

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, March 1, 2016
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on March 1, 2016. Chair O'Neill opened the meeting at 7:00p.m.

The following were in attendance:

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

Absent: Chair Shawn O'Neill

**Pledge to the Flag
Roll Call**

PRESENTATION:

CHAIR: It is the pleasure of the Chair to choose to whom to dedicate the Annual Report each year and I thought there was no one more worthy than Dennis Robillard and those supporting the flag raising ceremonies at Memorial Park.

**DEDICATION TO: VETERAN'S MEMORIAL PARK
FLAG CEREMONY**

The Town Council honors those involved in the Veteran's Memorial Park Flag Raising Ceremony with eternal thanks to those who have served our country and are remembered in this fashion.

During the winter months of 2010 and 2011, a group of individuals came together with an idea to honor Veterans each night at Veteran's Memorial Park. Starting in 2011 from Memorial Day to Labor Day, a flag raising ceremony has been held nightly at 6:00 p.m. to honor a deceased Veteran.

It is a time when family or friends of a deceased veteran requests a night for their loved one to be remembered and they assist with the music and in the planning of the ceremony itself. The family of the honored Veteran may bring their own flag to raise at the nightly service and then take it back as a remembrance of the evening's celebration of a life. We know that the flag has fifty stars but many families will bring flags with 48 or 49 stars significant that their loved one served their country so many years ago.

Generally after the welcoming introduction the flag is raised to our "National Anthem" and then a biography of the Veteran is read. This could include their branch of service,

military rank, and awards received, along with any other information the family would like to share. Next would be played the theme song from the Veteran's branch of service.

The flag is then lowered to half-staff at which time taps is played to honor and remember the Veteran as well of those who have served our country so well. Lastly, the flag is raised backup to full staff while the last song is played. The family may request the Veteran's personal favorite or a patriotic song. Prior to the passing of Lucien Huot, he would attend the ceremonies and would sing so beautifully our "National Anthem" or "God Bless America." Both of these songs by Lucien were recorded and used frequently.

Special recognition should be given to Dennis Robillard who, through the months, has followed through on arrangements and has also taken the responsibility of lowering or raising the flags throughout the town' property when events call for it. We would also like to honor those in attendance here this evening who are also heavily involved in this event

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ANTHONY AND RACHEL MASSARELLI, JESSE RAYMOND, PAT HOLLAND, RICH LITWIN, DUSTY GUARINO, JAY WHITTAKER, JAY CHASE, CHARLENE LOPRESTI, AND MARY BETH ROBILLARD.

Dennis Robillard expressed thanks to the Council and also to Councilor Tousignant for his assistance in so many ways during these ceremonies.

**ACKNOWLEDGEMENT AND ANNOUNCEMENT OF
DEMOCRATIC AND REPUBLICAN CAUCUS.**

**DEMOCRATIC REPRESENTATION – ROBIN DAYTON
REPUBLICAN – REPRESENTATION – MIKE COLEMAN**

The Old Orchard Beach local Republican Party and Democratic Party would like to remind all residents in Old Orchard Beach that you must be registered to vote with either the Republican or Democratic Parties to participate in the 2016 Party Caucus process. If you are not registered to vote, or not affiliated with any party, you may register to vote and declare your party affiliation at the Town Clerk's Office or at the caucus of you're choosing the day of the caucus.

Republican Caucus – Saturday, March 5th - Biddeford Middle School – Doors open noon – Caucus at 2:30 p.m.

Democratic Caucus – Sunday, March 6th –Loranger Schools - doors open at 12:30 and caucus begins at 2:00 p.m.

REPUBLICAN RESPONSE: MICHAEL COLEMAN

Good evening Councilors and People of Old Orchard Beach. I am Mike Coleman, the Vice Chairman of the OOB Republican Committee and the Caucus Subcommittee Chairman for the York County Republican Committee. This is going to be an historic year for the Maine Republican Caucuses. This Saturday we will be meeting at the Biddeford Middle School, 25 Tiger Way in Biddeford for our municipal caucuses and our presidential preference poll. This may be the biggest caucus event in Maine history and may be the biggest event nationwide on Saturday.

The biggest change is that Maine Republicans will have a direct voice in who will be the Republican nominee. In the past, even the two cycles when we had a primary the delegates we chose to represent Maine at the Republican National Convention were elected at our State Convention and had total discretion as to who they supported for President. They did not have to vote the way Maine Republicans wanted them to vote. This year we will be binding all 23 of our delegates, including our three Super Delegates on the first ballot. This will be based upon the proportion of the vote each of the remaining candidates receives this Saturday. If any candidate receives 50% of the total it will be winner take all.

The presidential balloting will be by secret ballot. Your choice will be your choice.

Active duty military, their dependents, National Guard Members and Disabled Veterans will be able to cast an absentee vote. Please go to www.maine共和.com/vetsvote for more details.

Doors will open at Noon at the Biddeford Middle School. If you are currently a registered Republican you will be able to check in upon arrival. Please have a photo ID. We have implemented this commonsense measure to ensure the integrity of the vote and to help prevent fraud. At check in you will receive your participation card. It is a two part card. One side you will turn in when you vote later in the presidential poll. The other side is your ticket to all other events including the municipal caucuses. We are expecting a large turnout. Please carpool if you can.

The York County Republican Committee will be holding a special meeting open to all York County Republicans at 1:00. I would expect to see a presidential candidate or candidates, or perhaps family members of candidates.

Our Town Clerk, Kim McLaughlin will be available from 1:30 to 2:30 to register new voters and enroll new Republicans. If you are currently not a registered voter in Old Orchard Beach or are an unenrolled voter you may register and enroll as a Republican at the caucus.

At 2:30 the caucuses will begin. We will break out into our municipal caucuses. This is where you can help set the direction of the Republican Party here in Old Orchard Beach. This is where we will pick our County Committee Members and we will be choosing our State Convention Delegates.

Presidential campaigns will be able to make a final pitch to voters just after 3:30.

Presidential voting will end at 5:30 but anyone in line at that time will be allowed to cast a ballot.

Be a part of history. Join us at the York County Republican Caucuses. More information can be found at www.YorkCaucus2016.eventbrite.com and at www.maine共和.com/caucus.

DEMOCRATIC RESPONSE: Robin Dayton

***This is an Official Announcement
For Old Orchard Beach Town Council
March 1, 2016***

The Old Orchard Beach Democratic Caucus is being held this Sunday, March 6, 2016 at the Loranger Memorial School Gym. We will officially convene at 2:00 pm. Doors will open at 12:30 pm so that unenrolled independents and unregistered voters may register with the Democratic party starting at 12:30 and participate in the caucus. Also, guess what? If you are 17 now and have a birthday before November 8, 2016 you can come to the caucus! I think that is pretty exciting for 1st time would be voters! We are expecting a large crowd and encourage local Dems to come early. encourage everyone to arrive early to sign in, meet, and talk with fellow Old Orchard Beach democrats.

