

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
TUESDAY, MARCH 3, 2009 - 7:00 P.M.  
TOWN HALL CHAMBERS**

A Town Council meeting of the Old Orchard Beach Town Council was held on Tuesday, March 3, 2009 in the Town Hall Chamber. The Chair opened the meeting at 7:04 p.m.

**Pledge to the Flag and Roll Call:**

**Present:**

**Chair Sharri MacDonald  
Vice Chair Robin Dayton  
Councilor Laura Bolduc  
Councilor Mike Tousignant  
Councilor Shawn O'Neill  
Town Manager Steve Gunty  
Assistant Town Manager V. Louise Reid**

**ACKNOWLEDGEMENTS:**

Chief Glass has informed us that as a result of the diligent work of Deputy Fire Chief John Fitzpatrick York County Emergency Management has selected us along with four other communities to receive a Public Safety Interoperability Communications Radio Grant Package. These packages were provided by the Department of Homeland Security in an ongoing effort to aid Maine communities to be able to communicate with one another during major disasters. The grant includes two digital portable radios and one digital mobile radio. The dollar value of the equipment of the grant is estimated to be approximately \$5,000. The radios can also be used for normal fire/rescue operations as well. Congratulations Chief Glass and Deputy Chief Fitzpatrick.

**ACCEPTANCE OF MINUTES:** Town Council Minutes of February 3, 2009; Town Council Minutes of February 17, 2009; Town Council Workshop of February 25, 2009; and Special Town Council Meeting of February 26, 2009.

**MOTION:** Councilor O'Neill motioned and Councilor Bolduc seconded to Accept the Town Councilor Minutes of February 3, 2009; Town Council Minutes of February 17, 2009; and Special Town Council Meeting of February 26, 2009.

**VOTE:** Unanimous.

**MOTION:** Councilor Dayton motioned and Councilor Tousignant seconded to Accept the Minutes of the Town Council workshop of February 25, 2009.

**VOTE:** Yea: Councilors Tousignant and Dayton and Chair MacDonald  
Abstain: Councilors Bolduc and O'Neill

**BUSINESS LICENSES:** David Dubois & Robert Quattrone (103-3-5), 5 Arnold Road, Units A & B, two year round rental; Stephen Sessions (104-1-29-2), 116 Portland Avenue, Unit 2, one year round rental; Dominator Golf LLC dba/Dunegrass Golf Club (105-1-200), 200 Wild Dunes Way, Victualers, Dancing & Entertainment, Merchandise; Richard Anderson (205-6-6), 6 Imperial Street, Unit 2, one year round rental; Dan Marston (205-10-4), 7 Carll Avenue, one year round rental; David Brady (206-18-5-B), 2 Echo Avenue, Unit B, one year round rental; Michael Caggiano (210-2-6-26), 18 Smithwheel Road, one year round rental; Edgar & Sharyn Fuller (309-9-6), 21 Fort Hill Avenue, one year round rental; John Allen (311-8-1), 11 Sixteenth Street, three year round rentals; Daphne Rioux dba/Aristocrat Motel (315-17-14) 30 Ocean Avenue, fifteen year round rentals; and William & Geoffrey Yeagley (321-24-6), 8 Casco Avenue, one seasonal rental.

**MOTION:** Councilor Dayton motioned and Councilor O'Neill seconded to approve the Business Licenses as read.

**VOTE:** Unanimous.

**SPECIAL AMUSEMENT PERMIT:** Dominator Golf LLC dba/Dunegrass Golf Club (105A-1-200), 200 Wild Dunes Way, Entertainment & Dancing.

**MOTION:** Councilor O'Neill motioned and Councilor Dayton seconded to approve the Special Amusement Permit as read.

**VOTE:** Unanimous.

**TOWN MANAGER'S REPORT:** The Town Manager requested again that some direction be provided for the schedule for budget workshops as requested in his memo to the Council of January 27, 2009 so that we could instruct staff of scheduled meetings.

**NEW BUSINESS:**

# 5124 Discussion with Action: Amend the Taxicab Ordinance, Code of Ordinance, Section 62-26 through 62-125, by Suspending the Ordinance until such a time as a new Ordinance becomes in effect.

