to all fixtures but the water closet. Hot water shall be heated to a minimum of 110 degrees Fahrenheit.

(Ord. of 4-2-1991, § 15)

### **Sec. 34-160. - Fuel gas.**

(a) General requirements. General requirements for fuel gas in a residential premises shall be as follows:

(1) Fuel gas piping systems shall be installed and maintained so as to remain gastight, safe, and operative under all conditions of use.

(2) Fuel gas piping systems shall provide a supply of gas sufficient to meet the maximum expected demand of the installed gas-burning appliances connected thereto.

(b) Shutoff valves. Shutoff valves shall be provided as follows:

- (1) Gas piping systems shall have at least one accessible means for shutting off all gas supply, and such means shall be maintained in good operating condition.
- (2) An easily accessible shutoff valve or cock shall be provided in the piping in close proximity to and ahead of every outlet for gas appliances.
- (c) Service equipment for gas supplied from utility mains. Gas services, gas meters, and gas pressure regulators from utility mains shall be located so that they are protected from damage.
- (d) Gas refrigerators and ranges. Gas refrigerators and ranges shall be installed with clearance for ventilation and shall be maintained in good operating condition.
- (e) Liquefied petroleum gas. Standards for liquefied petroleum gas shall be as follows:
  - (1) Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in buildings.
  - (2) Liquefied petroleum gas shall not be vaporized by devices utilizing open flame or open electrical coil.
  - (3) Where two or more containers are installed, connection shall be arranged so that containers can be replaced without shutting off the flow of gas to equipment.
  - (4) Containers shall be designed, stored, and located so as not to be a hazard to the premises served or to the surrounding property.
  - (5) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
  - (6) Systems shall have at least one accessible external means for shutting off the gas. Such means shall be located outside the building and shall be maintained in good operating condition.
- (f) High pressure gas (optional). Any service connection supplying gas at a pressure in excess of one psi gauge shall be provided with a device to reduce such pressure to not more than one-half psi gauge prior to entering the meter, except where such service supplies equipment using gas at high pressures.

(Ord. of 4-2-1991, § 16)

**Sec. 34-161. - Heating.**

- (a) General requirements. Residential buildings occupied between September 15 and May 15 shall be provided with heating equipment designed to maintain a temperature of not less than 68 degree Fahrenheit at a distance of three feet or more from exterior walls and at a level of five feet above the floor in habitable rooms, kitchens, kitchenettes, bathrooms and toilet rooms. The capability of the heating equipment to maintain such indoor temperatures shall be based on outside temperatures of -20 degrees Fahrenheit.
- (b) Smoke control. Fuel-burning heat-producing equipment shall be installed and maintained so that the emission or discharge into the atmosphere of smoke, dust particles, odors or other products of combustion will not create a nuisance or be detrimental to the health, comfort, safety, or property of any person.
- (c) Warm air heating. Ducts and other air handling equipment used for heating shall conform to the requirements of such equipment used for ventilating purposes as provided in M.403.1 of the 1990 BOCA Mechanical Code.
- (d) Prohibited locations for heat-producing equipment. Fuel-burning water heaters shall not be located in sleeping rooms, bathrooms, or toilet rooms.

(e) Fuel supply connection. Heat-producing fuel-burning equipment shall be permanently fastened and connected in place. Any liquid fuel supply connected to such equipment shall be made with pipe or tubing of solid metal.

(f) Installation and clearance. Where heat-producing equipment is installed on or adjacent to combustible materials, the location, insulation, clearance, and the control of the equipment shall be such that the temperature on the surface of the combustible materials will not exceed a safe temperature as provided in M.403.1 of the 1990 BOCA Mechanical Code.

(g) Air supply. Air shall be supplied in accordance with the following:

(1) Direct-fired heat-producing equipment and the enclosure in which it is located shall be provided with a supply of air adequate both for complete combustion at the rated gross output of the equipment and for the ventilation of the enclosure to prevent the accumulation of heat or gases.

(2) Rooms containing fuel-burning equipment shall have such air supply provided by means of one or more openings to the exterior.

(h) Removal of products of combustion. Products of combustion shall be removed as follows:

(1) Equipment for burning solid or liquid fuels shall be connected to suitable chimneys or flues and shall not be connected to gas vents. Unvented heaters burning liquid fuels are prohibited.

