

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
Tuesday, March 7, 2017  
TOWN HALL CHAMBERS  
6:30 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, March 7, 2017. Vice Chair O'Neill opened the meeting at 6:30 p.m.

The following were in attendance:

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

Absent: Chair Joseph Thornton

**ACKNOWLEDGEMENTS:**

Councilor Kelley thanks the Saco Biddeford Savings Institution for hosting breakfast for the Public Works Department in appreciation of their hard work during our recent snow storms.

**ACCEPTANCE OF MINUTES:**

Accept the Town Council Minutes of February 21, 2017.

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

**VOTE:** Unanimous.

**BUSINESS LICENSES AND APPROVAL:**

**VICE CHAIR:** I open this Public Hearing at 6:33 p.m.

Stephen Tsicouleas dba/Sydney Properties LLC (104-2-9-24), 42 Walnut Street, #24, one seasonal rental; Cherylann & Lawrence Beer (310-6-1-460), 39 West Grand Avenue, Unit #460, one year round rental; Daniel Patry dba/Cedar Bay LLC (312-17-8), 86 First Street, six year round rentals; and Wanda Perkins (315-17-4), 35 Union Avenue, one year round rental.

**VICE CHAIR:** I close this Public Hearing at 6:34 p.m.

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

**VOTE:** Unanimous.

**PUBLIC HEARING: AMUSEMENT PERMITS AND APPROVAL:**

**VICE CHAIR:** I open this Public Hearing at 6:34 p.m.

**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.; TPR Inc. dba/Tequila Frogs Local Cantina (306-5-3), 8 East Grand Avenue, Solo, Duets, DJ – Outside and Inside – 12:00 p.m. – 1:00 a.m.; Patio Pub Inc. dba/Pier Patio Pub (306-6-1), 2 Old Orchard Street, Bands, Amplified, DJ, Solo, Comedy – Outside and Inside – 11:00 a.m. – 1:00 a.m.; Patio Pub Inc., dba/Hooligan's Landing (306-6-1), 2 Old Orchard Street, Solo, Duets, DJ, Comedy – 11:00 a.m. – 1:00 a.m.; and Dale Tarbox dba/Sunset Bar & Grill (307-1-6) 6 Fernald Street, Live Music – Outside and Inside – 2:00 p.m. – 10:00 p.m.**

**VICE CHAIR:** I close this Public Hearing at 6:35 p.m.

**MOTION:** Councilor Kelley motioned and Councilor Blow seconded to Approve the Amusement Permits as read.

**VOTE:** Unanimous.

**TOWN MANAGER'S REPORT:** The Town Manager reported that budget meetings have occupied much of his and the Finance Director's time and that he will present to Council on March 21<sup>st</sup> his budget report. He reported that he and the Public Works Director have met with the Maine Department of Transportation to discuss upcoming paving work on Cascade Road and Old Orchard Street to be completed this spring, by June 17. Public Works is to do sidewalk work in front of Landry's before the paving begins. DPW to save the Town money will also oversee work section of road across from the store at Powder Horn campground where road is more heavily deteriorated. Public Works Director and I met with MDOT representatives regarding the paving projects happening this spring on Cascade Road (and Old Orchard Rd). MDOT determined that the section of Cascade near the campground store that is do badly broken up is too far gone to be considered a "preservation" pavement project. It needs to be excavated to repair the base. PACTS does not contribute to this type of restorative work so this portion is done at the Town's exclusive cost. The Public Works Director and I decided that it is cheaper for the Town to take ownership of this work prior to the paving project than it is to have MDOT include it in the paving contract. So this repair work will be done within the next six to eight weeks. In addition I have asked DPW to widen the sidewalk in the Landry's shopping plaza area and this work will also be done before the paving project begins. This section of sidewalk is very narrow and during the summer month's people are frequently forced to walk in the road because of the large numbers of people and the intrusion into the sidewalk of parked cars at Landry's. Attended a PACTS meeting to apply for an additional \$67,000 for shoulder work on Cascade Rd. Initial approval. Discussed potential paving projects for the FY20 fiscal year on E and W Grand and on Union Street. RSU Building committee: Met on Wednesday of this week. The committee has determined that the earliest that a vote could take place on potential bonding is November of 2018. The RSU will submit an application to the State late this spring for possible state funding but the State will not provide an answer until the Summer of 2018. In the meantime the Committee is going to discuss what the needs are and look at options to address those needs, with the goal of having public meetings take place later in 2017 and/or in early 2018 so that there is a visible public consideration of possible school building construction or renovation projects. Saco Avenue paving and improvements: The Town will partner with PACTS and MDOT to pave Saco Avenue from Union to Temple as well as Ocean Park Rd from Temple to I-195. This work will be done in FY19. Joe Cooper and I are looking at this long stretch of road to assess the need for sidewalk improvements, bike lane improvements, and curbing improvements that could be done in conjunction with the paving. I

