

Mr. Nugent explained that if changes were to be made in Old Orchard there would need to be the same changes in Scarborough, as they work together with permitting.

Vice Chair Mailhot thought it would be good for beach businesses. She also asked again about section 42-259 regarding athletic events and waivers for private citizens.

Mr. Nugent stated that the town's insurance company stated doing that would expose the town to damage. It could be discussed further with the Ballpark Committee, but he was not sure at what point that would happen as the committee and Ballpark is so new and evolving.

Chairman Kerr addressed the audience for any questions regarding Chapter 42 and no one had any questions or concerns. He then went on to Chapter 46-Solid Waste.

Vice Chair Mailhot commented regarding 46-58 and asked to remove "bottle club", as that was taken out in a prior revision. She also inquired why trash cannot be picked up in multi-family dwelling units.

Mr. Nugent stated that the committee could put some language in there changing this and sent it to council.

Mr. Daley thought this was a service that you pay for in a condominium.

John Weaver, Runnels Ave.

Mr. Weaver is chairman of the recycling committee, and he stated that is a very common ordinance in southern Maine mainly due to the amount of barrels produced. He then questioned under Section 46-58 (c). Can anyone put out recycling?

Chairman Kerr asked Mr. Nugent to answer this.

Mr. Weaver stated he felt this was a great idea, but people have been told they cannot have it picked up.

Mr. Nugent asked if there is current curbside recycling pick-up.

Chairman Kerr said yes, weekly.

Mr. Weaver stated that BBI has said they would have no problems doing that.

Mr. Scoville stated the way that he reads this section it states that people can have it picked up.

Mr. Weaver reiterated that people have been told they cannot have it picked up.

Chairman Kerr asked again if BBI is okay with doing this.

Mr. Nugent said that we can look into this.

Chairman Kerr made sure everyone on the committee read the same way. The committee all read it the same way.

Mr. Scoville asked if this should go to the Town Council.

Mr. Nugent stated this could be handled internally with staff. He then brought up budget concerns in the town and some staff

has suggested a pay-pay-bag program. He asked the committee for their input.

Chairman Kerr voiced his personal opposition, as he felt residents pay taxes already and this is part of that fee.

Discussion ensued regarding a fee for service and taxes, as well as how this works in other communities, such as Portland. Mr. Nugent explained Portland's system.

Mr. Scoville felt that there would not be a lot of support from residents.

Chairman Kerr did not feel the committee should handle this. He felt if the Town Council wanted to do this it was in their purview. He then asked if there was anything further.

Mr. Weaver asked why the committee wished to eliminate dumpster permits.

Mr. Nugent explained in Section 46-60 every dumpster in town needs a permit, but this is not enforced and has not been for quite some time. He does not think commercial dumpsters need to have permits, but temporary dumpsters should if on town property.

Vice Chair Mailhot asked about changing the time trash barrels need to be taken back in from 7:00 p.m. to 9:00 p.m. as some residents work late. She then asked if why the temporary dumpster permit existed and what the fee is.

Mr. Nugent explained the need for public safety if the dumpster is located on public property, in regards to police and fire. He then stated there is no fee involved with the permit.

Vice Chair Mailhot felt that removal in 24 hours was too quick and suggested maybe 48.

Mr. Nugent felt 72 hours would be best, as some building projects wrap up on Friday.

Chairman Kerr stated the town does a very good job accommodating this.

Vice Chair Mailhot wanted to add in Section 46-186 "relative to recycling".

Mr. Weaver felt "relative to solid waste" was better.

Vice Chair Mailhot wanted clarification that a property owner would be responsible for trash that was thrown on their property by another person.

Mr. Nugent stated that Portland has a similar ordinance. It really isn't enforceable. This is one way the town is not responsible for picking up someone else's trash.

Vice Chair Mailhot stated it sounded like the property owner would be in violation for something they have not done.

Mr. Nugent stated that the presence of trash on your property is your responsibility.

Chairman Kerr stated he felt it was the town's responsibility if on

town property.

Vice Chair Mailhot had a general question about properties. It seemed like some properties are a dumping ground for junk cars.

Mr. Nugent answered that the property code and state junk yard code pertains to this. The staff is working on something like this in regards to Smithwheel Road corridor. In 46-62, involving fencing around dumpsters, this is never enforced unless it is on your site plan review, etc. We never enforce this, and I would recommend striking it.

Mr. Bryant was concerned about unkemptness if this was stricken.