(2) Fuel-burning space heaters shall be connected to a suitable chimney or flue.

(3) Gas-fired equipment shall be connected to a suitable chimney, flue or gas vent.

(i) Safety devices. Safety devices shall be provided as follows:

(1) Equipment capable of developing hazardous pressures or temperatures shall be provided with means to relieve safely such pressures and temperatures.

(2) Controls for the safe operation of automatically operated heat-producing equipment shall be provided to function as follows:

a. When failure or interruption of flame or ignition occurs, the fuel supply shall be cut off.

b. When a predetermined temperature or pressure is exceeded, the input of additional heat shall be prevented or reduced to a safe rate.

c. When the water in a steam boiler drops below a predetermined level, the fuel supply shall be cut off.

d. When failure or interruption of the pilot light or main burner of liquefied petroleum gas equipment occurs, the fuel supply to each pilot light and main burner shall be cut off.

(j) Heating of garages. Fuel-burning equipment for garages shall be installed to operate in a safe manner.

(Ord. of 4-2-1991, § 17)

**Sec. 34-162. - Electrical.**

All buildings used for residential purposes shall be wired for electricity in conformity with the electrical code adopted in section 66-56.

(Ord. of 4-2-1991, § 18)

**Cross reference— Utilities, ch. 58.**

**Sec. 34-163. - Cooking and refrigeration.**

- (a) Each dwelling unit shall be provided with appropriate cooking and refrigeration equipment.**
- (b) Cooking and refrigeration equipment shall be maintained in good operating condition.**
- (c) Fuel-burning cooking equipment shall be properly vented.**

**(Ord. of 4-2-1991, § 19)**

**Sec. 34-164. - Fuel oil.**

- (a) General requirements. Fuel oil used in a residential premises shall be received, stored and conveyed by means of fixed liquid tight equipment.**
- (b) Storage tanks. Storage tanks shall be in compliance with the following:**
  - (1) Tanks shall be provided with means for venting.**
  - (2) Tanks shall be installed and maintained so as not be a hazard to the premises served or the surrounding property.**
- (c) Automatic operation. The operation shall be in accordance with the following:**
  - (1) Boilers and furnaces using fuel oil shall be provided with remote control to stop the flow of oil during fire or other emergency.**
  - (2) Filling, emptying, and venting of tanks shall be by means of fixed piping. Pipes to underground tanks shall be pitched toward tanks. Terminals of fill and vent pipes shall be located outside buildings at a safe distance from building openings.**

**(Ord. of 4-2-1991, § 20)**

**Secs. 34-165—34-190. - Reserved.**

**DIVISION 6. - FIRE SAFETY<sup>[5]</sup>**

**Footnotes:**

**--- (5) ---**

**Cross reference— Fire prevention and protection, ch. 30.**

**Sec. 34-191. - Prohibited accumulations and storage.**

**No paints, volatile oils, cleaning fluids, or similar flammable or explosive matter and no wastepaper, boxes, rags or similar matter liable to spontaneous combustion shall be stored on residential premises except in a safe and well-ventilated location.**

**(Ord. of 4-2-1991, § 21)**

**Sec. 34-192. - Prevention of spread of fire.**

- (a) Walls and ceilings maintained free from cracks. Walls and ceilings in a residential premises shall be maintained free from cracks and openings which would permit flames or excessive heat to enter the concealed space.**
- (b) Fire separation of buildings of mixed occupancy. In buildings of mixed occupancy, nonresidential space shall be separated from residential space by approved separations**

which will retard the spread of fire pursuant to table 313.1.2 of the building code adopted in section 66-26.

(Ord. of 4-2-1991, § 22)

**Sec. 34-193. - Interior finishes; trim and decorative materials.**

Interior finish materials for acoustical correction, surface insulation and decorative treatment on the surfaces of walls and ceilings and interior trim in a residential premises shall be made of materials that will not, in burning, give off excessive amounts of smoke or toxic gases.

(Ord. of 4-2-1991, § 23)

**Sec. 34-194. - Fireplaces.**

Fireplaces in a residential premises must comply with sections 2400 through 2402.7 of the building code adopted in section 66-26.

(Ord. of 4-2-1991, § 24)

**Sec. 34-195. - Portable extinguishers required in multiple dwellings.**

Each oil burner for a boiler, furnace or central hot water heater in a multiple dwelling shall be provided with an approved hand fire extinguisher or two pails of at least ten-quart capacity filled with sand. Portable extinguishers shall be in accessible locations and in a condition which will permit efficient operation without delay.