am also interested in seeing if we can work with Saco to improve pedestrian and bicycle connections on Ocean Park Road in both communities. Currently there are no sidewalks on Ocean Park Road in Saco and no defined bike lanes. Also the intersection of I-195 and Ocean Park Road is extremely hazardous for pedestrians and cyclists. Dunegrass hydrants: In response to concerns expressed by residents in the Long Cove area regarding private fire hydrants (there are about 20 in Dunegrass) I am working with the Fire Department to ensure that they each are marked with the rebar "flag" that helps to keep them visible during the winter season. I have asked the Fire Department to get out there asap to install poles where they are not present. Whether they are "private" or not I want to be sure our emergency responders can find them when needed. I met with Representative George Hogan and Kim McLaughlin to discuss a bill he has put forward that would allow the Town Clerk to conduct voting on site for residents of The Pines. This type of voting used to be allowed and was done by Kim, but was subsequently ruled by the State not to be permitted. 50 units will be part of Sawgrass at Dunegrass: There were previously approved 22. SFR subdivision is going to begin construction within the next one to two weeks.

# 6858 Discussion with Action: Amend Town Council Policy 07-01, Parking Permits, by adding a \$75 permit available to Town Residents that will include parking at parking meters, keeping the \$50 permit, but limiting the purchase to two total residential parking permits.

**BACKGROUND:**

**TOWN OF OLD ORCHARD BEACH  
Town Council Policy 07-01  
Parking Permits**

The Town Council has established the following policy for the issuance of and charges for Municipal Parking permits.

**Resident Parking Permits (municipal lots):** Permits for parking in Municipal Parking lots may be issued only to Town residents. The cost for a Municipal Parking Permit for the Milliken Street and Memorial Park Municipal Lots, inclusive, will cost \$50.00 per permit. There will be a limit of two (2) Municipal Parking Permits per Household. Permits for individual lots may not be purchased separately.

**Resident Eligibility:** Only the following shall be considered residents who are eligible for Municipal Parking permits:

- (1) Individuals who register their car in Old Orchard Beach, who presently live in Town.
- (2) Individuals who register their car in Old Orchard Beach and who pay real estate taxes.
- (3) Individuals who pay real estate taxes, and who live in their homes for the summer season.

**Resident Parking Permits (including parking meters):** Permits for parking in Municipal Parking lots and parking meters may be issued only to Town residents. The cost for a Municipal Parking Permit for the Milliken Street and Memorial Park Municipal Lots, as well as all parking meters on public property will cost \$75.00 per permit. There will be a limit of two (2) Municipal Parking Permits per household.

**Resident Permits are limited to a total of (2) permits. Resident Eligibility for the Resident Parking Permit including all parking meters:**

- (1) Individuals who register their car in Old Orchard Beach, who presently live in Town.**
- (2) Individuals who register their car in Old Orchard Beach and who pay real estate taxes.**
- (3) Individuals that pay real estate taxes and live in their homes year-round.**

**Non-Resident Parking Permits:** All individuals who do not qualify for a municipal resident parking permit may purchase a non-resident parking permit for \$150. There will be a maximum of 100 Non-Resident Parking Permits, and they will be available at a first-come, first-served basis. These permits will authorize parking in the Milliken Street Municipal Parking Lot only, and are not valid for July 3rd, July 4th or July 5<sup>th</sup> [amended this section 2/7/12].

**Overnight Parking Permits:** There will be a maximum of 30 parking permits for overnight parking in the Milliken Street parking lot only, at a cost of \$300 per permit, available on a first-come, first-served basis. [amended this section 10/21/14]

**Employee and Staff Permits:** Staff permits may be issued, at no cost, to Town employees, Staff and Town Councilors for parking in the Employees parking area and Veterans Square area.