During the Caucus we will:

1. Choose our Presidential nominee for 2016
2. Elect Delegates to the State Democratic Convention
3. Elect Democratic Ballot Clerks
4. Elect Local Democratic Party Leaders

If you are unable to attend, Caucus absentee ballots available from the state Democratic Party but they are due back on Thursday, March 3rd. So you can fill out a form on liner at www.mainedems.org.

Finally, a fact sheet about the Caucus is available on the State Dems website and at the Town Clerks Office.

Respectfully submitted,
Robin M. Dayton
OOB DEMS, Chair

CHAIR: We wish to express our appreciation to Robin and Mike this evening and urge all registered voters to participate.

ACKNOWLEDGEMENT:

ASSISTANT TOWN MANAGER: I would like to pay tribute this evening to Monica Lovecky, a resident of Old Orchard Beach, who has run the Little Horizons Nursery School here in Old Orchard for the past 33 years at the Methodist Church. She is well known for being an excellent caregiver and nurturer of children. It has been said that “what we desire our children to become, we must endeavor to be before them.” We thank Mrs. Lovecky for being that example and providing knowledge and life’s lessons to those who have been under her care in the span of the 33 years. Thank you Monica. Chief Ricky Plummer and I would like to express our appreciation to residents of Milestone who have been doing painting at the Fire Department and rolling our recyclable bags for distribution. The Chief also gave thanks to members of the Fire Department for all their help in the projects that were necessary. We would also like to thank Councilor Blow for participating in the delivering in Old Orchard are Meals on Wheels on March 7th. This is second year of doing this and it is appreciated by all.

COUNCILOR KELLEY: We would like to express our thanks to OOB365 for the WINTERFEST celebration and even though the weatherman did not cooperate completely, it was a fun time held by all and the diversity of activities made it an exciting weekend for all who participated. The smiles and enjoyments of the children was a joy to behold. It is a lot of work preparing this activity and our thanks to all those who worked so hard and to Sharri MacDonald for spear-heading this event. We also welcome a new business owner to Old Orchard Beach. Kathleen Russman will be opening Kathi’s Kitchen right hear on Old Orchard Street, in the building that Maine Bucknuts is located in. She is taking over the left side of the building. We wish much success in this new endeavor.

ACCEPTANCE OF MINUTES: Town Council Meeting Minutes of February 16, 2016.

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

VOTE: Unanimous.

PUBLIC HEARING:

Shall We 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.

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

Most of the comments were from King Weinstein who felt that the enforcement part of the ordinance was not strong enough but it was explained that the major portion of this change was the square footage of the requirement for sleeping conditions for those involved. He complained that there were no “teeth” in the enforcement part of this and spent some time explaining what happens when a business owner, because of complaints, has to go before the Administrative Review Board. Councilor Tousignant questioned

whether this would cut down on the amount of students that could be housed; and just the opposite; it would give more space available. Although Councilor Tousignant suggested that he was concerned that it would send a message out that would negate the use of these students and business owners not want to rent to them and thus cause hiring issues – the Town Manager explained several times that the purpose of the ordinance change was not enforcement nor was it to make it less able to be occupied. Although King continued to ask for enforcement strength in the ordinance, the Vice Chair reminded him that that was not the issue being addressed in this public hearing. The Council did indicate that attention could be given to enforcing the ordinance at another time. The Code Officer, Dan Feeney, explained several times during the discussion the code influence in these changes. The main concerns here include safety and housing accommodations. Pat Brown who has worked along with Helene Whittaker with the International Students, explained of the positive things that have occurred over the past summer and the main ingredient of these actions were safety concerns and treating these international students with courtesy and the ability to work in a safe environment. One of the other issues that was raised was with the language as presented. Can a worker show that he arrives in May or June, rather than April, and fit the definition of temporary seasonal worker? Or should the language be modified to say that a person employed in a seasonal job within the time period of April 1st to October 31st?

TOWN OF OLD ORCHARD BEACH
Memorandum

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 time of April 1 to October 31.

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 1st, 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^[1]

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^[2]

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 OCCUPANCY³

Footnotes:

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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 roominghouse. 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^[4]

Footnotes:

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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 liquified 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 liquidtight 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 SAFETY⁵¹

Footnotes:

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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 roominghouse, 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, catchbasins, 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

Attest:

Kim M. McLaughlin, Town Clerk

CHAIR: I close this Public Hearing at 7:48 p.m.

PUBLIC HEARING: BUSINESS LICENSES AND APPROVAL

CHAIR: I open this Public Hearing at 7:49 p.m.

Ryan J. Ahearn/Taurus Capital Group dba/Powder Horn Campground (104-1-1), 48 Cascade Road, Tent & Trailer Campground, 481 Sites, Laundromat, 5 Coin Operated Devices, Mini-Golf, one vending machine; Ryan J. Ahearn/Tarus Capital Group (104-1-1), 48 Cascade Road, one year rental; Kathleen Russman dba/Kathi's Kitchen LLC (206-31-7), 35-37 Old Orchard Street, Victualers with Preparation, with Beer, Wine and/or Liquor – Off Premise; Cindy & Scott Willoughby (210-2-12), 7 Ryefield Drive, one year round rental; and Richard Burns (321-3-4) 17 Ancona Avenue, one seasonal rental.

CHAIR: I close this Public Hearing at 7:50 p.m.

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

VOTE: Unanimous.

PUBLIC HEARING: AMUSEMENT PERMITS:

CHAIR: I open this Public Hearing at 7:51 p.m.

Jeanne LaChance dba/JJ's Eatery Too (306-5-1), 12 B Old Orchard Street, Acoustic Single/Duo's etc. – Outside and Inside – Off Season – 6:30 p.m. to 9:30 p.m. and In Season - 7:00 p.m. to 10:00 p.m. and Dimitri Inc. dba/Jimmy the Greeks (211-9-1), 215 Saco Avenue, Bands, DJ's, Comedy & More, Amplified, Outside and Inside – 12:00 p.m. – 1:00 a.m.

CHAIR: I close this Public Hearing at 7:52 p.m.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to approve the Amusement Permit as read.

VOTE: Unanimous.

TOWN MANAGER'S REPORT:

The Town Manager reported that light poles and cross arms have been installed at the intersection of Saco and Union Avenue. This has been a long process but it is now completed and it makes a much more improved and very attractive intersection. There is a proposed development at the location of the former seasonal Catholic Church on Saco Avenue (St. Luke's), 40 cottage style homes, similar to Summer Winds. This is in front of the Planning Board workshop on Thursday evening. Before the DRV is a building to replace the structure that was demolished at 31 Old Orchard Street. The Town Manager has met with owners of the undeveloped portion of Homewood Park to discuss continuing residential development east of Poplar Street and along Homewood Boulevard, particularly the process for the Town to accept streets. Staff is advocating that the remaining streets not be dead-end streets and that sidewalks be included on at least one side of the street. An RFP has been issued for the Milliken Street trash handling facility. They are due on March 21st. This project cannot move forward unless the Council authorizes a contract to construct and until the DEP approves a permit for the facility. The Town Manager continues to work with the DEP on the application for the facility at Milliken

Street, providing additional information as requested. Bids were opened for the storage building at the Wastewater Department. The bids were very competitive and well within budget. This will come to Council on the 15th of March. The collective bargaining agreements for the Police and Fire Union expire on June 30th. We have received notice from each unit to begin negotiations for a new agreement.

