

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
Tuesday, April 4, 2017  
TOWN HALL CHAMBERS  
6:30 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, April 4, 2017. Chair Thornton opened the meeting at 6:35 p.m.

The following were in attendance:

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

Absent: Councilor Jay Kelley

**CHAIR:** Be advised that a correction is needed for Agenda Item # 6884 – Discussion with Action: Approve the quote from Pavement Treatments, Inc., to repair an area of road on Portland Avenue (this should say Cascade Road), near the corner of Ross Road, in the amount of \$5,886, from Account Number 50002-50506 – Public works Capital Road Maintenance, with a balance of \$519,105.26.

**MOTION:** Councilor Tousignant motioned and Councilor Blow seconded to approve the change in Agenda Item Number 6884 by indicating Cascade Road instead of Portland Avenue.

**VOTE:** Unanimous.

#### **ACKNOWLEDGEMENTS**

**VICE CHAIR JOE THORNTON:** 41 days until the Police Department kicks off their ride for the Police Unity Tour where three of our officers, Christopher St. Pierre, Michael Mizzoni and Scott Jarrett will be participating. We kindly ask that you donate to this important cause and support them by doing so. All proceeds go toward maintaining and engraving the names of the officers who gave the ultimate sacrifice onto the National Law-Enforcement Officers Memorial and building the National Law-Enforcement Officers Museum in Washington DC. They will pedal their bicycles 300 miles in three days from Central New Jersey to Washington DC. Each officer is responsible for raising \$1850 in order to participate. Anything helps. Thank you all in advance for your support. Checks can be made out to POLICE UNITY TOUR CHAPTER 10 and mailed or delivered to the Police Department – 1 Portland Avenue, Old Orchard Beach, Maine 04064.

**ASSISTANT TOWN MANAGER:**

We wish to acknowledge “The Week of the Young Child.”

The art displayed behind the Councilors this evening was created by children enrolled in early child care and education programs.

We acknowledge the impressive work done by:

Happy Daze Childs Program

Little Ducking Family Care and Early Education

Little Horizons Nursery School

Spurwink Therapeutic Pre-School

Our appreciation to the child care programs and to the beautiful work done by the children.

**ACCEPTANCE OF MINUTES:**

Acceptance of Town Minutes of March 21, 2017.

**MOTION:** Councilor Tousignant motioned and Vice Chair O’Neill seconded to Accept the Minutes as read.

**VOTE:** Unanimous.

**PUBLIC HEARING: BUSINESS LICENSES AND APPROVAL:**

**CHAIR:** I open this Public Hearing at 6:41 p.m.

John & Alyssa Weber (201-1-7-5A), 221 East Grand Avenue, #5A, one year round rental; Peter Beyeler (210-1-20-14), 39 Smithwheel Road, #14, The Candy Store, LLC dba/The Candy Store (306-6-1), 2 Old Orchard Street, Victualers without Preparation and no Alcohol Sales; Ryan W. Hunt (308-3-3), 7 Myrtle Avenue, one year round rental; Diane & Richard Kimball (312-3-11), 13 Fern Avenue, one year round rental; Kevin O’Brien & Benjamin Bucci (315-21-1), 44 Union Avenue, Unit #1, one year round rental; and Susan Tkacik (318-8-6-42), 146 West Grand Avenue, #42, one year round rental.

**CHAIR:** I close this Public Hearing at 7:42 p.m.

**MOTION:** Councilor Tousignant motioned and Councilor Blow seconded to Approve the business licenses as read.

**VOTE:** Unanimous.

**TOWN MANAGER’S REPORT:**

### **Manager's Report: April 4, 2017**

J-1 forum: April 26: Town and Chamber are hosting a Need-to-Know Forum concerning the international student employment and cultural exchange program (J-1). Inviting any business in Old Orchard Beach that employs international students, as well as any property owner who provides rental housing. There are changes being proposed by the State Dept for this program related to ensuring safe and appropriate housing as well as proposals to ensure that there are cultural and community social opportunities provided for students. There will be representatives from the State Department office as well as from sponsoring agencies. Council Chambers, Wednesday the 26<sup>th</sup> at 9am. Contact my office or the Chamber of Commerce.

Town selling Surplus vehicles and equipment at the Spring Keenan Auction at the Beech Ridge Speedway grounds Thursday, April 13 at 9am. We are in the process of finalizing the items to be sold and will post that information on the Town's website by the end of the week.

Pot hole season is definitely here. DPW crews are out patching holes. Ask residents to contact the DPW office if there are areas that have not been addressed.

The Town has a number of Seasonal employment openings that we are currently taking applications for, including Lifeguard positions, parking enforcement, Public Works, Memorial Park, and Ballpark concessions and field workers.