**Permits:** Permits shall be in the form of hang tags to be affixed to the rear view mirror. All stickers for which a fee is charged shall be issued by the Town Clerk's Office. The Municipal Parking Permits, Non-Resident Parking Permits, and overnight permits are valid from the Friday before Memorial Day through Labor Day of each year. Colors of the stickers are to be determined by the Town Clerk. Stickers shall be numbered consecutively. Staff parking stickers shall be issued by the Town Manager's office and shall be valid only while the individual is employed. [amended this section 10/21/14].

**Permits Not Transferable:** Permits issued under this policy are personal and not transferable. If the Town Clerk determines that a permit has been sold or otherwise transferred, the Clerk shall immediately void the permit and the permit fee shall be forfeited to the Town. This provision does not prevent the temporary use of a permit by a member of the permit holder's household or a guest of the permit holder [with the written permission of the permit holder]. (Amended by adding this section 9/18/07).

**General Information:** Stickers/permits do not allow overnight parking in any location, except the overnight parking permits. All Permits are non-replaceable. [amended this section 10/21/14].

Adopted: February 6, 2007

Amended: September 18, 2007

Amended: February 7, 2012

Amended: October 21, 2014

**MOTION:** Councilor Kelley motioned and Councilor Blow seconded to Amend Town Council Policy 07-01, Parking Permits, by adding a \$75 permit available to Town Residents that will include parking at parking meters, keeping the \$50 permit, but limiting the purchase to two total residential parking permits.

VOTE: Unanimous.

# 6859 Discussion with Action: Set the Public Hearing date of March 21<sup>st</sup>, 2017 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<sup>st</sup>, 2017.

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.

MOTION: Councilor Kelley motioned and Councilor Tousignant seconded to Set the Public Hearing date of March 21<sup>st</sup>, 2017 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<sup>st</sup>, 2017.

VOTE: Unanimous.

**NOTICE OF PUBLIC HEARING  
MUNICIPAL OFFICERS OF THE TOWN OF  
OLD ORCHARD BEACH**

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on March 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.

# 6860      Discussion with Action: Amend Town Council Policy 94-3, Parking Meters Days of Operation, by adding pay stations, and changing the dates to be operational the second Friday in May to the third Monday in September.

**BACKGROUND:**

This past year the Town Council discussed extending the dates that parking meters are operational at the beginning and the end of the summer season. It was noted during discussion that there are many days prior to Memorial Day and following Labor Day that the downtown and beach areas are very busy and when private parking lots are collecting fees. The Council asked that this order be brought forward for consideration prior to the 2017 season.

Discussion continued between Council about the request from the Chamber of Commerce to have an opportunity to speak to Chief Kelley about this change and it was decided to TABLE this item to the next agenda.

**MOTION:** Councilor Kelley motioned and Councilor Blow seconded to Table this Agenda to the next meeting to Amend Town Council Policy 94-3, Parking Meters Days of Operation, by adding pay stations, and changing the dates to be operational the second Friday in May to the third Monday in September.

**VOTE:** Unanimous.

Shall the Town Council amend Policy Number 94-3, Parking Meters Days of Operation, by adding the underscored language and deleting the strikethrough language?

**TOWN OF OLD ORCHARD BEACH, MAINE**  
Town Council Policy  
Parking Meters Days of Operation  
Adopted: June 15, 1994 Policy Number 94-3

The Town Council has established the following policy concerning the placement and removal of all parking meters and pay stations in ~~on~~ the Town of Old Orchard Beach ~~public ways~~:

- 1- Installation: All parking meters and pay stations shall be installed and operational by the second Friday in May ~~the Friday before Memorial Day weekend~~. The meters and pay stations may be installed one week prior to the above date, but must not be operational until the second Friday in May. ~~may be put in earlier. However, in no circumstances shall any meter be installed, as to give the appearance of operation, before the Monday occurring two weeks before Memorial Day. The intent of the Town Council is to have the meters put in before Memorial Day weekend but as close as possible during that week.~~
  
- 2- Removal: All parking meters and pay stations shall cease being operational the third Monday in September of each year and shall be removed from the streets no later than one week after that date. ~~Shall be removed the Monday after Labor Day. The meters shall be removed as close as possible to the Monday after Labor Day and in no case shall be in operation, or give the appearance of operational, three weeks after Labor Day.~~

**Draft amendments for March 7, 2017 Town Council Meeting.**

Shall the Town Council amend Policy Number 94-3, Parking Meters Days of Operation, by adding the underscored language and deleting the strikethrough language?