NEW BUSINESS:

6616 Discussion with Action: 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.)

BACKGROUND:

The Administrative Review Board has met several times to review the Town of Old Orchard Beach Code of Ordinances, Chapter 18, Business Licenses, and 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.

MOTION: _____ motioned and _____ seconded to 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.)

VOTE: Unanimous.

6616 Discussion with Action: 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.)

BACKGROUND:

The Administrative Review Board has met several times to review the Town of Old Orchard Beach Code of Ordinances, Chapter 18, Business Licenses, and 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.

King Weinstein spoke up about there being no need for the Planner to be part of this as he has too many other things to do. The Council however voted in favor of adding the Planner to the membership of the Administrative Review Board.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to 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.)

VOTE: Unanimous.

6617 Discussion with Action: Approve the purchase of a used fire truck at a cost Not to exceed \$80,000, from Account Number 52002-50807 – Rescue Vehicle Purchase, with a balance of \$18,618.75; and Account Number 20118-50350 – Contingency, with a balance of \$198,473.03.

BACKGROUND: Fire Chief, Ricky Plummer, is requesting the purchase of a used fire engine in the current budget year at a cost not to exceed \$80,000. The reason for the purchase now is:

The reason for the purchase now is:

1. The 1994 engine needs to be retired. It is not reliable or suitable even as a backup.
2. The 2007 engine (Engine 72) is the everyday workhorse equipment. Chief Plummer is proposing to rehab this engine in FY17 at an estimated cost of \$70,000.

3. Engine 72 is experiencing frequent mechanical issues that are putting it out of service at times. Once it is rehabbed it will be good for another 10 years.
4. Purchasing a used engine now would allow it to be used after July 1 as the everyday engine while Engine 72 is being rehabbed (which will take months)
5. There would be a significant savings by purchasing a used vehicle now to replace the 1994 instead of buying a new or near-new engine in FY17.

There was a lengthy discussion regarding this item. The final determination was that Old Orchard Beach will continue to explore replacing a fire engine that needs to be retired. The department's 2007 model fire engine, which is the frontline vehicle, is scheduled to be rehabilitated later this year for \$70,000. This will give the truck another ten years of service use. While it is being renovated, the Town will be left with a 1994 model fire truck as the main engine. Fire engines, or pumpers, carry hoses and pump water. The Chief, in suggesting the Town buy a used engine now for \$80,000 to replace the 1994 engine, instead of buying a new engine in the next fiscal year which was part of the plan. This would save the town money as well as provide a reliable frontline engine while the 2007 engine is out for repair. The Fire Chief indicated that he was not comfortable with the 1994 truck being the frontline engine while the 2007 engine is out of commission. Originally the Fire Chief had planned to ask for \$100,000 but after discussion with the Town Manager he came to the Council with the \$80,000 request. The Chief believed that he could find a used engine for that amount that would give the Town at least five more years of service but when one became available he would have to act quickly as they aren't often available and go very fast. After asking the Town for \$1.2 million last year for a new ladder truck, which is currently being built, the Chief didn't feel he could ask the Town for another new fire truck. Town Manager, Larry Mead, said the Town could purchase a new engine next year, but going with a used engine now would help keep the tax rate more stable. The Town Manager indicated he would love to go with a new truck next year but there would not be money there for other things. With the Chair absent from the meeting the vote failed with a tied vote. Councilor Blow and Vice Chair Thornton voted in favor, while Councilors Kelley and Tousignant were opposed. Councilor Blow indicated that purchasing a used engine now would cost the Town \$80,000 for five years of service, as opposed to financing a used engine which would cost the Town about \$60,000 a year. Councilor Tousignant, however, indicated he thought the Town should spend more money and purchase a newer used truck that would bring more value during the long run instead of a truck that was possibly more than 15 years old.

MOTION: Councilor Blow motioned and Vice Chair Thornton seconded to Approve the purchase of a used fire truck at a cost not to exceed \$80,000, from Account Number 52002-50807 – Rescue Vehicle Purchase, with a balance of \$18,618.75; and Account Number 20118-50350 – Contingency, with a balance of \$198,473.03.

VOTE: YEA: Councilor Blow and Vice Chair Thornton
NEA: Councilors Tousignant and Kelley

Further discussion continued and the need for it to be addressed at the next meeting but it was noted that the tie vote had already been taken. In order for it to come on the next agenda again it would need to be requested by one of the two negative votes.

Below is the original memo from the Fire Chief.



Old Orchard Beach Fire Department

MEMO

To: Larry Mead
From: Chief Plummer
Subj: Apparatus Issues
Date: February 15, 2016

As we discussed, we have had ongoing issues with our Engine 72 the 2007 Seagrave Pumper. This ranges from electrical issues including 2 small electrical fires, worn out springs, the generator not working to the truck not starting. It has been plagued with issues for the last year and has come to be very unreliable. Since this is our first due unit this is not acceptable. My suggestion would be that we send it out for a 10 year rehab, get it corrected and save the truck so we can get the proper life out of it. It is a common practice to rehab a fire truck at its half-life which is 10 years. The problem we face is that we do not have a reliable spare Engine to run while it is gone for several months. We had hoped to purchase a new Engine in the FY 17 budget cycle but realize that there are many needs in town and spending nearly \$500,000.00 is not currently prudent. We also can't wait for one and a half years to have a new truck built. This would also prolong the repairs to Engine 72 or provide a reliable backup Engine.

Here are the following options:

- Buy a demo truck at a cost of \$450,000.00 with lease purchase payments of roughly \$66,000.00 for 7 years. (available now)
- Buy a new truck at a cost of \$480,000.00 with a 10 month wait time. (not recommended at this time)
- Buy a used truck at a cost not to exceed \$100,000.00 to purchase and make any changes to meet our needs.

These are the only options I see available to allow us to get Engine 72 rehabbed. Once the Engine comes back from rehab we would then sell the 1994 Freightliner Engine that is scheduled for replacement this year. I am estimating it would sell for \$20,000.00. We would also have the new Ladder Truck by then and will be selling the old ladder truck for possibly \$50,000.00 to \$100,000.00.

Unfortunately, we need to move rather quickly because good used pumpers are hard to find and they sell quickly. We would prefer to purchase a good used engine now and get any changes made prior to our busy summer season when we can't afford breakdowns.

If you would like to discuss this further please let me know.

6618 Discussions with Action: Authorize the Town Manager to enter into a contract with Defining Lines Landscaping, Inc. for seasonal maintenance and trash services – downtown and beach areas, for 2016 and 2017, in the amount of \$165,000 for each year, and an option to renew the contract for 2018, from Account Number 20151-50318 – Trash/Maintenance Contract, with a balance of \$63,450 (F/Y 2016); and \$101,550 balance subject to approval of the FY2017 Budget.