(Ord. of 4-2-1991, § 25)

**Sec. 34-196. - Smoke detectors.**

(a) As used in this section, the term "smoke detector" means any device which, when activated by the presence of smoke, provides an audible alarm suitable to warn the occupants within the individual dwelling unit or rooming unit in which it is attached, which has been approved for use in this state by the state fire marshal.

(b) The owner shall install and maintain in good working order not less than one approved smoke detector upon or near the ceiling in areas within or giving access to bedrooms in every dwelling, dwelling unit or rooming unit.

(c) In every multiple dwelling or rooming house, not less than one approved smoke detector shall also be installed in each corridor and hallway on each floor.

(Ord. of 4-2-1991, § 25A)

**Secs. 34-197—34-225. - Reserved.**

## **DIVISION 7. - PROPERTY MAINTENANCE**

**Sec. 34-226. - Open areas.**

(a) **Surface and subsurface drainage.** Surface and subsurface water shall be drained to protect residential buildings and structures and to prevent development of stagnant ponds. Gutters, culverts, catch basins, drain inlets; stormwater sewers, approved combination storm and sanitary sewers, or other satisfactory drainage systems shall be used where deemed necessary.

(b) **Fences.** Fences and other minor structures shall be maintained in safe and substantial condition.

(c) Paved areas. Steps, walks, driveways, parking spaces, and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions.

(d) Yards and courts. Yards and courts shall be kept clean and free of physical hazards and the accumulation of debris and trash.

(e) Noxious undergrowth. Heavy undergrowth and accumulations of plant growth which are noxious or detrimental to health shall be eliminated.

(Ord. of 4-2-1991, § 26)

**Sec. 34-227. - Buildings and structures.**

(a) Exterior wood surfaces. Exterior wood surfaces of residential buildings and structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservative.

(b) Floors, walls, ceilings, etc. Floors, walls, ceilings, furnishings and fixtures of residential buildings shall be maintained in clean and sanitary condition.

(c) Accessory structures. Accessory structures shall be maintained so as to be free of conditions detrimental to safety or health.

(Ord. of 4-2-1991, § 27)

**Sec. 34-228. - Infestation and screening.**

(a) Grounds, buildings and structures. Residential grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and other infestation. Methods used for exterminating insects, vermin, and rodents shall conform with generally accepted practices.

(b) Screening of cellar and basement windows and openings. Windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials to prevent ingress of insects, rodents and other vermin.

(c) Screening of windows and doors during certain months. From May 1 to October 1, entrances to residential buildings shall be provided with self-closing type screens, and windows and other openings used for ventilation shall be appropriately screened.

(Ord. of 4-2-1991, § 28)

**Sec. 34-229. - Garbage and refuse.**

(a) Storage, handling and disposal. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse in a residential premises.

(b) Storing refuse in public halls prohibited. In multiple dwellings garbage and refuse shall not be stored or allowed to accumulate in public halls or stairways.

(Ord. of 4-2-1991, § 29)

**Secs. 34-230—34-255. - Reserved.**

**ARTICLE III. - CONVERSION OF SEASONAL STRUCTURES TO YEARROUND DWELLINGS  
DIVISION 1. - GENERALLY**

**Sec. 34-256. - 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:

**Conversion** means the making of any physical alteration to a structure or to the land on which it is situated, including but not limited to the addition of any cooking device or refrigerator, heating unit, water supply, electrical modification, or sewage treatment system, which, either individually or in conjunction with other such changes, renders the structure suitable for use as a year-round dwelling or the change in use of a structure or any portion thereof previously used as a seasonal structure to a year-round dwelling.

**Land use regulations** means any and all zoning regulations, subdivision regulations, building codes, safety codes, electrical codes, or environmental regulations promulgated by the town, the state, or the United States.

**Seasonal structure** means any structure, including but not limited to hotel or motel units, private cottages, and guest or tourist cottages, or any portion thereof that, because of inadequate heating, water supply, sewage treatment, electricity, cooking facilities, or any other factor relating to the structure or to the land on which it is situated, could not prior to conversion be legally or safely used as a residence continuously during the calendar year.