**# 6861 Discussion with Action: Approve the quote of \$12,000 from Ted Berry for cleaning and CCTV of Fort Hill sewer, from Account Number 50002-50508 – Public Works Equipment, with a balance of \$362,349.60.**

**BACKGROUND:**

Ted Berry will clean the sewer mains then camera the lines. The camera videos and report will then be given to Wright Pierce who will develop an upgrade plan for the existing sewer system. The Forthill Avenue, Washington Avenue, Evergreen Avenue, and Pine Avenue have been issues for the past few years and continuously have sewer issues.

**MOTION: Councilor Kelley motioned and Councilor Blow seconded to Approve the quote of \$12,000 from Ted Berry for cleaning and CCTV sewer lines in numerous streets in the area of Washington Avenue, Evergreen, Pine and Fort Hill, from Account Number 50002-50508 – Public Works Equipment, with a balance of \$362,349.60.**

**VOTE: Unanimous.**

**# 6862 Discussion with Action: Accept the bid from Quirk Auto Group for one (1) 2017 Ford Interceptor Utility AWD Police Pursuit Vehicle, in the amount of \$28,181; from Account Number 20130-40322 – CDBG Safe Grant, with a balance of \$69,409.39.**

**BACKGROUND:**

The vehicle, a 2007 Ford Expedition with 90,000 miles, currently in use by the K-9 Officer, is ten years old. The vehicle has reached its life expectancy for a frontline patrol vehicle and needs to be replaced. The K-9 program is an integral component of our drug enforcement effort and it has been included in our CDBG Safe Neighborhood Grant submittal. It is agreed that this is an important element of our overall enforcement strategy which is used by the Police Department and the funds will pay for the vehicle in support of the K-9 program from the \$100,000 dollars that have been awarded to us. There is no matching fund requirement for this purchase. This purchase was part of the State Grant Program.

**MOTION: Councilor Blow motioned and Councilor Kelley seconded to Accept the bid from Quirk Auto Group for one (1) 2017 Ford Interceptor Utility AWD Police Pursuit Vehicle, in the amount of \$28,181; from Account Number 20130-40322 – CDBG Safe Grant, with a balance of \$69,409.39.**

**VOTE: Unanimous.**

**# 6863 Discussion with Action: Approve the three year Redesign & Conversion Service Agreement with Virtual Town Hall Holdings, LLC dba/Virtual Towns & Schools (VTS), in the amount of \$6,000, spread over three fiscal years, with no increase in annual costs; costs including Town Clerk, Fire, and Police Websites; subject to final approval of the FY18, FY19 and FY20 budget.**

**BACKGROUND:**



The website host would remain the same, Virtual Town Hall, but they are offering a new platform (Drupal) that will allow visitors to the Town's website to view the website in a format compatible with the device they are viewing it on (i.e. a desktop computer, an ipad, or a smart phone). That is just one of the many new features available. Each staff member that has been granted authority to publish on the website will be given their own user name/password. With the current site, we are limited to a small number of users or pay an additional cost. We will now be able to have unlimited users at no additional cost. Staff can create content and schedule it to go live when needed. Staff can save previous versions, which the current site is unable to do. Staff can also have access to a restricted page on the website that will allow Human Resources, for example, to post forms employees may need, but the public does not want to see. The site administrator can run traffic analytics whenever requested to see how many hits the website has been having, and which page within the website. The new platform can conduct surveys and polling, The front page can have an alert banner and each department within the website can have their own alert banner. When someone signs up to receive RFP's, and an addendum is added, they automatically receive the addendum. A report can run whenever needed to check for broken links, so they can be quickly fixed. When someone reports a concern through the website, they will now have the ability to upload a photo of the issue if they so choose. These are just some of the new capabilities of this format. If you want to view a website to get an example of the format differences between devices, view [www.salem.com](http://www.salem.com) Salem, Massachusetts. View it from a desk top and a smartphone and you will be able to see the difference. As we all know, more and more people are viewing websites through their smartphones, and this new format will help them navigate the website much easier.