#### **Events**

This Friday evening the Loranger-Jameson PTO will have a fund-raising event to benefit the playground project. It's a night of activities, performances by the 3-5 and 6-8 grade chorus', face painting, concessions and prizes.

On Saturday, May 6 there will be a morning clean-up activity targeting the Goose Fare Brook, co-sponsored by the Town of OOB and the City of Saco. Meet at the OOB High School at 9:00AM. Gloves will be available but bring your own if you have them, as well as water-proof boots. That's Saturday, May 6 at 9am at OOB high school.

Finally, on Saturday, April 22 there will be a fund raising spaghetti dinner with live music, proceeds to benefit our own Louis Ladakakos, who works as an Equipment Operator in the Public Works Dept and who taught social studies at OOB Middle School for 38 years. Louis was diagnosed this past fall with Stage 4 Mantel Cell Lymphoma. He will be at the Dana Farber Institute in Boston for a lengthy stay to receive a stem cell transplant. The proceeds will be used to help defray the cost of his treatment. The benefit will be held at the Biddeford Saco Elks Lodge. Tickets are \$10 and information is available on the Town's website.

**# 6880 Discussion with Action: Amend Town Council Policy 94-3 – Parking Meters Days of Operation, by adding the term “Pay Stations.”**

**BACKGROUND:**

Police Chief Dana Kelley requested this change which was originally part of the last proposed amendment which failed. The Policy states “Parking Meters”, but the Town now has “Pay Stations” as well. This is just an update on the language to reflect the Town now uses both types of machines.

**MOTION: Councilor Blow motioned and Vice Chair O’Neill seconded to Amend Town Council Policy 94-3 – Parking Meters Days of Operation, by adding the term “Pay Stations.”**

**VOTE: Unanimous.**

**# 6881 Discussion with Action: Amend the Town of Old Orchard Beach Code of Ordinances, Section 54-37, Penalty, to change the fine amounts for parking violations and change to language, effective July 1, 2017.**

**MOTION: Councilor Blow motioned and Councilor Tousignant seconded to Amend the Town of Old Orchard Beach Code of Ordinances, Section 54-37, Penalty, to change the fine amounts for parking violations and change to language, effective July 1, 2017.**

**VOTE: Unanimous.**

**BACKGROUND: It has been some time since parking fines have been increased. This recommendation would increase the minimum amount for parking violations to \$30. Currently the fine for parking at an expired meter is \$25.**

**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 21, 2017, at 6:30 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 section 54-37, Penalty, of the Town of Old Orchard Beach Traffic Ordinance is amended by adding the underscored language and deleting the strikethrough language regarding the fine amounts and language:  
Sec. 54-37. - Penalty.

- (a) Any person who violates any section of this chapter shall be guilty of a traffic infraction and shall, upon adjudication, be subject to a fine of not more than \$100.00. All fines shall be recovered, upon complaint, to the use of the town.
- (b) Persons charged with a violation of this chapter may waive all court action by payment, to the town within five days of the issuance of a notice of violation, a fee in accordance with the following schedule:

- (1) No parking in center ..... \$ 30.00
- (2) Parked in square ..... 35.00
- (3) Parked wrong side facing traffic ..... ~~20.00~~ \$30.00
- (4) Parking within fire hydrant limits ..... 50.00
- (5) Parked on crosswalk ..... 50.00
- (6) Parked too near corner ..... ~~20.00~~ \$30.00
- (7) Double parked ..... 35.00
- (8) No parking in driveway ..... 30.00
- (9) No all-night parking ..... 30.00
- (10) Recreational vehicles, vans, trailers, mobile homes, etc.:
  - a. No all-night parking:
    - 1. First offense ..... 50.00
    - 2. Subsequent offenses ..... 100.00
  - b. No use of public services while parked ..... 50.00
- (11) Tow away zone ..... 50.00
- (12) No parking ..... 30.00
- (13) Other ..... ~~20.00~~ \$30.00
- (14) Expired meter or receipt/no receipt/receipt face down ..... ~~25.00~~ \$30.00
- (15) Parked overtime ..... ~~20.00~~ \$30.00
- (16) No parking, yellow curb ..... 30.00
- (17) Parked in handicap space ..... 250.00
- (18) Parked in loading zone ..... 35.00
- (19) Parked on sidewalk ..... 30.00
- (20) Fire lane ..... 50.00
- (21) Hindering snow removal ..... 30.00
- (22) Parked in bus stop ..... 30.00
- (23) Expired parking slip/no permit or slip Milliken Street Lot ..... ~~25.00~~ \$30.00
- (24) Expired parking slip/no permit or slip Memorial Park Parking Lot ..... ~~25.00~~ \$30.00
- (25) Prolonged parking—Feeding meters ..... ~~25.00~~ \$30.00
- (26) No parking that takes more than one metered space ..... ~~25.00~~ \$30.00
- (c) Any person asked to move, after first being advised by a Police Officer, and who refuses to move is subject to a fine.
- (d) Waiver fees after five days following issuance of a notice of violation and prior to a court appearance shall be twice the amounts set forth in the fee schedule in this section.
- (e) Any vehicle found in violation of any section of this chapter and having three or more outstanding notices of violation may be towed and impounded until all fees and towing charges have been paid in full.