BACKGROUND: The Town went out with a Request for Proposal for the Downtown Trash/Maintenance Contract. The following businesses received a copy of the RFP at their request and it was also posted on the Town’s Website, advertised in the Portland Press Herald, and on the Maine Municipal Web Site. Submittals were asked on two proposals – “A” and “B”.

Proposal “A” *Collection of trash bags from downtown service area is brought to the Milliken Street Facility and transferred to a truck for delivery to the BBI facility on Vallee Lane.*

Proposal “B” All trash collected from downtown and beach receptacles are transported directly to BBI, with no transfer of trash bags before delivery to BBI.

TOWN OF OLD ORCHARD BEACH

MEMORANDUM

February 26, 2016

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

RE: Downtown and Beach Maintenance and Trash Services

Council Action Requested Item 6618: Authorize the Town Manager to enter into a two year contract agreement with Defining Lines for seasonal trash and maintenance services in the amount of \$165,000 annually with an option for a third year.

Background

An RFP was issued for seasonal maintenance and trash removal services in the downtown and beachfront areas. Proposals were requested for two alternate approaches:

Alternate A: Use the proposed Milliken Street facility for temporary storage of trash bags before transport to the BBI facility on Vallee Lane.

Alternate B: All trash bags transported directly to BBI with no transfer of bags permitted before delivery to BBI.

Six proposals were received. A summary sheet of the proposals received is attached. Four proposers (BA Services, Prime Cut Landscaping, Defining Lines and Richen Management) were interviewed by Town Manager Larry Mead, Councilor Kenny Blow and Finance Director Diana Asanza.

Recommendation

Based on the proposals received and the interviews of candidates I am recommending that the contract for trash and maintenance services be awarded to Defining Lines at a cost of \$165,000 per year for both 2016 and 2017. It is noteworthy that this cost is less than the original price (\$187,500) submitted by Defining Lines. Under the terms of the RFP the Town has the right to negotiate with any proposer regarding the terms of their proposal, including the cost of services.

Rationale

Defining Lines presented an outstanding work plan for all phases of work: trash, restrooms, and sidewalk cleaning. The staffing plan is realistic and sufficient to do the required work and to maintain a high standard of quality. The owner displayed an excellent knowledge and understanding of what the work consists of, how it has been done in recent years, and the challenges and demands that are entailed. The company is locally owned and the owner will be regularly on-site and quickly available to respond as needed to issues that arise. The company has a maintenance facility in Scarborough that will allow for storage of equipment and supplies and that also includes a fabrication shop. Defining Lines is a proven company with an established record and clientele. Defining Lines did not differentiate in pricing between the Milliken Street alternative and the BBI alternative, which is also a plus. Defining Lines received very enthusiastic endorsements from all references contacted, which included property management for large retail operations and commercial office buildings, with particular comments regarding the responsiveness and flexibility in delivering services.

Pricing

Although Defining Lines did not submit the lowest cost proposal (it was second lowest), in the opinion of the review committee it submitted the lowest realistic cost proposal.

BA Services submitted a proposed annual pricing of \$138,000 for Alternate A (Milliken Street) and \$140,000 for Alternate B (direct to BBI). During the interview the committee discussed with BA the fact that its pricing proposal was significantly lower than all of the other submittals. BA acknowledged that differential and discussed with the committee whether it had underestimated the staff needs for the work. In the context of this discussion BA shared its staffing plan and this information supported the committee's concerns that the plan did not include sufficient staffing levels. This concern was heightened by BA's comment that they had observed Xtreme Clean's operations and believed it to have been grossly understaffed in its approach. In addition the expectation is that the work will require more resources this year than in past years because of the need to transport trash either to Milliken Street, which is a further distance, or directly to BBI, which will require additional trips to the Vallee Lane facility. Because of the concern about insufficient staffing the committee determined that it could not recommend accepting the BA proposal, despite it being the lowest cost proposal.

Process and Selection Criteria

The selection committee reviewed the proposals and selected four firms to interview. Two proposers (Xtreme Clean and Grand Real Estate Management) were not interviewed because their pricing was not competitive.

Interviews were conducted with four firms. The committee members discussed the proposals of each firm based on the information submitted in the proposal and during the interview. Following the interview process the owner of Defining Lines was contacted about reducing the price proposal. References were contacted for the two highest rated proposers. Each committee

member individually rated the firms according to the weighted evaluation criteria included in the RFP. Defining Lines was ranked first by each committee member (average score 91.6) and BA Services was ranked second (average score 76.6). Prime Cut Landscaping ranked third (average score 50) and Richen Management ranked fourth (average score 48).

Summary

Defining Lines submitted a very good work plan to carry out the required trash and maintenance services. It has an established presence in York and Cumberland County of quality service in property management. The owner lives in the area (currently in Old Orchard Beach) and will be regularly on-site for operations. Defining Lines demonstrates a very good understanding of and familiarity with the challenges and conditions in the downtown during the summer. The proposed staffing plan is realistic for the required range of services. The plan for servicing trash barrels in the downtown area is solid and flexible enough to be able to adapt as needed within the DEP restrictions, and to be workable for either use of Milliken Street or direct delivery to BBL.

		2016	2017
Defining Lines			
	“A”	187,500	187,500
	“B”	187,500	187,500
Grand Real Estate Management			
	“A”	299,000	299,000
	“B”	319,000	319,000
Prime Cut Landscaping & Lawn Care			
	“A”	266,500	278,000
	“B”	237,500	248,000
Extreme Clean			
	“A”	317,000	321,000
	“B”	Did not submit a bid	
Richen Management LLC			
	“A”	198,000	198,000
	“B”	225,000	225,000
BA Services			
	“A”	138,000	138,000
	“B”	140,000	140,000

2/22/2016



91 Wild Dunes Way
Old Orchard Beach, Maine 04064
207-650-1358

Town of Old Orchard Beach
Town Council
1 Portland Ave
Old Orchard Beach, ME 04064

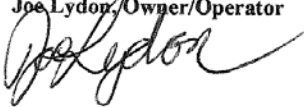
Dear Town of Old Orchard Beach:

My name is Joe Lydon, I am the owner/operator of Defining Lines Inc. We are locally based management and maintenance company serving Southern Maine for the past fifteen years. We offer specialized services in sweeping, trash removal, landscaping and property management. My staff of 15 employees and I are committed to providing quality and affordable service to the communities of Southern Maine, by being efficient and providing the attention to detail that the job requires.

We have taken our company from a two man crew fifteen years ago to a million dollar grossing company today by providing a quality management team and hiring skilled employees that are committed to our customers satisfaction. The contract offered to us by the community of Old Orchard Beach will be treated with the same attention to detail my staff is accustomed to. We will provide and on site supervisor at all times while employees are present. Our strategic approach to waste collection both on the beach and from the streets of Old Orchard Beach will be second to none and make both the town of Old Orchard Beach as well as Defining Lines shine in the waste collection process in the eyes of tourists and residents alike.

We hope you choose our company to service your community for years to come. You won't be disappointed with your choice and our service.