**Year-round dwelling** means any structure or any portion thereof used or capable of being used as a residence for one or more persons, which possesses the minimum amount of utilities and services, including but not limited to heating, water supply, sewage treatment, electricity, and cooking facilities, to permit the structure to be used continuously as a residence during the entire calendar year.

(Ord. of 6-3-1986, § III)

**Sec. 34-257. - Purpose.**

The purpose of this article is to regulate the conversion of motels, hotels, private cottages, tourist or guest cottages, and other seasonally occupied structures into dwellings designed, intended to be used or actually used as year-round dwellings. Structures originally designed or constructed for seasonal occupancy often do not meet the land use, building code, safety and environmental standards applicable to dwellings. While such nonconformance may be tolerable in structures that are used only periodically or by transient visitors, the public health, safety, and welfare require that such structures be upgraded if they are to be used as dwellings on a year-round basis. Therefore, prior to converting a seasonal structure to a year-round dwelling, the person desiring to convert a seasonal structure must first obtain a seasonal structure conversion permit from the building inspector.

(Ord. of 6-3-1986, § II)

**Sec. 34-258. - Enforcement.**

This article shall be enforced by the building inspector, who shall have the power to inspect premises with the consent of the owner or after obtaining an administrative warrant.

(Ord. of 6-3-1986, § V(4))

**Sec. 34-259. - Violations.**

It shall be a violation of this article for any person to convert a seasonal structure to a year-round dwelling without first having obtained a conversion permit from the building inspector. If a dwelling has been converted without a conversion permit, it shall also be a violation for any person to occupy or convey such dwelling.

(Ord. of 6-3-1986, § VII(1))

**Sec. 34-260. - Appeals**

Appeals from decisions of the building inspector under this article shall be to the board of appeals according to the procedures specified in division 2 of article II of chapter 78. Appeals shall be taken within 30 days of the decision complained of.

(Ord. of 6-3-1986, § VI(5))

**Secs. 34-261—34-285. - Reserved.**

**DIVISION 2. - PERMIT**

**Sec. 34-286. - Required; criteria for issuance.**

(a) No seasonal structure may be converted to a year-round dwelling until the owner or the person converting the seasonal structure obtains from the building inspector a seasonal structure conversion permit.

(b) The building inspector shall issue a seasonal structure conversion permit only upon making a written determination that the dwelling, after conversion, will conform to all land use regulations applicable to residential dwellings in the zoning district where the dwelling is located at the time of conversion. Where a lot or structure is lawfully nonconforming with respect to dimensional standards of chapter 78, such nonconformity shall not prevent conversion otherwise permitted under this article, except that the dwelling, after conversion, must comply with the parking space per dwelling unit requirements of chapter 78.

(c) A seasonal structure conversion permit shall specify the alterations permitted or required to be completed prior to the issuance of a certificate of occupancy.

(Ord. of 6-3-1986, § IV; Ord. of 4-7-2009(1))

**Sec. 34-287. - Application.**

An application for a conversion permit shall be submitted in writing to the building inspector on a form designated by him for that purpose, which shall include all information required in an application for a building permit.

(Ord. of 6-3-1986, § V(1))

**Sec. 34-288. - Expiration.**

Every permit issued pursuant to this article shall expire after one year, unless conversion activities on the site have commenced, and shall expire after two years if the conversion is not then substantially completed. Conversion permits are not renewable, except that after a conversion permit expires a new application for another permit may be submitted to the building inspector. Any new conversion permit shall comply with all the requirements of this article and other land use regulations in effect at the time of the new application.

(Ord. of 6-3-1986, § V(2))

**Sec. 34-289. - Transferability.**

Conversion permits shall be site-specific and shall be valid only for the alterations specified in the application. If the lot or structure is sold after the conversion permit is issued, all rights, limitations and duties under the permit are automatically transferred to the new owner.

