



**TOWN OF OLD ORCHARD BEACH**  
*Office of the Town Manager*

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**Administrative Review Board**  
**Meeting Minutes**

*Monday September 28, 2020*

I, Jennifer Hayes, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of six (6) pages is a copy of the original Meeting Minutes of the Administrative Review Board held on Monday, September 28, 2020.

**Prepared by:** Jennifer Hayes  
**Approved by:** Old Orchard Beach Town Council  
**Approval Date:** Tuesday, October 8, 2020

Respectfully Submitted,

Jennifer Hayes  
*Town Council Secretary*

**TOWN OF OLD ORCHARD BEACH**  
**Administrative Review Board Meeting Minutes**

**Monday, September 28, 2020, 1:30pm**  
**Old Orchard Beach Police Community Room**

**Meeting Convened:** Monday 9/28/2020 @ 1:31 pm

The Administrative Review Board reconvened to review the status of the business license issued to GFB Scottish Pub, 34 Old Orchard Street, and to consider a recommendation to Town Council regarding suspension or revocation of the business license.

**Attendees:** Larry Mead – Town Manager  
Fred LaMontagne – Fire Chief, OOB  
Dana Kelley – Police Chief, OOB  
Rob Slaving – Deputy Fire Chief, OOB  
Mike Shannon – Resident Representative  
Corporal Jeffrey Regan – OOB PD  
Capt Elise Chard – OOB PD  
Capt David Hemingway – OOB PD  
Tina Kelly – Business Representative (*via Zoom*)  
Rickey Haskell – Code Enforcement  
Jeffery Hinderliter – Town Planner  
Scott Eccleston – Board Alternate  
Robert Greenlaw – Owner, GFB Pub  
Kelly Greenlaw – Owner, GFB Pub  
Jennifer Hayes – Interim Administrative Asst

**At 1:35pm** Town Manager Mead opened the meeting with a poll to the board members to offer any edits or corrections needed for the meeting minutes taken on Thursday 9/17/2020. Hearing none, it was recommended to wait to accept the meeting minutes for both meetings once the 9/28/2020 meeting minutes were completed. Town Manager Mead lead the discussion further by noting business owners of the GFB Scottish Pub, Kelly & Robert Greenlaw, submitted a written action plan for board review. The plan was submitted via email to the Town Manager on Friday 9/25/2020 and disseminated to all Board Members for review.

**Summary of Action Plan:** (*see attached document*)

Kelly Greenlaw – reading from the GFB List stated that an initial fence was erected and would like to extend it to the ramp. The patio now closes at 10pm and there are no meet ups or drinks outside after 10pm. For customers wishing to smoke, they may do so on the patio extension located along Seavey Street. A 5000 illumen light was installed at the corner in question. The Beach Villa parking lot is monitored by security and owners and the bartender continue to monitor noise levels. The areas surrounding GFB have been tidied with trash pick-up and parking lot restriping. Mask compliance has been maintained and the hiring service used for security has been revisiting mask compliance policy with its staff.

Town Manager Mead requested that Robert Greenlaw comply with mask policy during the meeting.

Mike Shannon complimented GFB on the security service provided and layout of presentation. His question concerned whom sets the security ratio? Kelly Greenlaw replied that one member was provided and would be talking with the company to determine if more security were required. Mike Shannon suggested that the new security members be provided with a one-off providing details of mask compliance and policies at the GFB.

Dana Kelley spoke to Kelly Greenlaw in regards to number of security guards per week, when they started, and spoke to the types of crowds attracted to GFB. Kelly Greenlaw confirmed the security company provides seven nights of coverage that roughly began in July 2020. Also confirmed that security was present during the evening that business neighbor, Bob Gurry-Beach Villa, recorded the incident in which a GFB patron was disturbing the peace.

Dana Kelley questioned how beverage service occurs and how the arrival of loud motorcycles and loitering was to be amended. Kelly Greenlaw stated that beverage service is at the interior bar and that patrons may sit outside with beverages. In terms of patrons, Kelly Greenlaw stated that she and Robert Greenlaw have been reminding patrons of the GFB policies and notifying security. Robert Greenlaw noted that as responsible business owners they have been monitoring the parking lot, even though it is not leased to them, and technically not their responsibility. Dana Kelley stated that the fencing around the patio was not a fence, but lattice. He questioned how was that to stop the congregation of patrons? Kelly Greenlaw stated that the area in question will not be used after 10p with security.

Town Manager Mead referred to documents provided by the Planning Department, referring to Giardy's in 2006. Giardy's was enclosed with rot iron fencing. Kelly Greenlaw confirmed the wrought iron fencing mentioned was mostly removed prior to GFB moving in to take ownership. Mike Shannon requested if possible to have smaller signs posted for patrons reminding them of limitation of numbers in patio space and the 10pm closure of patio.

Fred LaMontagne sought to confirm with Kelly Greenlaw the number of tables facing the building, the installation of the 5000 illumin light, repair of motion lights, confirmation of no smoking and drinking after 10pm. Kelly confirmed 3 tables, installation of light, repair of motion lights and smoking along Seavey Street.

Tina Kelly requested number of occupancy. Kelly Greenlaw confirmed 168 usually, but 50 persons due to COVID restrictions.

Town Manager Mead spoke to alcohol service and wanted a determination of how GFB was going to control noise; which was noted to not have been addressed in the current GFB plan. Dana Kelley stated that it would be difficult to have someone to commit as a police detail. Town Manager Mead proposed that GFB pay for cost of the Town purchasing a camera that feeds to the Police Department and absorb the cost of the camera's operation thru summer 2021. [Cost: \$3500-\$5000 with \$500 fee for Verizon Modem. Ongoing cost of \$1200/year].

