

Chairman Kerr asked if he was referring to what was in the ordinance, and Mr. Darling stated yes. Chairman Kerr then explained that at the last meeting, there was a police officer present and measured the decibel level of conversational talking in the room. This measured 83 decibels which is higher than the amount written in the ordinance. This will enable the police to control the sound.

Mr. Darling was concerned that the music rises and falls, and the measurement would be had to get.

Mr. Nugent clarified how the readings are taken, and Mr. Darling understood.

Mr. Darling asked if the police would go to the Pavilion directly and take the measurement if they received a complaint. Chairman Kerr stated yes, and if the noise is loud they would then ask for the sound to be lowered or stopped.

Mr. Darling did not understand because he had called the police department six times last year, and none of those calls were responded to.

Chairman Kerr said that this ordinance will enable the police to enforce the ordinance. The prior ordinance did not.

Vice Chair Mailhot interjected that this change is not giving the Salvation Army permission to operate any louder than they do now.

Mr. Darling reiterated that the concerts have gotten bigger and bigger. He also stated that his neighbors received a letter, but he did not.

Chairman Kerr explained that he went around the directly abutting neighborhood and handed out literature. He also stated the committee has followed the ordinance in the same way the Town Council does, and has gone above and beyond to inform neighbors and the town in general.

Mr. Darling stated it is hard to find out the internet and it takes about three clicks to get to the ordinance.

Chairman Kerr stated there is a lot of noise and sound in the entire town. The Salvation Army brings in a lot of revenue, but it's not about that. The town needs a sound ordinance. The committee is willing to bring it to council and see what happens. If we do nothing we are back to square one.

Mr. Darling reiterated that he did not feel 70 decibels at 10:00 p.m. was reasonable.

Mr. Scoville stated that he lives in next to a campground, and he can hear just as much noise from that every single day. It is the nature of the town in summer time.

Mr. Darling felt that the Salvation Army would not turn down the music if asked.

Chairman Kerr asked Mr. Darling to remember that the council

has the say if there is no ordinance there is no way to enforce it.
Tony Barbano, 2 Longcove Drive.
Mr. Barbano asked why the Salvation Army was exempt from this sound ordinance.
Vice Chair Mailhot explained that they are not operating at a different level then they ever had.
Mr. Barbano stated his concern was with his business in the BRD. If this ordinance is passed he cannot have the entertainment.
Vice Chair Mailhot stated the appropriate way is to change the zoning.
Mr. Daley asked Mr. Barbano how many years ago did he buy the Pirates Patio.
Mr. Barbano stated 2 years.
Mr. Daley asked if there was any talk about the issues with the entertainment when you were in the process of buying.
Mr. Barbano stated yes.
Mr. Daley confirmed that he was prepared to have the restrictions imposed.
Mr. Barbano felt that the 55 decibel level was too low, and he is being singled out.
Chairman Kerr asked if there were any other questions.
Rich Redmond, 116 Ross Road
Mr. Redmond was on the committee for sound, and he explained his noise complaints vary due to different times when conditions can change, such as wind etc. He questioned how the town would measure this.
Chairman Kerr explained the process under the ambient noise.
Mr. Nugent continued to explain the delineations and that specific weather conditions are under the criteria of the reading. The officer would establish the noise "ambient" and whatever was causing the noise would be measured WITH the ambient noise. They would measure in 1 minute intervals and if in violation would need to turn the noise down.
Mr. Redmond asked where the measurement would be taken.
Mr. Nugent stated the source lot line.
Mr. Redmond explained that in the past there has been a difficult time doing that.
Chairman Kerr explained that the level is 10 decibels over the ambient noise. We have tried to take the surrounding noise into consideration.
Bud Harmon, Chamber of Commerce
Mr. Harmon referred back to what Mr. Ordway had said, and had some confusion. He felt the noise should be measured at the point of the complaint.
Chairman Kerr stated the committee felt there should be some control mechanism.