Chief Kelley, Mike Nugent and Gary Lamb met recently to discuss our taxi ordinance and enforcement thereof. We would like the Council to consider the following as they debate the temporary suspension and future form of our taxi ordinance Chapter 62.

- Code enforcement and planning staff have recently been working with a new taxi operator to get him properly licensed. During that process, we have discovered that no taxi companies presently "operating in town" have business licenses at all.

- Digging deeper, we discovered this situation has existed for years. This is probably because there have not been problems or major complaints with taxis operating in town. Simply put, in years past, if taxi business license applications were not submitted, no one followed up when taxis were seen operating in town to tell them they needed a license.
- We need a better definition of what the ordinance means by “operating in town”
- Current ordinance limits the number of taxi licenses that can be issued to four...why?
- Current ordinance requires taxi meters whereas most companies now operate by zone fares. Do we care how the fare is determined?
- Current ordinance requires the taxi be inspected by an independent third party inspector. Who should this be?
- License Administrator (Lamb) is supposed to issue a taxi ID card with driver’s name, photo and business license number. We have no provision for doing this now although we could do this without major expense. Is this necessary?
- We have no formal taxi stands in town. With the late night crowds we have, perhaps public safety would be enhanced by creating some.

We look forward to discussing the form (or existence) of our taxi ordinance at future Council meetings and endorse the temporary suspension of Chapter 62 until September 2009.

**ORDINANCE SUSPENDING OPERATION OF  
CHAPTER 62, ARTICLE II – TAXICABS**

WHEREAS, the Town Council finds that the Town’s Taxicab Ordinance, enacted in 1994 and last amended in 1999, is outdated and in need of revision; and

WHEREAS, because applying the ordinance in its current form has the potential to create inequities among operators and enforcement problems; and

WHEREAS, so that taxi operators can make their business plans for the Town’s busy summer season well in advance, any new regulations governing taxicabs should not be implemented until after the end of the 2009 summer tourist season;

NOW, THEREFORE, be it hereby ordained by the Town Council of the Town of Old Orchard Beach, Maine in Town Council assembled that Chapter 62, Article II of the Old Orchard Beach Code of Ordinances, “Taxicabs” is suspended from operation until such time as a new Ordinance becomes in effect.”

**MOTION:** Councilor O’Neill motioned and Councilor Bolduc seconded to Amend the Taxicab Ordinance, Code of Ordinance, Section 62-26 through 62-125, by Suspending the Ordinance until such a time as a new Ordinance becomes in effect.

**VOTE:** Unanimous

**# 5125 Discussion with Action: Schedule Monthly Council Review and Approval of Financial Reports.**

**BACKGROUND:** Councilor Laura Bolduc requested at the last Town Council Meeting that monthly there be a review during the Council meetings of the Financial Reports and approval of same. Councilor O'Neill asked what the purpose of this was since the Council is requested to sign Warrants at each Council meeting. Councilor Bolduc indicated that she had not received monthly financials since becoming a Councilor and felt this was a way to review in a timely manner.

**MOTION:** Councilor Bolduc motioned and Councilor Tousignant to Schedule monthly Council Review and Receive the Financial Reports (pending audit).

**VOTE:** Unanimous.

**# 5126 Discussion with Action: Accept the bid of \$8,990 from Industrial Protection Services of Yarmouth Maine for fire hose from Account Number 30141/50850 – Rescue Billing Fire Vehicle, which has \$12,000 encumbered for new apparatus equipment, and a current balance of \$12,000.**