Sincerely,
Joe Lydon, Owner/Operator



References:

KGI Properties – Lisa Parent 603-356-5843 (10 years of service)

Kimco Realty – Hunter Ross 617-610-7359 (4 years of service)

Dead River Management – Debbie Luste 207-671-8403 (8 years of service) WalMart – Jeff Valencourt
207-590-4766 (9 years of service)

Waterstone Management – Kelsey Flannery (1 year of service)

TOWN OF OLD ORCHARD BEACH
Request for Proposal for
Town of Old Orchard Beach, Maine

The Town of Old Orchard Beach is seeking requests for proposals from qualified contractors to provide seasonal maintenance and trash removal services in the downtown and beachfront areas for two (2) years, with an option to renew for a third year. This work begins in May and ends in early October. The scope of work includes: Trash: Servicing municipal trash barrels both in the downtown and beachfront areas. Restrooms maintenance: Oversee and maintain restrooms at three locations: W. Grand Comfort Station, Milliken Street parking lot, Memorial Park. Sidewalk and bench cleaning: Power washing of downtown sidewalks and benches. Any firm requiring significant further information concerning the proposal, the project or terms, must contact the Asst. Town Manager by mail or by phone. E-mails and faxes are not accepted. A written response, if provided, will be sent to all firms on file as being in receipt of this proposal.

V. Louise Reid, Asst. Town Manager
Town of Old Orchard Beach
1 Portland Ave.
Old Orchard Beach, Maine 04064
(207) 937-5626 fax (207) 934-0755

Three (3) complete copies of each firm's response shall be submitted in a sealed container plainly marked "Seasonal Maintenance and Trash Removal Services – RFP" and will be received at the Town Manager's Office, Old Orchard Beach Town Hall, 1 Portland Ave., Old Orchard Beach, Maine 04064 until Thursday February 11, 2016 at 3:00 PM. The entire RFP and Exhibits are on the town's website under Bids and RFP's on the bottom of the Home Page:

www.oobmaine.com

The Town of Old Orchard Beach, Maine reserves the right to accept or reject any or all bids.

Town of Old Orchard Beach

RFP- Seasonal Maintenance and Trash Removal Services - continued

EXHIBIT D

PROPOSAL SUBMISSION FORM

ALTERNATE A: USE MILLIKEN STREET FACILITY

The undersigned proposes to provide all services as described under Exhibit C "Scope of Services" for the Town of Old Orchard Beach for the price listed below.

Total Contract Price for 2016: \$ 187,500

Total Contract Price for 2017: \$ 187,500

As part of the submission, please provide responses to the following questions. Please use additional pages as needed if the space below each question is not sufficient.

1. Please provide in detail the method to be used for A and B below, including type of vehicle used:

A.) Collection of trash bags from downtown receptacles and delivery to the Milliken Street trash facility for temporary holding. (i.e. utility vehicles, golf cart type vehicles, hand wheeled bins, etc.) utv type vehicles (Polaris rangers) with narrow enclosed trailers, this will ensure least amount of impact on traffic in the downtown area also providing a neat and effective appearance for trash collection in the tourist eyes visiting O.O.B.

B.) Collection of trash bags from beach receptacles outside of the downtown area and delivery either to the Milliken Street trash facility for temporary holding or delivery directly to the BBI facility (i.e. utility vehicles, golf cart type vehicles, pick-up trucks, etc.) utv type vehicle with rubber tracks and enclosed custom trailer. Enclosed trailer to ensure seagulls don't become a problem w/collection and out of site of beach goers. tracks ensure low impact on beach access

Town of Old Orchard Beach

RFP- Seasonal Maintenance and Trash Removal Services - continued

2. Please identify the type of vehicle that will be used to transport trash from the Milliken Street trash facility to BBI.
2 Chevy crew cab trucks 2014
2 20ft 15 yd dump trailers fully enclosed
(to ensure out of site cleanliness and to deter seagulls and rodents from gaining access)
3. Please describe the proposed management and supervisory structure.
Beach and roadside trash employees will report to an onsite supervisor every hour to report progress as well as bathroom attendants. Supervisor will be onsite at all times while employees are present to solve any unforeseen issues and to ensure proper execution.
4. Please describe the anticipated staffing levels to be employed to meet the scope of services outlined in Exhibit C "Scope of Services".
2 shifts of 4 employees for trash removal services
2 shifts of 3 bathroom attendants and cleaning personnel
2 employees for sidewalk sweep and wash

Town of Old Orchard Beach

RFP- Seasonal Maintenance and Trash Removal Services - continued

ALTERNATE B: BBI FACILITY, NO TRASH STORAGE

The undersigned proposes to provide all services as described under Exhibit C "Scope of Services" for the Town of Old Orchard Beach for the price listed below.

Total Contract Price for 2016: \$ 187,500

Total Contract Price for 2017: \$ 187,500

As part of the submission, please provide responses to the following questions. Please use additional pages as needed if the space below each question is not sufficient.

1. Please provide in detail the method to be used for collection of trash bags from downtown receptacles, understanding that large vehicles cannot be used in the downtown area given the large numbers of pedestrians, and also that travel through the intersection at the square is often slow due to vehicle congestion. *UTV type vehicles w/ enclosed narrow trailers*
2. Given that there can be no transfer of trash from one vehicle (or container) to another vehicle (or container) before delivery to the BBI facility, please identify the type of vehicle or vehicles to be used to pick up trash in the downtown area. *The trailers will then be hauled to BBI by way of Chevy crew cabs which will place the trailers on the trucks.*

Town of Old Orchard Beach

RFP- Seasonal Maintenance and Trash Removal Services - continued

3. Describe how large (in cubic yards) the container vessel will be in the vehicle or vehicles to be used for downtown collections.

Each will be 5 yds
Trailer

4. Please describe the proposed management and supervisory structure for all services.

Beach and roadside trash employees will report to an onsite Supervisor every hour to report progress, as well as bathroom attendants. A supervisor will be onsite at all times while employees are present.

5. Please describe the anticipated staffing levels to be employed to meet the scope of services outlined in Exhibit C "Scope of Services".

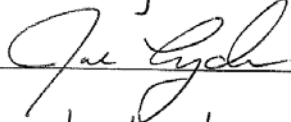
2 shifts of 4 employees for trash removal services

2 shifts of 3 emp bathroom attendants and cleaning

2 employees for sidewalk sweep and wash Personal

****ATTENTION** Please be sure your proposal is complete and includes responses to all of the requested elements listed on page 3, #1 through #5, and a completed Exhibit D, Proposal Submission Form for both Alternate A and Alternate B.**

Company Name: Defining lines landscaping inc.

Signed by: 

Printed Name: Joe Lydon

Title: owner / president

Date: 1-9-16

The Town Manager went carefully over his memo with the Town Council pointing out the process that was gone through to select the winning business. Jack Sarno from the Milliken Street Condo unit asked that the motion contain only that Proposal B be accepted for the 2016, 2017 and 2018 but the Council chose to leave it as it was written indicating that for 2016 it would be Proposal B but leaving it open for consideration in 2017 and 2018.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Authorize the Town Manager to enter into a contract with Defining Lines Landscaping, Inc. for seasonal maintenance and trash services – downtown and beach areas, for 2016 and 2017, in the amount of \$165,000 for each year, and an option to renew the contract for 2018, from Account Number 20151-50318 – Trash/Maintenance Contract, with a balance of \$63,450 (F/Y 2016); and \$101,550 balance subject to approval of the FY2017 Budget; and that for the 2016 season all trash collected from downtown and beach receptacles are transported directly to BBI, with no transfer of trash bags before delivery to BBI.