**MOTION:** Councilor Kelley motioned and Councilor Blow seconded to Approve the three year Redesign & Conversion Service Agreement with Virtual Town Hall Holdings, LLC dba/Virtual Towns & Schools (VTS), in the amount of \$6,000, spread over three fiscal years, with no increase in annual costs; costs including Town Clerk, Fire, and Police Websites; subject to final approval of the FY18, FY19 and FY20 budget.

**VOTE:** Unanimous.

# 6864 Discussion with Action: Set the Public Hearing date of March 21<sup>st</sup>, 2017 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.

There was input by the Council in discussion of this item. Vice Chair indicated that he had real reservations about this at putting the Town at risk in being asked to sponsor or co-sponsor events. The Town Manager assured the Council that there would be great attention to what events would be co-sponsored by the Town considering the possible liability issue.

**MOTION:** Councilor Blow motioned and Councilor Kelley seconded to Set the Public Hearing date of March 21<sup>st</sup>, 2017 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: YEA – Councilors Kelley, Blow and Tousignant.  
NEA – Vice Chair O’Neill

**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 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\(1\)](#))

Per Order of the Municipal Officers this \_\_\_\_\_ day of March, 2017.

# 6865 Discussion with Action: Approve the Special Event Permit application for the Veteran’s Memorial Park Flag Raising Committee to hold their annual “Veterans Flag Raising” at 6:00 p.m., nightly, seven days a week, from May 29<sup>th</sup> to September 4<sup>th</sup>, 2017; and at 6:00 p.m. on September 11, 2017; 11:00 a.m. on November 11, 2017; and 7:50 a.m. on December 7, 2017; and a request to waive the fee as this is a Town Committee.

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

VOTE: Unanimous.

# 6866 Discussion with Action: Approve the Special Event Permit application from the American Cancer Society to hold a Polar Dip on the beach in front of the Brunswick on Saturday, March 11<sup>th</sup>, 2017, from 10 a.m. to 11 a.m. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk’s office before the event can occur.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Approve the Special Event Permit as read with the change in the time to be 12:30 p.m. to 1:00 p.m.

VOTE: Unanimous.

# 6867 Discussion with Action: Approve the Liquor License Renewals for Dimitri Inc. dba/Jimmy the Greeks (211-9-1), 215 Saco Avenue, m-s-v in a Restaurant/Lounge; TPR Inc. dba/Tequila Frogs Local Cantina (306-5-3), 8 East Grand Avenue, m-s-v in a Restaurant/Lounge; Patio Pub Inc. dba/Pier Patio Pub (306-6-1), 2 Old Orchard Street, m-s-v in a Restaurant/Lounge; Patio Pub Inc. dba/Hooligan's Landing (306-6-1), 2 Old Orchard Street, m-s-v in a Restaurant; and Dale Tarbox dba/Sunset Bar & Grill (307-1-6), 6 Fernald Street, m-s-v in a Restaurant.

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

**VOTE:** Unanimous.

# 6868 Discussion with Action: Set the Public Hearing date of March 21<sup>st</sup>, 2017 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.

**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.

**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 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.

Per Order of the Municipal Officers this \_\_\_\_\_ day of March, 2017.

**MOTION:** Councilor Tousignant motioned and Councilor Blow seconded to Set the Public Hearing date of March 21<sup>st</sup>, 2017 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.**

**GOOD AND WELFARE:**

**HELENE WHITTAKER:** She announced about the next meeting of the Neighborhood Watch and encouraged attendance.

**DENNIS ROBILLARD:** He thanked the Council for the special event permit for the flag raising ceremonies and indicated their plans for the summer months. The Town Council expressed their appreciation and support for all that is done in this regard.

**# 6969 Executive Session: Personnel Matters. (Note: This item discusses privacy issues define under Title 1 M.R.S.A., Section 405(6)(A), and the Council anticipates the discussion will occur in Executive Session.)**

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

**VOTE: Unanimous.**

**MOTION: Councilor Kelley motioned and Councilor Blow seconded to exit the Executive session discussing privacy issues defined under Title 1 M.R.S.A., Section 405(6)(A), and the Council anticipates the discussion will occur in Executive Session.)**

**VOTE: Unanimous.**

**ADJOURNMENT:**

**MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Adjourn the Town Council Meeting at 8:10 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 thirteen (13) pages is a copy of the original Minutes of the Town Council Meeting of March 7, 2017.**

**V. Louise Reid**