(Ord. of 6-3-1986, § V(3))

Per Order of the Municipal Officers this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

A True Copy

**# 6612 Discussion with Action: Grant the authority to the Finance Director/Treasurer to disburse payroll checks with only one Town Councilor's signature in accordance with M.R.S.A., Title 30A, Section 5603(2)(A)(1).**

**BACKGROUND: This is a yearly agenda item per Charter.**

**MOTION: \_\_\_\_\_ motioned and \_\_\_\_\_ seconded to Grant the authority to the Finance Director/Treasurer to disburse payroll checks with only one Town Councilor's signature in accordance with M.R.S.A., Title 30A, Section 5603(2)(A)(1).**

**VOTE: Unanimous.**



TOWN OF

*Old Orchard Beach*

A FOUR SEASON COMMUNITY



## TOWN OF OLD ORCHARD BEACH

### POLICY ON TREASURER'S DISBURSEMENT WARRANTS FOR EMPLOYEE WAGES AND BENEFITS

**Purpose.** This policy allows designated municipal officers (selectmen or councilors), acting on behalf of the full board of municipal officers, to review, approve, and sign municipal treasurer's disbursement warrants, for wages and benefits only.

**Policy is additional to, not in lieu of, majority power.** Nothing in this policy is intended to replace the authority of the full board of municipal officers, acting by majority vote, to act on any treasurer's warrant, including warrants for wages and benefits.

**Delegation of authority.** Pursuant to 30-A, M.R.S.A., Section 5603(2)(A)(1), the following authority is granted with respect to treasurer's disbursement warrants for municipal employee wages and benefits only:

Current municipal officers. The municipal officers in office at the time of execution of this policy are: **Chair Shawn O'Neill, Vice-Chair Joseph Thornton, Councilor Kenneth Blow, Councilor Jay Kelley, and Councilor Michael Tousignant.**

Any one of the municipal officers named above, acting alone, may review, approve, and sign such warrants.

**Effective date.** This policy becomes effective on the date indicated below.

**Copies.** The Chair of the municipal officers will furnish copies of this policy to the municipal clerk and to the municipal treasurer. If the clerk and the treasurer are the same person, a copy shall nonetheless be provided to that person in each capacity.

**Lapse.** This policy lapses one year after its effective date, if not sooner amended or canceled.

**Renewal.** This policy may be renewed at any time before its lapse. Thereafter, it may be readopted at any time. Any renewal is valid for one year from its effective date, unless a sooner date of expiration is specified.

**Reminder.** If the municipal treasurer is an appointed official, the treasurer shall remind the municipal officers to consider renewing this policy annually before it lapses. If the municipal treasurer is an elected official, the treasurer is requested to provide such an annual reminder.

**Original.** The Chair of the municipal officers will maintain the original of this policy on file unless the municipal clerk is an appointed official, in which case the clerk shall maintain it on file, if requested to do so by the Chair.

Dated:

\_\_\_\_\_, 2015:

# 6613      Discussion with Action: Authorize the Town Manager to execute an Agreement with Doctor Scott Hamilton to serve as Medical Director for the Old Orchard Beach Fire Department at an annual compensation of five thousand dollars (\$5,000), from Account Number 20138-50310 – Service Contracts, with a balance of \$7,074.66.

**BACKGROUND:**

This agenda item will see the addition of a medical doctor as Medical Director for the Old Orchard Beach Fire Department pursuant to all applicable state laws and regulations and required under Maine EMS laws. The Doctor will assist in the development, revision, and implementation of protocols for all levels of EMS providers and review annually those protocols. An important part of this contract will be his review and approval of training standards and approval of continuing education as well as assisting in the training of personnel as necessary. The development of a written medical incident report as well as a regular review of relevant federal, state and local laws and regulations will be a priority.

**MOTION:** Councilor Blow motioned and Vice Chair Thornton seconded to Authorize the Town Manager to execute an Agreement with Doctor Scott Hamilton to serve as Medical Director for the Old Orchard Beach Fire Department at an annual compensation of five thousand dollars (\$5,000), from Account Number 20138-50310 – Service Contracts, with a balance of \$7,074.66.

**VOTE:** Unanimous.



Old Orchard Beach Fire Department

**MEMO**

To: Larry Mead  
From: Chief Plummer  
Subj : Medical Director  
Date: February 10, 2016

I am requesting a contract be sent to the Town Council for approval as the Department is currently without a Medical Director.

We have in the past had a Medical Director, as required by Maine EMS Rules, but have not had one for the past few years. The former Medical Director resigned when he left Southern Maine Medical Center and moved away. At that time Chief Glass did not seek a new director.

After working with Captain Gilboy, our EMS Coordinator, we felt we needed to act on this as it is, as stated above, a requirement of Maine EMS.