**BACKGROUND:** Fire hose is an integral part of fire fighting operations. The specialized hose routinely is exposed to weather, smoke, petroleum products, embers, dirt, soot, and other abrasives. The shelf life of hose is dependent upon these factors and over a period of time the hose deteriorates to a condition making it unsafe to use. A request for funding for new fire hose was made to outfit the new fire apparatus being purchased from Seagrave Fire Apparatus. Funds were allocated from Account Number 30141-50850 – Rescue Billing Fire Vehicle - for the purchase of hose and other related equipment to outfit the new apparatus by Council on January 20, 2009. Bids for several sizes, quantities and types of hose were solicited from fire equipment supply companies in early February and five sealed bids were received from several vendors in New Hampshire and Maine. The quoted prices are competitive. Our specifications included a minimum five year warranty and allowed vendors to bid fire hose with longer warranties if desired. Three vendors bid five year warranty hose; one vendor bid ten year warranty fire hose; and one vendor bid hose with both five and ten year warranties. In comparison the additional difference in cost for five extra years of warranty from either of the two vendors who bid this type fire hose is less than \$700. New England Emergency Equipment LLC (NEEE) of New Hampshire bid \$8,986 and Industrial Protective Services (IPS) of Yarmouth Maine bid \$8,990. The Fire Department recommends the Town accept the bid of \$8,990 from IPS, a Maine vendor with whom we have done extensive business before for the ten year warranty fire hose.

**EXHIBIT: Bids for Fire Equipment**

The Town of Old Orchard Beach is soliciting competitive bids for the following Fire Equipment:

(10) 100 foot sections of 5" LDH yellow rubber fire supply hose with 5" "storz" couplings - Hose must have minimum 5 year warranty (16) 50 foot sections of 1 ¾" double jacketed 800 psi colored hose with 1 ½ "male and female NPSH lightweight couplings; (8) 50 foot sections of 2 ½" double jacketed 800 psi colored hose with male and female NST couplings.

Questions regarding specifications and bids to be sent to: Chief John Glass, OOB Fire Department, 136 Saco Avenue, Old Orchard Beach, ME 04064

Bids must be received marked FIRE HOSE be received by 9:00 a.m., February 12, 2009.

The Town of Old Orchard Beach, an equal opportunity organization, reserves the right to accept or reject all bids based on best interest of the municipality.

**MOTION:** Councilor Bolduc motioned and Councilor Dayton seconded to Accept the bid of \$8,990 from Industrial Protection Services of Yarmouth Maine for the fire hose from Account Number 30141/50850 – Rescue Billing Fire Vehicle, which has \$12,000 encumbered for new apparatus equipment, and a current balance of \$ 12,000.

**VOTE:** Unanimous.

# 5127 Discussion with Action: Approve the Liquor License Renewal for Dominator Golf LLC dba/Dunegrass Country Club (105-A-1-200), 200 Wild Dunes Way, s-m-v in a Restaurant.

**MOTION:** Councilor Dayton motioned and Councilor Tousignant seconded to Approve the Liquor License Renewal as read.

**VOTE:** Unanimous.

*Add to Item 5128 the Amending of Section 54 – Regulatory Powers (b)(5) Establish Specific Parking Spaces for Lifeguards to Park during the Hours of 9 a.m. and 5 p.m. between the Friday before Memorial Day and Labor Day.*

# 5128 Discussion with Action: Set a Public Hearing date for March 17, 2009 to Amend Section 54 –Regulatory Powers (b)(5) – Establish Specific Parking Spaces for Lifeguards to Park during the Hours of 9:00 a.m. and 5:00 p.m. between the Friday before Memorial Day and Labor Day; Amend Sections 54-44 (Penalty); 54-159 (Passenger and Loading Zones); and Add Sections 54-114 (Milliken Street Parking Lot) and 54-115 (Memorial Park Parking Lot).

**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 17, 2009, at 7:00 p.m. to consider the following:

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that Chapter 54, sections 4, 44 and 159, of the Town of Old Orchard Beach Ordinance entitled Town of Old Orchard Beach Traffic and Vehicles, shall

be amended, and Sections 114 and 115 shall be added, as shown by the underscored language below:

**Section 54-4, Regulatory Powers**

Add Section: (b) (5)– Establish specific parking spaces for lifeguards to park during the hours of 9am and 5pm between the Friday before Memorial Day and Labor Day.

