

**TOWN OF OLD ORCHARD BEACH, MAINE
ADMINISTRATIVE REVIEW BOARD HEARING
Wednesday, May 31, 2017
2:30 p.m.**

The Administrative Review Board met at 2:30 p.m. on May 31, 2017 to discuss the following businesses coming before the Board for review. The following Board members were in attendance:

**Attending: Town Manager Larry Mead
 Marc Bourassa
 Assistant Town Manager, Louise Reid
 Code Enforcement – Dan Feeney
 Planner – Jeffrey Hinderliter
 Tina Kelly
 Dan Blaney
 Michael Shannon
 Police Chief Dana Kelley
 Fire Chief Ed Dube**

2:30 p.m. Jacques S. Bouchard (312-17-5), 10 Hillcrest Avenue, five-year-round rentals.

3:00 p.m. Bernard Orne/BBC LLC dba/ Weekend at Bernie’s Beach Club (307-3-1-B)(Bernard Orne & Jane Orne), 8B West Grand Avenue, Victualers With Preparation With Beer, Wine and or Liquor On Premise; 2 Coin-operated Amuse. Devices; 1 Vending Machine.

3:30 pm: GFB Scottish Pub ((205-3-1), (Kelly G. & Robert T. Greenlaw), 32 -34 Old Orchard Street, GFB Scottish Pub LLC, Victualers with Preparation with Beer, Wine and or Liquor on Premise

The Town Manager served in his capacity of Chair of the Administrative Board and asked each of the Board members to introduce themselves to those in attendance during this day’s review. The authority of the Administrative Review Board comes from the Code of Ordinance: Business Section 18-38 and Section 18-39. This is a fact finding meeting with the prime goal of resolving issues. He also indicated that the ARB meeting is triggered by either one written complaint to License Administrator pertaining to Business License/Code/Ordinance violation or three or more disturbances verified by the Police Chief. He explained that this does not imply that businesses appearing before the ARB are less than stellar and it is hoped that issues can be resolved today so that it does not have to come to the Town Council.

2:30 p.m. Jacques S. Bouchard (312-17-5), 10 Hillcrest Avenue, five-year-round rentals.

Although Mr. Bouchard was not present for the beginning of this meeting, there were three residents and abutters from the Hillcrest Avenue location that attended and made many comments during the meeting with the Board. In attendance were:

Michael Lavenbein	16 Hillcrest Avenue
Marc Gagne	24 Central Park Avenue
Martha Gagne	24 Central Park Avenue

The incidents that were recounted by the abutters were disturbing including issues of noise; harassment claims; domestic disputes; distribution of trash and waste outside the residence rather than disposing in proper manner; inability to reach the owner who will not pick up his phone to accept calls; inappropriate language; lack of care of the lawn around the resident, mental health issues, etc. This has been going on for the entire time this property has been owned by Mr. Bouchard and complaints have been made before but no action was taken. The neighbors have themselves tried to clean up the property but even their efforts have not solved the situation.

The result of a decrease in the value of the property around 10 Hillcrest and the unrest and disturbing conditions has resulted in two of the established landowners on that street selling and moving out.

The Board itself was moved by the documentation that was presented and acknowledged that in the time this Board has been meeting this is by far the worst situation that has been presented to the Board. Discussion included termination of the license and the need for this building to be inspected by the Code Officer since it appeared that since that fire that occurred a few years ago, the building has not been inspected.

MOTION: Marc Bourassa motioned and Chief Dana Kelley seconded to move this item to the Town Council and to recommend termination of the license; also requesting an inspection by the Code Officer.

VOTE: Unanimous.

It should be noted that at 3:30 p.m., Mr. Bouchard arrived. He had a letter which indicated the meeting was at 3:30. It was determined that the package which was delivered to him by the Police had the correct letter in it and indicated 2:30 but Mr. Bouchard had visited the Code Office the week before and there was a draft letter give him which indicated a 3:30 p.m. starting time, which was subsequently changed. It was unfortunate that Mr. Bouchard had not reviewed the official meeting notice which had been delivered by the Police Department.

