

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, October 7, 2014
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, October 7, 2014. Chair O'Neill opened the meeting at 7:02 p.m.

The following were in attendance:

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

**Pledge to the Flag
Roll Call**

ACKNOWLEDGEMENTS:

COUNCILOR KELLY: Many thanks to Vice Principal George Shabo and the children and teachers of Loranger School for their efforts in cleaning up the beach this past Friday. Their interest in the environment is impressive and it was a beautiful day which made their efforts even more productive.

COUNCILOR PASTOR: We would like to note that the American Legion Post 57 in Old Orchard Beach will be dedicating its Bingo Hall to the memory of Post Commander Irvin W. Merrithew at 6:00 p.m. on Saturday, October 25, 2014 at the Legion Headquarters on Imperial Street. Irv served for six years in the U.S. Marine Corps. He was a member of Post 57 for over eight years and served as Americanism Officer, Service Officer, Vice Commander, three years as Commander, and seven years as Bingo Officer. He vitalized the Post's highly successful Bingo program which in 2013 donated over \$64,000 to a variety of community and Veterans Programs. Remember the date, Saturday, October 25 at 6:00 p.m.

ASSISTANT TOWN MANAGER: We would like to remember and pay tribute to Phil Denison who passed away on September 22nd. Phil was an Alternate Member of the ZBA from June 19, 2007 to December 16, 2008. He became a regular member on December 16, 2008 until his resignation because of illness on December 2, 2014. He was also on the Comprehensive Plan Committee from January 19, 2010 to December 31, 2013. Phil spent many years involved working on the National Board of Directors of the YMCA, serving on the Jerusalem Development Task Force of the YMCA, receiving several Distinguished YMCA Service awards. He served on The Salvation Army Advisory Board as well. Our sincerest condolences go out to his wife, Marsha, and their family. She also reminded the community that absentee voting is now taking place in the Chamber – Monday through Friday until the election. Registration to vote can be done in the Town Clerk's office.

ACCEPTANCE OF MINUTES: Town Council Meeting of September 16, 2014;

MOTION: Vice Chair Quinn motioned and Councilor Kelley seconded to Accept the Town Council Minutes as read.

VOTE: Unanimous.

PUBLIC HEARING:

CHAIR: I open this Public Hearing at 7:07 p.m.

- (1) Shall We Amend the Town of Old Orchard Beach Code of Ordinances, Section 54-187, Restrictions and Prohibitions, Heath Street?

Heath Street. No vehicle shall be parked on the southeasterly and northeasterly sides of Heath Street (none on either side), except from the intersection of Heath Street and First Street, parking will be allowed on the left-hand side facing the ocean, for a distance of 650 feet westerly.

- (2) Shall We Amend the Town of Old Orchard Beach Code of Ordinances, Section 54-187, Restrictions and Prohibitions, Seaside Avenue?

Seaside Avenue. Diagonal parking only shall be allowed on the ocean side of Seaside Avenue, between Colby Avenue and Temple Avenue; each parking space shall have a 30-minute limit and shall be so marked with appropriate signs. No vehicle shall be parked on either side of Seaside Avenue between Randall Avenue and Porter Road. No vehicle shall be parked on either side of Seaside Avenue from Union Avenue to Ancona Avenue. ~~Parallel parking only shall be allowed on the ocean side of Seaside Avenue between Winona and Tunis Avenues. No vehicle shall be parked on the westerly side of Seaside Avenue between Winona and Tunis Avenues. Parking is allowed on both sides of Seaside Avenue from Demeritt Square to Oceana Avenue; parking is allowed on the ocean side only of Seaside Avenue from Oceana to Tunis Avenue; parking is allowed on both sides of Seaside Avenue from Tunis Avenue to Seacliff Avenue. No vehicle shall be parked on either side of Seaside Avenue from Seacliff Avenue to Union Avenue.~~

54-187, Restrictions and Prohibitions, Union Avenue?

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 October 7th, 2014, 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 section 54-187, Restrictions and Prohibitions (Union Avenue), of the Town of Old Orchard Beach Traffic Ordinance is amended by adding the underscored language, and deleting the strikethrough language:

Sec. 54-187. Restrictions and prohibitions.