**Section 54-44, Penalty**

Add the following sections:

(b) (23) Expired parking slip/No permit or slip Milliken Street Lot, \$25.00

(b) (24) Expired parking slip/No permit or slip Memorial Park Parking Lot, \$25.00

**Section 54-159, Passenger and Loading Zones**

Add underscored language: a) No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials or passengers in any place marked as a loading zone. Use of a loading zone shall be limited to 30 minutes.

Add the following sections:

**Section 54-114, Milliken Street Parking Lot**

- A) No vehicle shall park in the Milliken Street parking lot with out first obtaining a valid parking slip from a pay station or by obtaining a resident parking permit from the Town Clerk. The parking slip shall be displayed on the dashboard of the vehicle for the allotted time that was paid for. This ordinance will be enforced between the Friday before Memorial Day and Labor Day.
- B) No parking shall be allowed in this lot between the hours of 2 am and 6am.
- C) Any vehicle in violation of section A of this ordinance, the owner or operator shall be subject to a fine of \$25.00.
- D) Any vehicle in violation of section B of this ordinance, the owner or operator shall be subject to a fine of \$30.00.

**Section 54-115, Memorial Park Parking Lot.**

- A) No vehicle shall park in the Memorial Park parking lot with out first obtaining a valid parking slip from a pay station or by obtaining a resident or non resident parking permit from the Town Clerk. The parking slip shall be displayed on the dashboard of the vehicle for the allotted time that was paid for. This ordinance will be enforced between the Friday before Memorial Day and Labor Day.
- B) Memorial Park parking lot will have two (2) designated handicap spaces.
- C) Memorial Park parking lot will have two (5) free one hour parking spaces for use of visitors to Memorial Park and the Dog park only.
- D) No parking shall be allowed between the hours of 2 am and 6 am.

- E) Any vehicle in violation of section A of this ordinance, the owner or operator shall be subject to a fine of \$25.00.
- F) Any vehicle in violation of section D of this ordinance, the owner or operator shall be subject to a fine of \$30.00.
- G) Any vehicle in violation of section C of this ordinance, the owner or operator shall be subject to a fine of \$25.00

**MOTION:** Councilor Dayton moved and Councilor Tousignant seconded to Set a Public Hearing date for March 17, 2009 to Amend Section 54 –Regulatory Powers (b)(5) – Establish Specific Parking Spaces for Lifeguards to Park during the Hours of 9:00 a.m. and 5:00 p.m. between the Friday before Memorial Day and Labor Day; Amend Sections 54-44 (Penalty); 54-159 (Passenger and Loading Zones); and Add Sections 54-114 (Milliken Street Parking Lot) and 54-115 (Memorial Park Parking Lot).

**VOTE:** Unanimous.

**#5129 Discussion with Action:** Set a Public Hearing date for March 17, 2009 to Amend Section 42-173 (Surfing - Areas Where Prohibited); and Add Sections 42-112 (Beach Rules) and 42-113 (Fishing).

**BACKGROUND: 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 17, 2009, 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 Article IV, Town Beach, Division 1, Section 42-113 is added as shown by the underscored language; Article IV, Town Beach, Division 3, Surfing, Section 42-173, is amended by deleting the strikethrough language and adding the underscored language;, as shown below:

Article IV, Town Beach, Division 1, Section 42-113

There shall be no fishing from the beach or along the shore from 9:00 am to 5:00 pm from Memorial Day through Labor Day. During inclement weather, fishing may be allowed at any time and location along the shore of the Town at the discretion of the lifeguard staff.

Article IV, Town Beach, Division 3, Surfing

Section 42-173:

(b) Surfing or use of surfboards is permitted at all times in the following area: ~~on the northerly side of the Old Orchard Pier from such pier to a point 125 yards from the pier adjacent shoreline water beginning on the beach at the end of 4<sup>th</sup> Avenue and extending 150 feet to the south.~~ During inclement weather, surfing shall be allowed at any time and location along the shore of the town at the discretion of the lifeguard staff.

**MOTION:** Councilor Dayton motioned and Councilor Bolduc seconded to set a date for a Public Hearing on March 17, 2009 to Amend Section 42-173 (Surfing - Areas Where Prohibited); and Add Sections 42-112 (Beach Rules) and 42-113 (Fishing).

