

TOWN OF OLD ORCHARD BEACH  
 ORDINANCE REVISION COMMITTEE MEETING MINUTES    October 20, 2010

Call to Order at 7:00 pm	<b>Call to Order</b>
Pledge of Allegiance Roll Call: George Kerr, Chair; Robert Scoville, William Daley, and Linda Mailhot, Vice Chair Steve Bryant., excused. Staff: Mike Nugent, Code Enforcement Officer; Tori Geaumont, Secretary	<b><u>ROLL CALL</u></b>
<u>Item 1: Approval of Minutes</u> September 29, 2010 Mr. Daley moved to accept the minutes from September 29, 2010. Mr. Scoville seconded. <i>Motion was passed unanimously.</i>	<b>Motion</b>  <b>Vote</b>
<u>Item 2: Chapter 46: Solid Waste</u> <b>Chairman Kerr</b> asked that a letter from a citizen be read into the record.	<b><u>Item 2:</u></b> <b><u>Chapter 46:</u></b> <b><u>Solid Waste</u></b>



September 30, 2010

**Ordinance Revision Committee**  
One Portland Avenue  
Old Orchard Beach, Maine  
04064  
Attn: Linda Mailhot, Vice Chair

*enter into  
record & make  
part of the  
minutes.*

Dear Mrs. Mailhot,

I am writing in regard to the proposed revisions to Chapter 46 of the Town's Ordinances.

In particular I am writing in reference to Sec. 46-58 where I have been informed that the Revision Committee is proposing the attached changes.

As a summer destination, we as business owners must enhance the vacation experience for all visitors. This "Vacationland" experience will encourage people to return summer after summer to this wonderful seaside location.

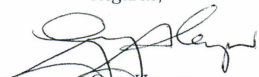
That being said, as property owners, we must take responsibility for our own garbage and not have it negatively impact on abutting or adjacent properties.

To ensure that this happens, I would ask the committee to consider adding one clause to this section

"All garbage shall be placed so as to have the least adverse impact on abutting or adjacent properties. All trash cans or containers will require a 5 foot (10 foot) setback from all abutting or adjacent property lines " (The Committee can determine an exact number that can be easily enforced and properly adhered to.)

The Committee's consideration of this request is greatly appreciated.

Regards,



Gary Harper  
15 Tunis Ave.  
Old Orchard Beach, ME  
Attach.

**Sec. 46-58. Private collection, dumpsters or containers required.**

(a) Any person owning and/or operating a multifamily dwelling containing five or more dwelling units, a residential condominium in multiple buildings and containing five or more dwelling units which are accessed by a common drive or driveways or by a private road or roads, a residential subdivision containing five or more dwelling units and in which the lots are accessed by a private road or roads, an apartment house or complex, a boarding home, a mobile home park as defined in 30-A M.R.S.A. § 4358(1)(B), an auditorium, a bottle club, a club, a hospital, a nursing home, a convalescent home or any business or activity for which a license is required pursuant to article II of chapter 18 shall provide for private collection and disposal of solid waste from the premises where such use, business or activity is operated and shall provide and utilize dumpsters or a sufficient number of tightly sealed containers in compliance with this article whenever solid waste material is accumulated and/or stored outdoors pending disposal. Two or more persons may provide common facilities for such accumulation, storage, collection or disposal, but utilization of common facilities shall not relieve any person from the requirement of complying with this article. ~~Where site conditions eliminate potential dumpster location, a sufficient number of tightly sealed containers must be utilized, in compliance with section 46-62.~~ This section does not require that private collection and disposal be provided to a condominium unit containing only one dwelling unit or a lot containing only one dwelling unit when such condominium unit or lot abuts a public street, even if private collection and disposal is required for other units or lots in the condominium or subdivision.

He asked Mr. Nugent if the changes to Chapter 46 as presented today are to be forwarded to the town council.

**Mr. Nugent** stated that if it was the committees wish. The Town Clerk, as well as the chairman of the recycling committee and others have met numerous times crafting a "pay as you throw" program. The Council asked for more information on doing this. Included is the language they would need if they chose to go forward.

**Chairman Kerr** explained how he is opposed to this and really feels it is a tax. He stated the community needs to find other ways to generate money. Parking permits could be an option; businesses could lease spots and this could generate cash for

<p>the town. He wanted to put on record this is not his desire, but he will send it to the council.</p> <p><b>Vice Chair Mailhot</b> agreed with Chairman Kerr, but one upside is that she felt it would encourage more people to be mindful of their waste.</p> <p><b>Chairman Kerr</b> wished to state for the record that the ordinance committee did not put the changes in the document. He then asked if there were any further changes. Seeing none, he moved on to item 3.</p>	
<p><u>Item 3: Chapter 50: Streets, Sidewalks, and Public Places</u></p> <p><b>Mr. Nugent</b> explained that in section 50-52 regarding sidewalk repair, the PWD Bill Robertson has requested a change. He felt there was no control of the bid process and wanted to specify that if a bid was chosen which was not the lowest bid, the property owner requesting the repair would need to pay above and beyond the ½ they are requested to pay. Currently, the lowest bid is shared equally by the town and the owner, but if the owner wishes to choose a bid which is not the lowest bidder they will be required to pay the extra. This went to the Town Council last evening for a Public Hearing. The committee can bring any concerns to the Town Council before they vote on this.</p> <p><b>Mr. Daley</b> inquired if Public Works can do the sidewalk repair themselves.</p> <p><b>Mr. Nugent</b> explained they can sometimes, but there are times of the year where it is not possible so they do need to go out to bid on occasion.</p> <p><b>Chairman Kerr</b> asked the committee if there were any further questions or concerns.</p> <p><b>Mr. Scoville</b> moved to forward Chapter 50 on to the Town Council as is.</p> <p><b>Mr. Daley</b> seconded.</p> <p><b>Vice Chair Mailhot</b> asked for discussion. She was concerned regarding section 50-248, posters. She asked if the town currently enforces this.</p> <p><b>Mr. Nugent</b> stated that if there is an issue or complaint, Officer Watson would take care of it. He personally has not had a lot of complaints.</p> <p><b>Mr. Daley</b> felt this was time consuming and wasting time and money to chase around posters.</p> <p><b>Mr. Nugent</b> suggested to redline that section and send it to council, but we may need to keep it in.</p> <p><b>Mr. Scoville</b> felt that Mr. Nugent was right, and it was good to have a mechanism to do that.</p> <p><b>Mr. Nugent</b> stated he would check on whether CMP or the town attorney had information regarding this.</p>	<p style="text-align: center;"><b><u>Item 3:</u></b>  <b><u>Chapter 50:</u></b>  <b><u>Streets,</u></b>  <b><u>Sidewalks,</u></b>  <b><u>and Public</u></b>  <b><u>Places</u></b></p>



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<b>Mr. Daley</b> moved to adjourn. <b>Mr. Scoville</b> seconded. <b>Motion passed unanimously.</b>	
MEETING ADJOURNED AT 7:30 P.M.	<b><u>Adjournment</u></b>

*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 October 20, 2010*

*Tori Geaumont*