Dr. Scott Hamilton agreed to be our Medical Director and coincidentally started here at the Old Orchard Beach Fire Department as a part-time EMS member early in his career. We felt it would be a good fit as he knows many of our personnel and our operations.

The cost would be \$5,000 annually.

I would ask that this be put on the next agenda and with your recommendation.

**TOWN OF OLD ORCHARD BEACH FIRE DEPARTMENT  
Medical Director Services Agreement**

This is a contractual agreement between Scott Hamilton MD of Wells, ME (hereinafter Doctor); and the Town of Old Orchard Beach Fire Department of Old Orchard Beach, Maine (hereinafter OOBFD); for the position of Department Medical Director.

Director will be responsible to OOBFD, through the Fire Chief or designee, for the following:

1. **Provide prospective medical oversight to the Old Orchard Beach Fire Department**
  - a. **Will function as a conduit for communication between OOBFD, area hospitals, and medical professionals.**
  - b. **Review and approve medical equipment and supplies utilized by OOBFD**
  - c. **Develops department level protocols in consultation with department Training Officer, and seek approvals from Maine EMS.**
  - d. **Will oversee research projects, as they relate to clinical practices of EMS professionals, in conjunction with the Atlantic Partners Medical Director and Maine EMS Medical Direction & Practice Board.**
2. **Provide concurrent medical oversight to OOBFD**
  - a. **Will be available to OOBFD staff or Hospital staff for questions or issues that may arise related to Paramedic Interfacility Transfer (PIFT) runs.**
3. **Provide retrospective medical oversight to the OOBFD**
  - a. **Will participate in the department level Quality Improvement (QI) committee meetings.**
  - b. **Will establish QI indicators in conjunction with the QI manager for use in department level QI.**
  - c. **Will review 100% of the department's PIFT type transfers.**
  - d. **Will review ongoing QI results and work with the QI manager to resolve identified concerns**
  - e. **Will work with the QI manager and Fire Chief to develop and manage remediation plans.**
4. **Will approve standards for initial and continuing education as well as assist the Training Officer with development and delivery of EMS training.**
5. **Will review department dispatch protocols and provide medical direction for EMS dispatchers if requested by Town of Scarborough dispatch personnel.**
6. **Will maintain the ideals established by the OOBFD and continually work towards OOBFD's best interest.**

7. Will maintain the minimum requirements and work toward achieving the preferred qualities/experience not yet obtained, as set in the department's job description.
8. Acknowledges that, in receiving, storing, processing, transmitting, or otherwise dealing with any personally identifiable health information ("Protected Health Information" or "PHI"), in any format or medium, will comply with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), the Health Information Technology for Economic and Clinical Health Act ("HITECH"), regulations issued pursuant thereto (45 CFR Parts 160 and 164), any amendments to or revisions of the above-referenced laws or regulations, and any new legislation or regulations relating to the privacy or security of health care information.

OOFBD will be responsible to Director for the following:

1. Will provide access to department generated patient medical records.
2. Will provide access to department QI records.
3. Will provide access to emergency medical scenes.
4. Will provide department identification to be utilized for official department functions.
5. Will provide required protective apparel as determined by the Fire Chief.

All parties further understand that:

1. This agreement is for a one-year term that may be renewed annually as written by agreement of both parties.
2. This agreement may be terminated by either party with a 30 day written notification.
3. Director understands that he is an independent contractor for the purpose of providing professional medical direction services to OOFBD, is not an employee of the Town of Old Orchard Beach, and does not accrue or receive benefits or compensation from OOFBD except as stipulated in this agreement.
4. Director shall be responsible for providing and maintaining insurance or adequate self-insurance, including medical malpractice for practice in the pre-hospital setting, general liability insurance, and workers compensation to the extent required by Maine law. Director shall provide evidence thereof to OOFBD upon request.

For the services outlined above, the Town of Old Orchard Beach agrees to compensate Director in the following manner:

1. Pay upon invoice in the amount of \$2,500.00 upon execution of contract and payment upon invoice in the amount of \$2,500.00 six months after execution of agreement.