VOTE: Unanimous.

6619 Discussion with Action: Approve the contract for 2017 with Animal Welfare Society, Inc. in the amount of \$11,987.36 annually, beginning July 1, from Account Number 20131-50310 – Service Contracts, with a proposed balance of \$360,640, subject to final approval of the FY17 budget.

BACKGROUND: The Finance Director is presenting the annual contract renewal for the Animal Welfare Society Inc. for FY17, effective July 1, 2016 through June 30, 2017. The State requires municipalities to enter into a contract with a shelter that will accept stray animals originating within the municipality. This contract and service is managed by the Police Department. The fee schedule for FY17 will be \$11,987.37 beginning July 1, 2016. This is based on the 2010 Census for Old Orchard Beach of 8,624 times \$1.39 per capita equaling \$11,987.36.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Approve the contract for 2017 with Animal Welfare Society, Inc. in the amount of \$11,987.36 annually, beginning July 1, from Account Number 20131-50310 – Service Contracts, with a proposed balance of \$360,640, subject to final approval of the FY17 budget.

VOTE: Unanimous.

ANIMAL SHELTER AGREEMENT, OLD ORCHARD BEACH

This agreement (the "Agreement") is by and between the Animal Welfare Society, Inc., a non-profit corporation organized and existing under the laws of the State of Maine (herein-after "AWS"), Old Holland Road, West Kennebunk, Maine and the Town of Old Orchard Beach, Maine (hereafter "Municipality") (collectively, "Parties"). The terms of this Agreement shall take effect on July 1, 2016 and shall remain in effect through June 30, 2017.

WHEREAS, Municipality is required under the laws of the State of Maine to provide shelter at a State licensed animal control shelter (7 M.R.S. § 3949) for stray and lost domesticated companion animals (hereinafter "Animal" or "Animals"); and

WHEREAS, Municipality is required under the laws of the State of Maine to provide services relating to the humane disposition of said Animals in the event they are not claimed by their owners; and

WHEREAS, AWS operates an animal shelter as defined in 7 M.R.S. §3907, which is a suitable facility for the housing and/or disposition of said Animals (hereinafter, the "Shelter") but is not a suitable facility for the housing and/or disposition of any living, sentient creature that is not an Animal;

NOW THEREFORE, the Parties hereby agree as follows:

1. AWS will confine such Animals as may be delivered to it by an authorized agent of the Municipality for the legal impoundment period. At the end of this period, AWS will make such a disposition as it seems fit in accordance with 7 M.R.S. §§3912, 3913, *et. seq.* AWS may refuse delivery of any living, sentient creature that, in the sole and exclusive judgment of AWS, is not an Animal.

2. Delivery of said Animals shall be accepted from the Municipality's Animal Control Officer/Police from 7:30 a.m. to 4:30 p.m., Sunday through Saturday ("Regular Business Hours"). Police and/or Animal Control Officer will be issued a key to an after hours holding room at the Shelter. Persons may deliver Animals found within the boundaries of the Municipality to the Shelter during Regular Business Hours. Animals delivered to AWS by Municipality's Animal Control Officer or Police after hours shall be placed by the person delivering the Animal in pens, kennels, or crates made available in the holding room by AWS for that purpose, to the extent such materials are available to AWS. It is the responsibility of the Police and/or Animal Control Officer delivering an Animal after

hours to provide bedding, food, and water for said Animal as supplied by AWS, to the extent such materials are available to AWS. Where delivery of one or more Animals by the Municipality's Animal Control Officer or Police renders the Shelter unable to humanely confine such Animals in the holding room, the delivering Animal Control Officer or Police shall communicate with designated AWS personnel prior to delivery to verify AWS's ability to confine such Animals. AWS alone retains sole discretion to refuse delivery of one or more Animals where such delivery renders AWS unable to provide appropriate housing and/or disposition of delivered Animals.

3. Police and Animal Control Officers shall take a stray or lost Animal to its owner, if known, or, if the owner is unknown, to the Shelter. Municipality agrees that all Animals apprehended and seized within the boundaries of the Municipality and delivered to the Shelter shall be under the exclusive control and custody of AWS. Moreover, Municipality agrees that AWS shall have the undisputed right, consistent with the laws of the State of Maine, to humanely dispose of every Animal given into its custody in accordance with State laws and the policies and procedures of AWS.

4. AWS will not accept delivery of any injured Animal that has not received proper veterinary care. Municipality agrees that it shall obtain appropriate veterinary care for injured Animals prior to delivery to AWS. In the event that Municipality delivers an injured Animal to the Shelter without first obtaining appropriate veterinary care, AWS, in its sole discretion, may elect either to refuse acceptance of such Animal or to accept delivery of such Animal and procure the veterinary care it deems necessary and appropriate. Municipality agrees to reimburse AWS for the costs of emergency and required veterinary care within ten (10) days from the receipt of an invoice. At no time will the Municipality deliver any injured Animal to the Shelter during hours other than Regular Business Hours unless Municipality has made prior arrangements with AWS.

5. The Municipality agrees to and shall indemnify and hold harmless AWS for any claims arising out of actions and/or inactions of the Municipality's Police Officers and Animal Control Officers in the capturing, detaining, processing, documenting and delivery of any Animal under this Agreement, and for any violation by the Municipality's Animal Control Officer or Police Officers of the provisions of this Agreement, and of applicable laws or regulations.

6. AWS shall assist Municipality's residents in allowing owned Animals to be claimed during Regular Business Hours. AWS will request proof of payment prior to releasing an Animal to its owner and may collect impoundment fees for the Municipality. AWS reserves the right to release an Animal without proof of payment of impoundment fees if a case warrants the release, in AWS' sole judgment. Impoundment fees collected by the AWS on the Municipality's behalf will be forwarded to the Municipality on a quarterly basis, along with a quarterly report of activity and an invoice for contract fee for service.

7. AWS may provide rabies quarantine on a space-available basis for a period of at least ten (10) days to stray dogs and cats found within the Municipality, which have bitten residents of the Municipality ("Rabies Quarantine"). Provision for rabies testing, and the

costs therein, are the sole responsibility of the Municipality and/or its residents. AWS is not obligated to quarantine privately-owned Animals.

8. AWS shall provide to Municipality a detailed, quarterly record of the number of stray or lost Animals seized within the territorial limits of Municipality and received by AWS.

9. Municipality shall be fully responsible for carrying out all enforcement activities required under the laws of the State of Maine and the ordinances of the Municipality, as may be amended. AWS shall not be required to apprehend or seize any Animal found roaming at large.

10. AWS shall make all reasonable efforts to promote Trap, Neuter, Return ("TNR") for feral cats, and return such feral cats that are spayed/neutered, vaccinated, ear tipped and/or micro-chipped to the originating location when possible, and promote caregiver volunteerism and guardianship. The Municipality shall work with AWS and the community to permit and encourage TNR as the preferred method of dealing with feral cats.