Mr. Nugent stated that the dumper rules state it cannot be overflowing and must be a covered container.

Chairman Kerr interjected that the only time this is enforced is when something is gone to Planning Board.

Mr. Nugent stated that if it is in the ordinance it should be enforced.

Mr. Bryant asked about temporary dumpster permits and being given the right to waive that. He suggested that be taken out.

Chairman Kerr asked of the committee felt this should be stricken.

Mr. Scoville stated that the food has to be covered in a dumpster.

Mr. Nugent stated that the dumpster needs to be a tightly covered container.

Chairman Kerr asked if the audience had any suggestions. He then moved on to Chapter 50.

Mr. Nugent explained the proposed changes by Bill Bocollari and Bill Robertson. He also explained the licensing of excavators and staffs desire to have this implemented. There is also a proposed change in Section 50-148 regarding resurfacing of pavement. Mr. Robertson could not attend the meeting.

Chairman Kerr asked if staff could check and see if he will be at the next meeting for comments.

Mr. Nugent stated there are some current questions about outside dining.

Chairman Kerr stated he wanted to bring that up. He said the setback is so dramatic, and business owners should have full use of their property. The town is always looking for ways to generate money, and this would help. Maybe people could lease land for parking, etc. to generate revenue.

Mr. Nugent asked if the committee could look closely at that and get back to staff regarding this for the next meeting.

Chairman Kerr stated the committee would do that.

Mr. Bryant asked in 50-248 if posters are allowed.

Mr. Nugent stated this is not allowed.
Mr. Bryant then asked if this is enforced and who would enforce it.
Mr. Nugent stated this is in the purview of the police, and probably Will Watson would be enforcing it.
Mr. Daley was concerned with this and thought the police could be serving the citizens in a better way.
Mr. Nugent stated since the police department is referenced the animal control officer will deal with this.
Chairman Kerr pointed out that the town does not have a licensing inspector so should be put in code enforcement officer.
Mr. Nugent stated the department did not have the manpower for this.
Chairman Kerr stated they will keep only police. He then asked if there is anything else for Chapter 50. The committee then moved on to Chapter 58.
Chris White, Wastewater Superintendent stated that first he would like an engineer to look over the ordinance changes. He then referenced insurance and stated he would like the town's insurance company to check this. He went on to Section 58-196 which pertained to interceptors. He has not seen this in the time he has been here. He was not sure if there was a mechanism for this. It would take extra staff time for this to occur, and he would like to discuss it further with Mr. Nugent. He then talked about 58-286 and 287. He stated the town does not have a sewer user fee. There are no water usage fees. He not sure what the purpose of classes, as no one qualifies for class II. We can either delete 1 & 2 or try to figure out major water uses. In section 58-289 determines rates; he did not know what this was referring to. Chairman Kerr felt it was not applicable to what our community does, and this may have just been another ordinance taken from another place.
Mr. White moved to section 58-292; he wished to leave this in to make sure they were in line with federal guidelines. This should be looked at from an outside source.
Chairman Kerr thanked Mr. White for his input and help. He then asked if the committee could meet on 05-19-10.
Mr. Nugent stated he would not be able to attend that meeting. The next meeting should be on 5-26-10.
Chairman Kerr suggested we take this up in September after the committee takes the summer off.
Mr. White stated that would work well for him.
Mr. Bryant asked Mr. White if the bond amount of \$1000.00 is enough.
Mr. White felt that it dealt with septic more. He does not know

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<p>where the amount came from, but this was not things like hazardous waste. Mr. Bryant asked if something happened today would this be enough. Mr. White felt it would be adequate. Chairman Kerr asked if there were any more questions. There was none. He then asked if it was the wish of the committee to meet again on May 26th and then forward things to the council at that point. The committee agreed. Mr. Bryant asked if that will include the changes to Chapter 50 done tonight. Chairman Kerr stated the changes will be put into the proposed ordinance and reviewed by staff. He clarified that on the 26th they will be included. Mr. Nugent added that he felt Mr. Robertson would have more changes for the next meeting.</p>	
<p><u>Good and Welfare</u></p>	<p><u>Good And Welfare</u></p>
<p>Vice Chair Mailhot moved to adjourn. Mr. Daley seconded. <i>Motion passed unanimously.</i></p>	<p>Motion Vote</p>
<p>MEETING ADJOURNED AT 8:11 P.M.</p>	<p><u>Adjournment</u></p>

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 May 12, 2010