**# 6614 Discussion with Action: Authorize the Town Manager to execute an Agreement with Wright Pierce to provide engineering assistance to evaluate the dewatering system upgrade options, in the amount of \$12,000, from Account Number 31148-50399- WWTF Process Building Upgrade Bond proceeds, with a balance of \$0.00, until funded with the proceeds in the amount of \$897,000 from the General Obligation Bond Issue scheduled for April 2016.**

**BACKGROUND:**

**This agreement with Wright Pierce is to provide engineering assistance with the Dewatering System Upgrade. The engineer's fee for the services provided in the Scope of Services is \$12,000, constituting approximately 114 estimated hours.**

**Helene Whittaker asked if this would in any way affect the odor situation and is it a resolution to that problem. The Town Manager indicated that this is a process needed to move forward to addressing the odor issue.**

**MOTION: Vice Chair Thornton motioned and Councilor Blow seconded to Authorize the Town Manager to execute an Agreement with Wright Pierce to provide engineering assistance to evaluate the dewatering system upgrade options, in the amount of \$12,000, from Account Number 31148-50399- WWTF Process Building Upgrade Bond proceeds, with a balance of \$0.00, until funded with the proceeds in the amount of \$897,000 from the General Obligation Bond Issue scheduled for April 2016.**

**VOTE: Unanimous.**



**PROPOSAL TO  
TOWN OF OLD ORCHARD BEACH, MAINE  
FROM  
WRIGHT-PIERCE  
FOR  
WASTEWATER TREATMENT FACILITY ENGINEERING SERVICES  
DEWATERING SYSTEM UPGRADE - EVALUATION**

THIS IS A PROPOSAL to the TOWN OF OLD ORCHARD BEACH, MAINE ("CLIENT") from WRIGHT-PIERCE ("ENGINEER") for DEWATERING SYSTEM UPGRADE – EVALUTION project at the Wastewater Treatment Facility (the "Project"). CLIENT will fund the project from its Wastewater Capital Improvement Plan account. CLIENT has requested that ENGINEER provide engineering assistance with the project starting immediately in order to evaluate the dewatering system upgrade options. CLIENT recently completed pilot testing of six dewatering equipment system and received five pilot testing reports. Pilot testing reports were received for centrifuges (1), slow rotating screw presses (2) and slow rotating drum presses (2).

CLIENT and ENGINEER in consideration of their mutual covenants herein agree in respect to the performance or furnishing of professional engineering services by ENGINEER with respect to the Project and the payment for those services by CLIENT as set forth in Section 2 below.

SECTION 1 - SCOPE OF SERVICES

**I. Evaluation Phase**

- A. ENGINEER shall request equipment selections and budget quotes from the manufacturer of each technology.
- B. ENGINEER shall review the proposed equipment sizing of each manufacturer based on the pilot test results. ENGINEER shall prepare a life cycle cost analysis for each of the piloted technologies assessing differences in capital cost, labor, cake performance, polymer consumption, electrical consumption, and maintenance requirements. The life cycle analysis may not reflect the full project cost at this point, but only those factors that are expected to differ between technologies. In addition, a comparison matrix will be developed for other non-cost factors (e.g., degree of automation, flexibility, noise, etc.).
- C. ENGINEER will evaluate the equipment selections versus available space in the Dewatering room and evaluate connection requirements to the existing conveyor, maintenance space requirements, etc.
- D. A draft technology selection memorandum will be prepared summarizing the dewatering equipment and life cycle cost estimates, non-cost factors, general arrangement drawing for the recommended system, equipment procurement options, and a preliminary technology selection recommendation. This may be for a single technology that would be pre-selected or for competitive bidding of two or more technology alternatives. ENGINEER shall submit the draft memorandum to CLIENT (3 copies).
- E. Based on comments received from CLIENT meeting, revise the memorandum to address comments and submit a final memorandum (10 copies and pdf electronic copy).

- II. **Design Phase** (not included, can be provided as an additional service)
- III. **Bidding Phase** (not included, can be provided as an additional service)
- IV. **Construction Phase** (not included, can be provided as an additional service)
- V. **Operational Phase** (not included, can be provided as an additional service)
- VI. **Additional Services** (not included, can be provided as an additional service)

During ENGINEER's work on the project it may become apparent to either CLIENT or ENGINEER that Additional Services not included in the basic Scope of Services are desired. ENGINEER will undertake to provide such Additional Services upon CLIENT's written authorization.

SECTION 2 - COMPENSATION

**I. Payments to ENGINEER**

ENGINEER's fee for the services outlined in the **SCOPE OF SERVICES** section will be performed on a time charge basis at our current standard billing rates plus reimbursable expenses. Total estimated compensation and estimated breakdown by task is shown in the table below.