- (f) The fact that a vehicle is found in violation of this chapter shall be prima facie evidence of the violation by the person in whose name such vehicle is registered.

(Ord. of 6-13-1961, § 5-179; Ord. of 3-3-1982; Ord. of 3-18-1986; Ord. of 11-15-1988; Ord. of 1-2-1990; Ord. of 8-6-1991; Ord. of 4-7-1992; Ord. of 8-4-1992; Ord. of 3-20-2001; Ord. of 5-18-2004; Ord. of 7-18-2006; Ord. of 4-7-2009(2); Ord. of 6-22-2011(2); [Ord. of 5-19-2015\(2\)](#) )

Formerly, § 54-44.

# 6882 Discussion with Action: Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 42, Parks and Recreation, Article IV, Town Beach, Division 5, Special Event Permits, by adding a waiver for all application fees for Old Orchard Beach non-profits, and the United States Military, and keeping the waiving of fees for RSU #23 and Town sponsored or co-sponsored events.

**MOTION:** Councilor Blow motioned and Vice Chair O'Neill seconded to Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 42, Parks and Recreation, Article IV, Town Beach, Division 5, Special Event Permits, by adding a waiver for all application fees for Old Orchard Beach non-profits, and the United States Military, and keeping the waiving of fees for RSU #23 and Town sponsored or co-sponsored events.

**VOTE:** Unanimous.

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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 21, 2017, at 6:30 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 42, Parks and Recreation, Article IV, Town Beach, Division 5, Special Event Permits is hereby amended by adding the underscored language to the Town of Old Orchard Beach Code of Ordinances, as follows:  
Sec. 42-258. - Fee.

Before issuance of the special events permit by the town council pursuant to this subdivision and prior to the conduct of the special event, the permit holder shall pay to the town clerk an application permit fee in the amount as specified in the schedule of license, permit and application fees in appendix A of this Code per day or portion thereof the special event will occur, including set-up and take-down dates. ~~The town council may waive at will or reduce the application permit fees for all Old Orchard Beach non-profits, United States Military, RSU #23 or town sponsored or co-sponsored special events shall be waived. and all permit fees.~~

(Ord. of 5-17-1988, § VIII; Ord. of 4-1-2003, § 2; [Ord. of 5-19-2015\(1\)](#) )

# 6883 Discussion with Action: Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 42, Parks and Recreation, Article III, Recreation Area and Park Regulations, Division 1, by prohibiting tobacco use in Memorial Park and prohibiting grills in Memorial Park without a Special Event Permit.

**MOTION:** Councilor Blow motioned and Councilor Tousignant seconded to Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 42, Parks and Recreation, Article III, Recreation Area and Park Regulations, Division 1, by prohibiting tobacco use in Memorial Park and prohibiting grills in Memorial Park without a Special Event Permit.

**VOTE:** Unanimous.

**BACKGROUND:**

This Ordinance is enacted to protect, preserve, and promote the health, safety and welfare of the residents and visitors that use the Town of Old Orchard Beach's Veterans Memorial Park. The purpose of this ordinance is to decrease the exposure of individuals, and children in particular, to secondhand smoke in their outdoor environment. It is also being submitted at the recommendation of the Veteran's Memorial Park Committee. The issue of the use of grills in the park is a result of the misuse of the disposal of grill ashes after use of the grills.

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Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that Chapter 42, Parks and Recreation, Article III, Recreation Area and Park Regulations, Division 1, is hereby added by adding the underscored language to the Town of Old Orchard Beach Code of Ordinances, as follows:

**ARTICLE III: Recreation Area and Park Regulations**

**Division 1. Generally**

**Sec. 42-84. Tobacco-Free Park.**

This Ordinance is enacted to protect, preserve, and promote the health, safety and welfare of the residents and visitors that use the Town of Old Orchard Beach's Veterans Memorial Park. The purpose of this ordinance is to decrease the exposure of individuals, and children in particular, to secondhand smoke in their outdoor environment.

**1) Definitions:**

*Electronic smoking device* means a device used to deliver nicotine or any other substance intended for human consumptions that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen.

*Smoking* means carrying or having in one's possession a lighted or heated cigarette, cigar or pipe or a lighted or heated tobacco or plant product intended for human

consumptions through inhalation whether natural or synthetic in any manner or in any form. "Smoking" includes the use of an electronic smoking device.