Union Avenue. Parking shall be allowed on the right-hand side (side facing the ocean) of Union Avenue from Saco Avenue to First Street. No vehicle shall be parked on the left-hand side (side facing the ocean) of Union Avenue from Saco Avenue to First Street. Ten-minute parallel parking shall be allowed on both sides of Union Avenue from First Street to West Grand Avenue, and parking shall be allowed on ~~both sides~~ the left-hand side of Union Avenue from West Grand Avenue to the seawall.

- (4) Shall We Amend the Town of Old Orchard Beach Code of Ordinances, Section 54-187, Restrictions and Prohibitions, West Grand Avenue?

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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 section 54-187, Restrictions and Prohibitions (West Grand Avenue), of the Town of Old Orchard Beach Traffic Ordinance is amended by adding the underscored language, and deleting the strikethrough language:

Sec. 54-187. Restrictions and prohibitions.

West Grand Avenue. No vehicle shall be parked on either side of West Grand Avenue from Old Orchard Street to the Saco Line, except that parking shall be allowed on the ocean side of West Grand Avenue from Ocean Avenue to ~~Pavia~~ Ancona Avenue. Also, ten-minute parking shall be allowed for 20 feet on both sides of West Grand Avenue from Union Avenue. Loading and unloading only may be permitted within 50 feet of commercial establishments if not in conflict with other provisions of this chapter. Signs shall be erected and will define such areas at the designation of the chief of police. Parking shall be allowed on the ocean side of West Grand Avenue from Staples Street to Fourth Street

- (5) Shall We Amend the Town of Old Orchard Beach Code of Ordinances, Section 54-142, Parking at expired meters and overtime parking?

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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 section 54-142, Parking at expired meters and overtime parking, of the Town of Old Orchard Beach Traffic Ordinance is amended by adding the underscored language, and deleting the strikethrough language:

Sec. 54-142. Parking at expired meters and overtime parking.

(a)

Between the hours of 10:00 a.m. and 11:00 p.m., no person shall park a vehicle in a metered parking space without first depositing a coin into the adjacent parking meter in the amount indicated on the parking meter for the appropriate time. No person shall allow a vehicle to remain in a metered parking space when the time signal on the adjacent parking meter indicates that the time for parking has expired (parking at expired meter). No person shall allow a vehicle to remain in a parking space for a period of time longer than the maximum time limit for that parking space posted on a sign or indicated on a parking meter (parked overtime). Parking shall be allowed in metered spots without first depositing a coin into the adjacent parking meter in the amount indicated on the parking meter between the hours of 11:00 p.m. and 10:00 a.m.

(b) No person shall park or stand more than one motorcycle in any metered parking space. ~~any vehicle having fewer than four wheels at or in a metered parking space which is designated by a sign or by notice posted on or near the parking meter as restricted to parking of automobiles only. No person shall park or stand any vehicle other than a motorcycle at or in a metered parking space which is designated by a sign or by notice posted on or near the parking meter as restricted to parking of motorcycles only.~~

The Town Council Chair acknowledged the over sixty citizens attending the Town Council Meeting this evening. He recognized and extended appreciation to each of those who had written e-mails, letters or placed calls to the Town Council. He acknowledged that the Council depends on the feedback from citizens so that decisions can be made on issues brought before the Council. He indicated that although these five items were on the agenda in a desire to raise additional revenue it was obvious from their many actions indicating concern over approving ordinance changes that not only safety but residential issues were relevant. As a result he indicated that the Council was going to remove without prejudice Items one through five. At this point there was thunderous applause from those in the audience and spontaneous recognition from some in the audience of appreciation for the decision of the Council. Both Councilors Pastor and Kelley again expressed their appreciation for the direction provided to them by the residents. They both indicated that this is how government works – the Council elected by the people look to their constituents for direction on important issues such as this. Resident Ricki Letowt recommended that citizens become involved in their community neighborhood watch so they are more aware of issues facing the Council and provide their input.

CHAIR: I close this Public Hearing at 7:17 p.m.

MOTION: Councilor Thornton motioned and Councilor Blow seconded to Remove without Prejudice Items 1 through 5 on the Amendments to the Ordinances.

VOTE: Unanimous.

(6) Shall We Amend the Town of Old Orchard Beach Code of Ordinances, Section 42-81, Posting of Signs, and Section 42-83, Hours of Use, regarding the Ballpark?