<b>Task</b>	<b>Description</b>	<b>Estimated Hours</b>	<b>Estimated Compensation</b>
I	Evaluation	114	\$12,000
II	Design	-	-
III	Bidding	-	-
IVA	Construction Administration	-	-
IVB	Resident Representation	-	-
VA	O&M Manual	-	-
VB	Record Drawings	-	-
VC	Warranty Period	-	-
	<b>TOTAL</b>	<b>114</b>	<b>\$12,000</b>

If it becomes apparent to ENGINEER at any time before the budgeted compensation has been about eighty percent expended that the total amount of compensation to be paid to ENGINEER for these services will exceed the estimate, ENGINEER will so notify CLIENT in writing. CLIENT and ENGINEER will then promptly meet to review the status of the Project, and CLIENT will either agree to an increase in the estimated total compensation or CLIENT and ENGINEER will agree on a reduced Scope of Services so that the total compensation remains within the original estimate. Unless CLIENT informs ENGINEER promptly upon notification of a possible fee overrun to suspend work on the Project, CLIENT will pay ENGINEER for all services rendered prior to reaching agreement on a revised Scope or compensation estimate.

For authorized Additional Services, ENGINEER will bill CLIENT a fee based on ENGINEER's Salary Costs times a factor of 2.2, plus Reimbursable Expenses times a factor of 1.0, and charges for Consultants' services times a factor of 1.1.

**SECTION 3 - SCHEDULE**

We anticipate starting work immediately upon receipt of authorization to proceed and will submit the draft technical memorandum within four weeks of that date.

As per our discussions, the project is expected to go forward via design-bid-build procurement with the potential for equipment pre-purchase by CLIENT. The anticipated project schedule for each equipment procurement option, assuming authorization to proceed is issued on or about February 1, 2016, is provided below:

<b>Task</b>	<b>w/ Equipment Pre-Purchase</b>	<b>w/o Equipment Pre-Purchase</b>
Evaluation	February – March 2016	February – March 2016
Design	March – August 2016	March – August 2016
Equipment Pre-Purchase		n/a
Begin	March 2016	
Submittal Review	June 2016	
Release for Fabrication	July 2016	
Advertisement for General Contractor	September 2016	September 2016
Notice to Proceed for General Contractor	November 2016	November 2016
Construction Completion	April 2017	September 2017

# 6615 Discussion with Action: Approve the Liquor License for Dale Tarbox dba/Sunset Bar & Grill (307-1-6), 6 Fernald Street, m-s-v in a Restaurant; and Fly by Night dba/Mr. Goodbar (306-5-2), 6 East Grand Avenue, m-s-v in a Class A. Lounge.

**MOTION:** Councilor Tousignant motioned and Vice Chair Thornton seconded to Approve the Liquor License for Dale Tarbox dba/Sunset Bar & Grill (307-1-6), 6 Fernald Street, m-s-v in a Restaurant; and Fly by Night dba/Mr. Goodbar (306-5-2), 6 East Grand Avenue, m-s-v in a Class A. Lounge.

**VOTE:** Unanimous.

**GOOD AND WELFARE:**

**JEROME BEGART:** He asked if the contract with the Medical Doctor for the Fire Department is for one year or three years. The Town Manager indicated it is a one year contract with the ability to renew.

# 6616 Executive Session: Personnel Matters. (Note: This item discusses privacy issues defined Under Title 1 M.R.S.A., Section 405(6)(A), and the Council anticipates the discussion will occur in Executive Session.)

**MOTION:** Vice Chair Thornton motioned and Councilor Blow seconded to enter into Executive Session - Personnel Matters. (Note: This item discusses privacy issues defined Under Title 1 M.R.S.A., Section 405(6)(A), and the Council anticipates the discussion will occur in Executive Session.)

**VOTE:** Unanimous.

**MOTION:** Councilor Kelley motioned and Councilor Blow seconded to exit the Executive Session at 7:55 p.m.

**VOTE:** Unanimous.

**ADJOURNMENT:**

**MOTION:** Councilor Blow motioned and Councilor Kelley seconded to Adjourn the meeting at 7:56 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-six (36) pages is a copy of the original Minutes of the Town Council Meeting of February 16, 2016.

V. Louise Reid