**VOTE:** Unanimous.

#5130 Discussion with Action: Set a Public Hearing date for March 17, 2009 to Amend Sections 34-26 (Definitions); 34-91 (Occupancy Requirements); and 34-286 (Required: Criteria for Issuance on Conversion of Seasonal Structures to Year Round Dwellings).

**BACKGROUND: 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 17, 2009, 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 of the Town of Old Orchard Beach Code of Ordinances entitled Housing, sections 26, 91 and 286, shall be amended by deleting the strikethrough language and adding the underscored language as shown below:

**Section 34-26 Definitions.**

Students traveling with a J-1 Cultural Exchange Work Visa means non-immigrant students visiting with a J-1 visa from May to October of the calendar year.

**Section 34-91 Occupancy requirements**

(c) Students traveling with a J-1 Cultural Exchange Work Visa, cClubs, dormitories, sorority and fraternity houses. Where sleeping quarters are furnished for ~~more than 5~~ 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 room divided by ~~50~~ 75 square feet per occupant.

Section 34-286 Required; criteria for issuance.

(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 ~~lot area per family and parking space per dwelling unit~~ requirements of chapter 78.

**MOTION:** Councilor Bolduc motioned and Councilor Dayton seconded to Set a Public Hearing date for March 17, 2009 to Amend Sections 34-26 (Definitions); 34-91 (Occupancy Requirements); and 34-286 (Required: Criteria for Issuance on Conversion of Seasonal Structures to Year Round Dwellings).

**VOTE:** Unanimous.

**GOOD AND WELFARE:**

**LINDA JENKINS:** I want to thank the Council for their vote on the Special event permit for OOB365 during your last meeting and to give a little more background on the group. OOB 365 was originally formed in 2007 by a group of businesses on Old Orchard Street. The concept behind the name is that Old Orchard Beach is home to many businesses that operate year round, "365" days a year, hence, "OOB365." There were a few events put together by members of this group that showed just what could be done when everyone is working toward a common goal. I'm sure many of you remember the crowds winding up and down Old Orchard Street when NASCAR's Kasey Kahne made an appearance at the Race Place. The group's momentum was slowed however, with the loss of two key members, Chris and Carol Bolduc. Recently several business owners have restarted the conversations of how to bring more year round business to Old Orchard and the results have been amazing. The group has been meeting weekly and continues to grow. They have adopted a mission statement and I would like to read it to you now: *"OOB 365 is a group of Old Orchard Beach businesses and private citizens dedicated to developing regularly scheduled, quality activities in our community in order to promote interest and commerce in Old Orchard Beach on a year-round basis. To this end, OOB 365 will work in cooperation with the local Chamber of Commerce, the Bar and Restaurant Association (BRASS), and the Town of Old Orchard Beach in organizing monthly activities."* OOB365 would like to invite any interested parties to attend the next meeting which will be held on Tuesday, March 10, 2009 at JJ's Eatery at 7:00 p.m. And again, the mission statement includes private citizens as well as business owners – we're all in this together. The energy at these meetings has been very contagious and I feel confident that we will be seeing some great things happening in Old Orchard Beach due to the revitalization of OOB365. Their kickoff event is scheduled for May 3<sup>rd</sup>, entitled, "A Taste of OOB." It promises to be a great family event with a lot of surprises for everyone. Posters are being displayed around Town with more details. You can contact OOB365 at [oob365@maine.rr.com](mailto:oob365@maine.rr.com)

**HELEN WHITTIKER:** I would just like remind everyone that the Vial of Life is available for any citizens and can be secured through the Police and Fire Departments. We have just placed another order for 1,000 more Vial of Life's. The Program has already been a huge success and it is a marvelous safety measure for all citizens.

**CHAIR MACDONALD:** We are looking for members to fill positions in the Finance Committee and have already received three applications. If you are interested please call or visit the office of the Town Clerk.

**ADJOURNMENT:**

**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 true copy of the original Minutes of the Town Council Meeting of March 3, 2009.**

**V. Louise Reid**