11. AWS shall have the sole and exclusive right to determine the responsibility of persons offering to become the owners of unclaimed Animals and the suitability of homes offered, and shall have the sole and exclusive right to accept or reject such applicants' claims to previously unclaimed Animals.

12. Municipality agrees that it shall notify AWS, in writing, of the identities of all of its duly authorized Animal Control Officers. Municipality agrees that it will provide each Animal Control Officer with a copy of the animal control laws of the State of Maine contained in the booklet published by the Maine Animal Welfare Board, the sections of the Municipality's codes or ordinances, which are pertinent to the performance of their duties, and the terms of this Agreement. Animal Control Officers must also be certified as required by 7 M.R.S. § 3947.

13. AWS, its officers, employees, agents and volunteers shall act in an independent capacity during the term of this Agreement and shall not act or hold themselves out as officers, employees, agents or volunteers of Municipality. Municipality, its employees, agents and representatives shall act in an independent capacity during the term of this Agreement and shall not act or hold themselves out as officers, employees, agents or volunteers of AWS. Nothing in this Agreement shall be deemed by either Party or by any third party as creating a joint venture or partnership between AWS and Municipality.

14. AWS agrees to comply with applicable federal and state laws and regulations in the performance of this Agreement.

15. This Agreement shall not be assigned by either Party, without the prior written approval of the other Party.

seizures due to cruelty and/or neglect, costs and fees for animal care are the Municipality's responsibility. AWS fee schedules are available upon request.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed on their behalf, in duplicate counterparts, as of the date first above written.

TOWN OF OLD ORCHARD BEACH, MAINE

By: _____ Witness: _____

Printed Name: Larry Mend Printed Name: V. Louise Reid

Its: Town Manager

THE ANIMAL WELFARE SOCIETY, INC.

By: Abigail Smith Witness: Jessica L. Talbot

Printed name: Abigail Smith Printed Name: Jessica L. Talbot

Its: Executive Director

6620 Discussion with Action: Approve the Agreement with Woodard & Curran for Engineering Services, for the Cascade Road MPI project – preservation paving of Cascade Road from the Saco City line to Ross Road in 2016, in the amount of \$28,000, from Account Number 50002-50506 – Road Maintenance – CIP Account, with a balance of \$606,256.47.

BACKGROUND: The Council is aware that the Town previously applied for and received a grant from the Portland Area Comprehensive Transportation System (PACTS) for funding up to 50% of the cost of a mill and fill paving of Cascade Road from the Saco line to Ross Road. The Town was awarded this grant in August.

The Council, in January, authorized the Town Manager to execute a three-party agreement with PACTS and the Maine Department of Transportation (MDOT) to allow the planned paving to go forward either this coming Spring or Fall. As noted at that meeting, MDOT will provide up to a maximum of \$161,765 for the project that has an estimated cost of \$323,530. Under this grant program the Town is responsible for bidding and managing the project under MDOT standards. Funding is identified through the existing capital budget for street improvements.

This evening the Council is asking that the Council approve the Agreement with Woodard & Curran for Engineering Services for this project in the amount of \$28,000.

During this discussion the condition of parts of Cascade Road were discussed with Councilor Tousignant saying that the cracked roads are unacceptable and that the road is in an unacceptable condition. The Public Works Director explained the issue of mixed asphalt and that the condition will be reviewed and changes made.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Approve the Agreement with Woodard & Curran for Engineering Services, for the Cascade Road MPI project – preservation paving of Cascade Road from the Saco City line to Ross Road in 2016, in the amount of \$28,000, from Account Number 50002-50506 – Road Maintenance – CIP Account, with a balance of \$606,256.47.

VOTE: Unanimous.

**COMMITMENT & INTEGRITY
DRIVE RESULTS**

41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.com

T 800.426.4262
T 207.774.2112
F 207.774.6635

February 16, 2016



Larry Mead, Town Manager
Town of Old Orchard Beach
Old Orchard Beach Town Hall
1 Portland Ave
Old Orchard Beach, ME 04064

Re: Proposal for Professional Services – Cascade Road Reconstruction Design and Construction Services

Dear Larry:

Woodard & Curran (Engineer) is pleased to provide you with this Scope of Services related to the design and construction of the Cascade Road Reconstruction project. Last year, we prepared a PACTS Municipal Partnership Initiative (MPI) Grant Application on behalf of the Town of Old Orchard for the reconstruction of 0.9 miles of the Cascade Road (State Route 98) from the Saco town-line to the intersection of Ross Road. The Cascade Road Reconstruction project was awarded the grant and the Town executed the Third Party Agreement in January 2016. The services outlined in this proposal have been developed to fulfill the requirements of the Third Party Agreement and are based on our meeting with Marc Guilmont on Thursday, February 4. We propose our scope of work be divided into two (2) tasks: Task 1 – Design and Bid Services and Task 2 – Construction Services.

SCOPE OF WORK

Task 1 - Design and Bid Services

The recommended reconstruction of Cascade Road includes selectively milling and filling the severe sections of the road and providing a 1-1/2 inch surface overlay along the entire project. Based on recent discussions with the Town and although not included in the MPI Grant Application and the Opinion of Cost that was included with the Application, we understand the Town's desire to also include pedestrian and/or bicycle improvements along Cascade Road as part of this project. In our development of this proposal, we conducted a preliminary review of the existing conditions along Cascade Road and have determined that the addition of a curbed sidewalk along the south side of Cascade Road is possible, but is anticipated to increase the project cost significantly because of the drainage infrastructure requirements. The existing pavement width along Cascade Road was also evaluated and determined to be of sufficient width to reconstruct the road with 12-foot travel lanes and 5-foot bicycle lanes, for a total roadway width of 34 feet. This proposed roadway width complies with the Maine Department of Transportation (MaineDOT) requirements for Priority 4 Corridors, (MaineDOT's designated Highway Corridor Priority for Cascade Road) and provides improvements for bicyclists along this section of road without requiring significant drainage upgrades. We propose to develop design drawings for the reconstruction for Cascade Road based on this proposed roadway width.

Engineer will develop design drawings depicting the proposed reconstruction for Cascade Road utilizing the Town's existing GIS aerial, topographic, and utility data. The design drawings will include roadway plans, limits of work for milling and overlay, notes, and details. We understand the Town will be televising the existing culverts beneath Cascade Road for the purpose of condition assessment. Engineer will review the CCTV videos of the culverts and include the removal and replacement of any of the culverts determined to be in poor condition in the design drawings. Engineer will also prepare front-end documents, unit price bid form, and supplemental specifications for the project consistent with the



MaineDOT's standard "Book Project" documents. Engineer will also prepare an opinion of probable construction cost for the work upon completion of the final (100%) design submittal.

Engineer will provide the Town with an electronic PDF of the 100% design submittal of the project plans, specifications and cost estimate for submission to PACTS and MaineDOT for concurrent review and acceptance, specifically documenting any exceptions to Design Standards. We will accept one set of review comments, modify the documents as required, and prepare final bid documents.