**Tobacco Product** means any of the following: (1) A product containing, made, or derived from tobacco or nicotine that is intended for human consumptions, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff; or (2) An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic smoking device. "Tobacco product" does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.

2) **Tobacco use prohibited.**

a) It shall be unlawful for any person to use tobacco products within the property boundaries of Veteran's Memorial Park and the Libby Memorial Library (MBLU 206-27-1).

b) Nothing in this ordinance shall prohibit smoking on privately owned residential property.

3) **Enforcement.**

The Old Orchard Beach Police Department shall investigate and enforce the provisions contained in this ordinance.

4) **Penalties.**

Prior to issuing a citation for violation of this ordinance, a law enforcement officer shall issue one verbal warning to an individual. If the individual fails to comply after the warning, the individual shall be issued a citation to appear in court. If the individual is found to be in violation of this ordinance, the Court shall impose a fine of \$50.00 for the first offense, and \$150 for the second and subsequent offenses, which may not be suspended. The municipality may be awarded attorney's fees and costs incurred in enforcing this ordinance.

**Sec. 42-85. Grills and open flames.**

Open flames of any type are prohibited in Veteran's Memorial Park without a Special Event Permit issued by the Town. The prohibition includes bonfires of any size, cooking grills of any type, including, but not limited to charcoal grills, propane grills, wood grills and gas grills.

# 6884 Discussion with Action: Approve the quote from Pavement Treatments, Inc., to repair an area of road on Portland Avenue near the corner of Ross Road, in the amount of \$5,886, from Account Number 50002-50506 – Public Works Capital Road Maintenance, with a balance of \$519,105.26.

It was motioned at the beginning of the meeting to correct the agenda item to indicate Cascade Road instead of Portland Avenue.

**MOTION:** Councilor Tousignant motioned and Councilor Blow seconded to Approve the quote from Pavement Treatments, Inc., to repair an area of road on Cascade Road Avenue near the corner of Ross Road, in the amount of \$5,886, from Account Number 50002-50506 – Public Works Capital Road Maintenance, with a balance of \$519,105.26.



**VOTE: Unanimous.**

**# 6885 Discussion with Action: Approve the Special Event Permit application for the Old Orchard Beach Recreation Department to hold their 5<sup>th</sup> annual OOB Girls High School Beach Slam Classic at the Memorial Park Basketball Courts on Saturday, July 29<sup>th</sup>, 2017, with a rain date of Sunday, July 30<sup>th</sup>, 2017, from 6 a.m. to 7 p.m. Request to waive the fee as the event is sponsored by the Town of Old Orchard Beach.**

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

**VOTE: Unanimous.**

**# 6886 Discussion with Action: Approve the Special Event Permit application for the Milestone Foundation to gather in the Milliken Street Parking Lot from 9 a.m. to 11 a.m. on Saturday, September 9<sup>th</sup>, 2017, to start the motorcycle ride “Sixty Miles for Milestone”. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided at least one month prior to the event.**

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

**VOTE: Unanimous.**

**# 6887 Discussion with Action: Approve the Special Event Permit application for the Veterans Memorial Park Sub-Committee to hold “Luminary Night” in Memorial Park on Sunday, May 28<sup>th</sup>, 2017, rain date Monday, May 29<sup>th</sup>, 2017, from 3 p.m. to 10 p.m. Request to waive the fee as this is a Town sponsored event.**

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

**VOTE: Unanimous.**

**# 6888 Discussion with Action: Approve the Special Event Permit application from Sarah Clark to hold a wedding on the beach in front of the Crest Motel on Wednesday, August 30<sup>th</sup>, 2017; set-up at 6 a.m., wedding from 11 a.m. to 3 p.m., take down by 8 p.m. Request a rain date of Thursday, August 31<sup>st</sup>, 2017, same times. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided at least one month prior to the event.**

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

**VOTE: Unanimous.**

**# 6889 Discussion with Action: Approve the Liquor License Renewal for KTD Inc. dba/Bell Buoy Restaurant (205-4-5-B), 24 Old Orchard Street, m-s-v in a Restaurant.**

**MOTION: Councilor Blow motioned and Councilor Tousignant seconded to approve the Liquor License Renewal for KTD Inc. dba/Bell Buoy Restaurant (205-4-5-B), 24 Old Orchard Street, m-s-v in a Restaurant.**

**VOTE: Yea: Councilor Blow, Vice Chair O'Neil, Chair Thornton  
Abstain: Councilor Tousignant**

**ADJOURNMENT**

**MOTION: Councilor Tousignant motioned and Councilor Blow seconded to adjourn the meeting at 7:03 p.m.**

**Respectfully Submitted,**

**V. Louise Reid  
Town Council Secretary**

**I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of ten (10) pages is a copy of the original Minutes of the Town Council Meeting of April 4, 2017.**

**V. Louise Reid**