CHAIR: I open this Public Hearing at 7:18

BACKGROUND:

The Ballpark Commission has been concerned about vandalism at the Ballpark and apparently there have been instances of vandalism already experienced as it regards the Community Garden. They are asking for “No Trespassing” at the Ballpark, Ballpark Lot and the Community Garden from 10:00 p.m. to 6:00 a.m. unless there is a staffed event approved by the Ballpark Commission or the Town Council. We currently have a section on the books that can be amended to cover the Ballpark. There are no lights at the Community Garden so there is no reason for anyone to be there after dark.

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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 section 42-81, Posting of Signs, and Section 42-83, Hours of Use, of the Town of Old Orchard Beach Traffic Ordinance is amended by adding the underscored language:

Sec. 42-81. Posting of signs. 

The chief of police shall post appropriate signs giving notice of the prohibitions of this article at the main entrance to Memorial Park, the Ballpark, and at such other parks or recreation property as he deems necessary to ensure compliance with this article.

(Ord. of 9-17-1980, § 3)

Sec. 42-82. Alcoholic beverages. 

It shall be unlawful for any person to possess or to consume any alcoholic beverage or liquor, as defined by 28-A M.R.S.A. § 2, within the boundaries of any park or recreation property owned, leased, managed or controlled by the town except as authorized by the town council pursuant to a special event permit for the ballpark as defined in chapter 2, division 8 of article IV and approved under division 5 of article IV of this chapter or a contract, lease or other agreement approved by the town council for the use of the ballpark as defined in chapter 2 division 8 of article IV.

(Ord. of 9-17-1980, § 1; Ord. of 4-5-1994; Ord. of 7-5-2011)

Cross reference— Alcoholic beverages, ch. 6.

Sec. 42-83. Hours of use. 

Except for the purpose of ingress or egress in connection with the lawful parking or recovery of a vehicle in parking areas designated by the town, no person shall loiter

or remain in or upon any outdoor park or recreation property, **including the Ballpark**, owned, leased, managed or controlled by the town after the hour of 9:00 p.m. to 9:00 a.m., the following morning, prevailing time, with the exception of East

JOHN GALLO: He expressed concern about time frames developed in this agenda item for there are times when scheduled events include people being there long before the beginning of the events and long after all participants have exited. He encouraged more consideration on the time periods indicated in this agenda item.

JEROME BEGERT: He spoke in relation to Public Hearing Number 6 – the Ordinance Amendment posting signs/ and the Ballpark Hours. He said this partially originated from him telling the Ballpark Commission Vice Chair, Guy Fontaine that: an ordinance would be required for us to erect signs that restrict unapproved parking at the Ballpark after dark (with the exception of still-ongoing baseball games and special events). This is nearly perfect for the Ballpark as long as the written public record shows an understanding of the following: (1) Raging Tide ballplayers and coaches vehicles will be parked beyond 9:00 p.m. (in the dark(while that are at away-games; and also the staffer who launders towels and uniforms overnight. They can be given official parking passes. (2) The gentlemen's baseball leagues (non-Tide) will be parked after dark during night games, while stadium lights are on. (3) Ballpark commissioners and volunteers will sometimes be doing restoration work or special event preparations, after 9:00 p.m. and/or before 9:00 a.m. In those cases we can park inside the Ballpark Fence, if necessary. (4) Special events, like mixed-martial-arts, might end at 9:30 p.m., but require immediate dismantling and clean-up which could last until midnight, like it did this past August; (5) Special events like the Halloween-related "Field of Screams" will close to the public at 10:00 p.m. while OOB365's clean-up efforts will quietly continue until 11:00 p.m. With all that understood and in the public record, this is perfect for the Ballpark, except possibly for one thing. I read a related document that said this pertains to all parks and town-owned land; and that caused me to remember people walking their dogs at Memorial Park and the Ballpark parking-lot during summer mornings, when the sun has risen by 5:00 a.m. To that end, I would slightly alter the hours. For no parking (no occupancy as follows: 9:00 p.m. to 8:00 a.m. from September 1 to May 1st and from 9:00 p.m. to 7:00 a.m. from May 1st to September 1st.

TOWN MANAGER: He indicated that he would make adjustments in the time frame suggesting terms such as sundown to sunrise or ½ hour before dawn to sunset, etc. before again setting the date for a Public Hearing to review those changes before being brought forward under new business.