We understand the project will be bid through the Town's public procurement process. Engineer will provide the Town with six (6) hardcopy bidding packages and an electronic (PDF) copy of Plans & Specifications. We understand the Town will act as the Plan Holder for the project, provide Plans & Specifications to contractors as requested, and issue addendums. Engineer will assist the Town by answering Technical RFIs submitted during the bid process. We do not anticipate attending the pre-bid meeting or bid opening.

Task 2 – Construction Services

Engineer will provide construction administration services during construction, including responding to Contractor RFIs and reviewing Contractor submittals and payment requisitions. Engineer will also provide a part-time Resident Project Representative (RPR) to observe construction and provide quality control activities. The RPR will visit the project on average twice per week for a duration of 4 weeks, beginning with the issuance of a Notice to Proceed and concluding with the issuance of Substantial Completion.

Upon completion of construction, Engineer will provide the Town with a certification letter stating the project has been constructed in accordance with the design documents for the Town submission to PACTS and MaineDOT. We anticipate the Town will contract with the Contractor and the Town will coordinate and manage the construction process through its Department of Public Works.

CLARIFICATIONS AND EXCEPTIONS

The following represents Engineer's understanding of items that require additional clarification, beyond what is outlined in our Scope of Work.

1. The Town will be responsible for all required coordination with PACTS and MaineDOT.
2. No Site Topographic, Utility, or Boundary Survey has been completed/will be utilized for this project.
3. No sidewalk or utility improvements, beyond the culvert improvements outlined above, are included this scope.
4. If required, the Town will be responsible for obtaining a Maine Construction General Permit, including associated permit application fees.

SCHEDULE

We anticipate the Town will advertise and solicit bids this spring and understand the Town's desire for construction to begin just after Labor Day 2016 with completion prior to December 2016; we understand the Town's goals and we have the staff available to complete the design and support construction activities as described herein.



BUDGET

Engineer proposes to perform the work described within this proposal based upon the fee and billing methods described below:

<i>Task Number</i>	<i>Fee</i>	<i>Billing Method</i>
Task 1 – Design and Bid Services	\$18,000	Lump Sum
Task 2 – Construction Services	\$10,000	Time & Materials
Total Services	\$28,000	

Engineer proposes to perform the services described within Task 1 on a lump sum basis, inclusive of reimbursable and direct expenses and billed on a monthly basis for percentage of work completed. The services in Task 2 are directly dependent upon the duration of construction activities; therefore, we recommend providing these services on a time and materials budget, not to exceed the budgeted amount without prior approval from the Town. Task 2 will billed per the attached 2016 Rate Schedule.

We anticipate Terms and Conditions shall be consistent with the executed Agreement between the Town of Old Orchard Beach and Woodard & Curran, and Exhibit B dated September 23, 2015. If this is acceptable to you, please indicate your agreement by signing this letter and return a copy for our records.

We appreciate this opportunity to continue working with you on this project, seeing the roadway reconstruction through construction and welcome any questions you may have on this proposal. Please do not hesitate to call me with any questions you may have at 207.558.3667.

Sincerely,

WOODARD & CURRAN INC.

Barry Sheff
Barry Sheff, P.E.
Senior Vice President

Megan McDevitt
Megan McDevitt, P.E.
Project Manager

Attachment: Maine Standard 2016 Rate Schedule

cc: Marc Guimont, Public Works Director

Accepted this _____ Day of _____, 2016

By: _____

Title: _____ Town Manager

Maine Standard Rates

2016 Rate Schedule



Consultant Personnel		
Labor Category		Hourly Rate
I. Support Services		
- Administrative / Clerical		\$67
- Project Assistant		\$88
II. Professional Services		
- Technician		\$85
- Designer / Engineer 1		\$100
- Survey/Mapping Specialist		\$102
- Engineer 2 / Geologist 1 / Regulatory Specialist 1 / Scientist		\$108
- Resident Engineer		\$112
- Engineer 3		\$115
- Project Geologist		\$118
- Senior Designer		\$119
- Project Engineer / Project Technical Specialist 1		\$129
- Project Scientist		\$130
- Project Engineer 2 / Project Technical Specialist 2 / Senior Project Scientist		\$139
- Project Manager / Senior Geologist		\$170
- Senior Structural Engineer		\$180
- Senior Project Manager		\$190
- Principal Scientist-Geologist		\$200
- Principal Engineer		\$210
<small>This Rate Schedule is confidential and for customer internal use only. W&C reserves the right to adjust billing rates each January 1st.</small>		

Expense Category

Travel ¹	.54/mile
Expenses	At Cost Plus 10%
Subcontracts (lab tests, drilling, etc.)	At Cost Plus 10%

1. Mileage rate will change as the federal allowable rate is modified.

#188

6621 Discussion with Action: Approve Resolution authorizing membership in the Maine Service Center Coalition and designation of Town Manager, Larry Mead as Representative, and Assistant Town Manager V. Louise Reid as Alternate Representative, to vote at business meetings.

BACKGROUND: Old Orchard Beach, because of its unique role as a resort community, the large number of seasonal residents and property owners, and the tens of thousands of summer visitors, provides far more in municipal services than is typical of a community with a year-round population of less than 10,000. The Maine Service Center Coalition (MSCC) promotes and advocates for legislation and policies that benefit the economic and social viability of Maine communities like Old Orchard Beach that provide a wide range of services and economic benefits to both visitors and Maine residents from other communities.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Approve Resolution authorizing membership in the Maine Service Center Coalition and designation of Town Manager, Larry Mead as Representative, and Assistant Town Manager V. Louise Reid, as Alternate Representative, to vote at business meetings.

VOTE: Unanimous.

6622 Discussion with Action: Approve the Liquor License for JTG Hospitality Inc. dba/Ballpark Beer (207-3-6X), 7 Ballpark Way, m (malt) in Other: Outdoor Stadium; Jeanne LaChance dba/JJ's Eatery Too (306-5-1), 12 B Old Orchard Street, m-s-v in a Restaurant/Lounge; and Dimitri Inc. dba/Jimmy the Greeks (211-9-1), m-s-v in a Restaurant/Lounge.

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

VOTE: Unanimous.

GOOD AND WELFARE:

6623 Executive Session: Old Orchard Beach Waste Water Employee's Association Contract pursuant to 1 M.R.S.A., Section 405(6)(D). (Note: This item discusses labor negotiations, and the Council anticipates that the discussion portion will occur in Executive Session.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Table the Executive Session: Old Orchard Beach Waste Water Employee's Association Contract pursuant to 1 M.R.S.A., Section 405(6)(D). (Note: This item discusses labor negotiations, and the Council anticipates that the discussion portion will occur in Executive Session) until the next Council Meeting.

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Adjourn the Town Council Meeting at 9:35 p.m.

VOTE: Unanimous.

Respectfully Submitted,

V. Louise Reid
Town Council Secretary

I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of fifty-one (51) pages is a copy of the original Minutes of the Town Council Meeting of March 1, 2016
V. Louise Reid