<p>Mr. Harmon felt that this document was something more restrictive than what is on the books now. He also stated that he felt the Salvation Army should have had these issues dealt with when the town issued their permit to build the Pavilion. Chairman Kerr again stated this is not a Salvation Army issue, but is a town-wide sound ordinance.</p> <p>Mr. Harmon felt the committee had done a good job clarifying the issues.</p> <p>Pat Brown, Sound committee.</p> <p>Ms. Brown explained that the prior sound committee was comprised of 14-15 people from all walks of life.</p> <p>Chairman Kerr asked if anyone else wished to speak. No one did.</p>	
<p><u>Item 2: Chapter 42: Parks and Recreation</u></p> <p>Mr. Nugent stated that he had solicited input from other town departments this pertained to. He then went on to explain the Special event section referencing the Ballpark. Mr. Nugent looked at this and compared it to other towns. He then pointed out that he references the new section for athletic events which are now separate. He explained the process.</p> <p>Chairman Kerr asked if there were any questions.</p> <p>Vice Chair Mailhot asked about Section 42-83 which was hours of use for parks. It stated that parks open at 9:00 a.m. which she felt was too late. She proposed changing it to earlier after getting input from Andrea Berlin from the conservation committee. She then asked about Section 42-201 concerning vehicles on the beach and asked Mr. Nugent if this was a DEP rule.</p> <p>Mr. Nugent explained that this is actually in front of the Town Council at the upcoming meeting. DEP is very specific regarding each event. The coastal sand dune rules are broad.</p> <p>Chairman Kerr voiced his opposition to the rules that the DEP imposes on the town. He believes that no one protects the beach more than the residents of the town.</p> <p>Mr. Nugent stated the staff is complying with state law, and we will work as closely as possible with them to attain our goals.</p> <p>Vice Chair Mailhot pointed out Section 42-402, Item F, subsection (1). Was there a problem with horses on the beach?</p> <p>Mr. Nugent stated we will check with the town clerk regarding that, as she worked closely on the ordinance with Scarborough.</p> <p>Vice Chair Mailhot asked if there is any history or reason why.</p> <p>Mr. Harmon interjected that he felt this may have something to do with the waste.</p> <p>Chairman Kerr stated that the town authorized buggy rides on the beach and asked if we need to revisit and adjust this.</p> <p>Vice Chair Mailhot asked about Section 42-264. The conditions</p>	<p style="text-align: center;">Motion Vote</p>

<p>for athletic events and the need for certificate of liability. She stated she would not want that to limit only corporations to be able to rent the Ballpark. She would like to allow non-business people to be able to use the facility.</p> <p>Mr. Harmon stated that other areas that are owned by the town, such as the beach, do not require people to show certificate of liability.</p> <p>Chairman Kerr stated that he stopped having the very popular and successful body building contests because of the insurance issues and costs.</p> <p>Mr. Harmon suggested maybe signing a waiver.</p> <p>Mr. Nugent stated we need to have some sort of control. Should try to make it more convenient for more people.</p> <p>Mr. Bryant referenced Section 42-93 concerning the Dog Park. Is there signage which tells the hours of the park and rules, etc?</p> <p>Mr. Nugent stated staff would find out. It was a good idea to have this.</p> <p>Chairman Kerr then asked if anyone in the public would like to address Chapter 42-Parks and Recreation. Seeing no one, he announced the next meeting to be on May 12th at 7:00 p.m. in the council chambers which will address Chapters 46, 50, and 58.</p> <p>Mr. Scoville moved to second Chapter 26 – Environment to the council with recommended changes.</p> <p>Vice Chair Mailhot seconded.</p> <p><i>Motion passed unanimously.</i></p> <p>Mr. Nugent congratulated the committee on getting through Chapter 26 and recognized the efforts of the committee.</p>	
<p><u>Good and Welfare</u></p> <p>Mr. Barbano reiterated his concerns about the zone his business is and the 55 decibel level. He asked the committee how to go about asking the town council to adjust this.</p> <p>Chairman Kerr stated this document will go to the Town Council for a public hearing, and he will have his opportunity to speak at that time. What we are sending is nothing more than a recommendation.</p> <p>Mr. Barbano stated he felt the committee did a good job, but that his business is being left out.</p> <p>Mr. Daley once again stated that Mr. Barbano purchased the property with full knowledge of the sound issues. The committee is very pro-business, and this is a different situation than the Salvation Army who should be protected.</p> <p>Mr. Barbano understood and agreed the Salvation Army should be protected.</p> <p>Chairman Kerr stated there is no major change being made. Mr. Ordway only clarified that the committee's wishes were.</p>	<p style="text-align: center;"><u>Good And Welfare</u></p>

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 ORDINANCE REVISION COMMITTEE MINUTES April 28, 2010

Mr. Barbano once again stated he felt he was being targeted. Chairman Kerr again referred him to the council, as they are really the ones who can change this.	
Vice Chair Mailhot moved to adjourn. Mr. Daley seconded. <i>Motion passed unanimously.</i>	Motion Vote
MEETING ADJOURNED AT 8:30 P.M.	<u>Adjournment</u>

I, Tori Geaumont, Secretary to the Ordinance Revision Committee of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of six (6) pages is a true copy of the original minutes of the Ordinance Revision Committee Meeting on April 28, 2010