CHAIR: I close this Public Hearing at 7:27

TOWN MANAGER'S REPORT: He reported that the Eastern Trail pedestrian lights along Cascade Road are in place and operational. Library masonry and roofing work continues with the goal of buttoning up on the building before winter weather hits. Finalized the Town/State agreement for Saco Avenue intersection improvements to be done this spring including signalization and turning lanes. The medical marijuana draft ordinance has been reviewed by legal counsel and will be reviewed by the Planning Board in November and December. Council will be asked to extend the moratorium once again due to this schedule. Continued work on the J-1 student issue in preparation for a meeting to be held with employers and the placement companies that recruit the students with a goal of having both the employers and the placement companies take on responsibility for securing legal and safe housing for the J-1 students. Met with non-union staff for a question-and-answer session and information sharing and hope to do this quarterly. Two

new buildings are proposed on Old Orchard Street 29 and 36. Interviews were conducted for the Deputy Town Clerk and we hired John Leighton and welcome him to our staff.

NEW BUSINESS:

6298 Discussion with Action: Accept, with regret, the resignation of Susan O'Hara from the Community Animal Watch Committee.

MOTION: Vice Chair Quinn motioned and Councilor Thornton seconded to Accept, with regret the resignation of Susan O'Hara from the Community Animal Watch Committee.

VOTE: Unanimous.

6299 Discussion with Action: Approve the Special Event Permit application for OOB365 to hold Field of Screams Haunted Hayrides in the Ballpark from October 17th-19th and October 22nd-31st, 2014, from 6 p.m. to 10 p.m. Request for a banner at the intersection of E. Emerson Cummings Blvd. and Saco Avenue from October 7th through October 31, 2014; and a request to waive the fee.

MOTION: Councilor Kelley motioned and Councilor Pastor seconded to Approve the Special Event Permit Approve the Special Event Permit application for OOB365 to hold Field of Screams Haunted Hayrides in the Ballpark from October 17th-19th and October 22nd-31st, 2014, from 6 p.m. to 11 p.m. Request for a banner at the intersection of E. Emerson Cummings Blvd. and Saco Avenue from October 7th through October 31, 2014; and a request to waive the fee.

VOTE: Unanimous.

6300 Discussion with Action: Approve the Special Event Permit application for 5k Sports Race Management to hold "Beat Santa 4 miler" on Sunday, December 7th, 2014, starting at 11:15 a.m. Runners must not be on Saco Avenue between Heath Street and Old Orchard Street beyond 12:15 p.m., and two Old Orchard Beach police officers are required; Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk's Office at least one month prior to the event.

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

VOTE: Unanimous.

6301 Discussion with Action: Approve the Special Event Permit application for the Recreation Department to hold their annual Frozen 4-miler Road Race on Sunday, January 18, 2015, with a snow date of Sunday, January 25th, 2015, starting at 12:30 p.m.; two Old Orchard Beach police officers required; and a request to waive the fee.

MOTION: Vice Chair Quinn motioned and Councilor Thornton seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

6302 Discussion with Action: Appropriate \$750 from Account Number 20102-50549 – Town Manager Miscellaneous, with a balance of \$9,577.02; to Account Number 20174-50708 – Firefighter’s Halloween Party, with a zero balance, to support the Town’s Halloween Party.

BACKGROUND:

Back in 2011 the Council at that time removed this item from the budget request. The current Council is being asked to reconsider since this is a Town event.

MOTION: Councilor Pastor motioned and Councilor Blow seconded to Appropriate \$750 from Account Number 20102-50549 – Town Manager Miscellaneous, with a balance of \$9,577.02; to Account Number 20174-50708 – Firefighter’s Halloween Party, with a zero balance, to support the Town’s Halloween Party.

VOTE: Unanimous.

GOOD AND WELFARE:

COUNCILOR PASTOR: She announced that RSU23 has contracted with Garbage to Garden out of Portland. The Company dropped off 36 bins to all three schools on Tuesday, October 6th and the schools will begin composting next week.

COUNCILOR TOUSIGNANT: He questioned special event permits for non-profits where money is used just to raise money. It was noted however than in these cases they are not asking for consideration of waiving the fee. This is an item that was suggested to be discussed in the Workshop tomorrow evening.

JEROME BEGART: He made comments relative to the Special Event permit and groups making a profit and the cost that some have to pay for use of the Ballpark including the OOB 365 in connection with their Halloween Program.

ADJOURNMENT:

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Adjourn the Town Council Meeting at 7:45 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 nine (9) pages is a copy of the original Minutes of the Town Council Meeting of October 7, 2014.

V. Louise Reid