The Chair invited Mr. Bouchard to the table to discuss with the Board the issues and concerns related to his property at 10 Hillside Avenue. Mr. Bouchard gave his position and perspective on the issues and concerns that were expressed by the Board members concerning the numerous disturbances involving tenants and expressed his opinion that he had tried to address many of them. Mr. Bouchard said that he would take steps to evict the tenant who was the source of most of the Police calls. Following the discussion with Mr. Bouchard the Chair asked the Board if it wishes to modify the decision to refer the license to the Town Council with the recommendation to not renew the license and the Board did not wish to do so. The Code Officer set up a time to visit the property on June 1st and indicated that he wished to visit each of the units in order to do an inspection of the entire property.

3:00 p.m. Bernard Orne/BBC LLC dba/ Weekend at Bernie's Beach Club
(307-3-1-B)(Bernard Orne & Jane Orne), 8B West Grand Avenue,
Victualers With Preparation With Beer, Wine and or Liquor On Premise; 2
Coin-operated Amuse. Devices; 1 Vending Machine.

The following were in attendance representing Bernie's Beach Club:

Bernard L. Orne
Jane Orne
David Grant

As in a previous meeting in 2015 the question of the inability to control over-intoxication and the question of the training of the staff of Bernie's Beach Club was raised. It was noted that training of the bartenders was and has been done effectively but the Orne's indicated that they would gratefully accept any training that could be done with those serving as bouncers. They did recount to the Board the issues which they have addressed and indicated that the one individual bouncer with whom there had been some issues of aggressiveness, has been terminated. They explained, but not as an excuse, that being on the second floor in the location as they are, does pose some issues that are difficult to handle. They were extremely open to suggestions that were made by the Chief of Police and the Board and indicated that they are doing the best they can do in light of the small period of time the building is open to address issues as they are brought forward. It was noted that the Orne's have been proactive in addressing the issues with the Police and that in the case of underage drinking they have notified the Police when there have been issues. The Board felt that there was a genuine effort being made by the owners of the business and encouraged them to continue an aggressive approach to the issues that have been raised. The Orne's asked about setting up a meeting with the Police personnel and was encouraged by the Chief to do this and to review steps that could be implemented to improve the operations.

MOTION: Marc Bourassa motioned and Mike Shannon seconded that there appears to be no pattern of negligence and that the Orne's had seriously tried to address the issues and will continue to address those issues which were discussed today.

VOTE: Unanimous.

3:30 pm: 32-34 Old Orchard Street, GFB Scottish Pub ((205-3-1), Kelly G. & Robert T. Greenlaw / GFB Scottish Pub LLC, Victualers with Preparation with Beer, Wine and or Liquor on Premise

In attendance for this discussion were the owners of the GFB Scottish Pub:

Robert Greenlaw

Again as in 2015, the issues discussed were the elements of noise and the fact that when the door is left open, there are complaints that come from the neighbors. Mr. Greenlaw indicated that he had put in acoustic panels and that he believed that was helping. The questions were asked if he had considered air conditioning units but the owner said it was too expensive an endeavor considering the time frame of the season. Mr. Greenlaw also said that he was attempting to have the doors opened only when the band is not playing. Mr. Greenlaw indicated that he was asking for music and entertainment to be allowed to 12:30 a.m.; the current license is approved to 12:00 a.m. The Town Manager indicated that he is not in favor of this and it was the consensus of the Board that they agreed. The Board felt that Mr. Greenlaw was aware of the noise issues and that the issue needs to be addressed in a timely manner so that complaints are not being made. The need to also be aware of groups congregating outside the establishment needs to be considered as well as often the noise circulates from that as well.

MOTION: Marc Bourassa motioned and Dan Blaney seconded that there is a positive response by the owners to suggested upgrades and the level of noise in the business and no need at this time to move this to the level of Council input.

VOTE: Unanimous.

The Board closed their meeting at 4:45 p.m.

Respectfully Submitted,

**V. Louise Reid
Secretary to the Administrative Board**

I, V. Louise Reid, Secretary to the Administrative Review Board of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of four (4) pages is a true copy of the original Minutes of the Administrative Hearings held on Wednesday, May 31, 2017.