Security concerns and questions were brought up by Rickey Haskell – was there limited security due to limited capacity? Who was carding at the door? Kelly Greenlaw confirmed security was manning the door and carding.

Dana Kelley questioned why Mike Coleman was utilized as a security person when GFB stated an outside security service had been hired. “Does your security company have someone to send all time?” Kelly Greenlaw confirmed that Mike was used occasionally as security but that the GFB & Mr Coleman have parted ways due to Mr Coleman’s strong political views.

Fred LaMontagne stated he was receptive to Town Manager Mead’s suggestions but “hedging” on GFB absorbing cost of video cameras and service. He does not want to be back at a Review Board Hearing in 3 months due to non-compliance. Chief LaMontagne stated he does not want to see the business fail and understands that GFB cannot control loud motorcycles entering and exiting, but feels strongly that GFB must monitor outside space and that the business must be held accountable when people are at the establishment, both in the building and at the designated outside spaces.. He stated that the nature of the outside space is the GFB’s Achilles heel. Chief LaMontagne’s suggestions are as follows:

- 1.) no outside beverage service through rest of year – suspend outside seating to smoking only
- 2.) more security team (summer months – minimum of 3)
- 3.) more lightening
- 4.) when outside seating comes back next summer, security present outside
- 5.) GFB needs to figure out better along Seavey Street than lattice. Suggestion of split rail fencing or rot iron) Chief Montagne is concerned in terms of lack of viewing
- 6.) wants these suggestions going to council

The Fire Chief concluded that he was concerned that improvements seen now are just a “shift” from the lefthand side of the building to the righthand side.

Town Manger Mead questioned smoking area? Was this an extension of normal operations (i.e., smoking and drinking). Kelly Greenlaw confirmed until 10pm.

Chief Kelley stated he was not convinced that even with suggestions that noted issues will improve. He stated that 5 or 6 times in 8 years GFB has been before the board. “What has changed to make a difference? How much is GFB willing to cooperate?” He noted that a good faith effort but not convinced that it will make a difference. Robert Greenlaw noted that calls for service have been limited to the OOB Police Department to 7 fights in 7 years. Chief Kelley stated that was not correct and reiterated it was more than 7 calls. Robert Greenlaw stated he was willing to make it work. Chief Kelley stated that the history proves that there has been no change.

Town Manager Mead stated he was in agreement with Chief LaMontagne and added that additional lighting would be required along Seavey Street. Kelly Greenlaw agreed to more lighting. The Town Manager continued by stating he was not as familiar with the interior of the building, but suggested an increase in security. In addition, he firmly stated that GFB should purchase a camera that fed to the Police Department (with \$100 month per operation). It was seen as the “cost of doing business.”

Town Manager provided his list of needs below:

- 1.) Fencing – wants to meet Chief LaMontagne’s concerns and make sure people are not sitting on fencing and that safety is top of mind
- 2.) Beverage service to limit the amount of people moving
- 3.) Hours of operation as a whole. Reduction from 1am to midnight

At 2:25p Dana Kelley made a motion to move forward to council with a recommendation to revoke or suspend license

Town Manager Mead seconded for discussion purposes and confirmed that a consent agreement had not been done in the past.

Jeffry Hinderliter stated he would consider the motion and wanted specific direction through a consent agreement. He further stated that only thing he had been able to find on GFB were conditions imposed by the council in 2020 with the business license & amusement permit.

Town Manger Mead motioned to move forward with recommendation to council.

Chief LaMontagne questioned if this proposal of suspend or revoke license was brought to council and voted no? Town Manager Mead stated it would or would not come back to the Administrative Review Board.

Initial vote:

1 favor

6 against motion

Mike Shannon suggested that the board prepare a consent agreement that included notes for additional signage, capacities for the outside areas, additional security on Friday and Saturday, addition of camera and payment, and report back at end of calendar year. Important points for the document to be prepared.

Town Manager suggested the Administrative Review Board authorize two-three members to draft a consent agreement for consideration and to be circulated to membership for comments and final documents for approval via email. Tina Kelly, Mike Shannon and Larry Mead confirmed to work on the document.

Chief LaMontagne wants agreement on bullet points first:

- 1.) points brought up by Bob and Kelly Greenlaw
- 2.) signage and use of outside area
- 3.) additional security required, camera, servers & provide beverages (incorporate rules for outside service)
- 4.) duration of consent agreement for 1 year
- 5.) exterior lighting
- 6.) transparent fencing

The question of when this agreement would start. Town Manager Mead confirmed effective immediately (with no outside service).

Chief LaMontagne wants a penalty if consent agreement is violated and requested a substantial fine of \$1000 per violation and/or suspension or revocation of the GFB's business license until brought to council

7.) penalty for non compliance

8.) confirming operation to Seavey Street side of operation and not on Beach Villa (i.e., residential side of business)

Rickey Haskell questioned what would happen if there was a violation of the consent decree. Town Manger Mead stated that the Town's ordinance allows for immediate suspension of staff if there is a threat to the public and then the matter will forward to council for additional follow up.

Town Manager Mead motioned for Mike Shannon, Tina Kelly, and the Town Manger to draft a consent agreement for review of the Administrative Review Board and owners of the GFB with a goal to complete by end of week (10/3/2020); which encompasses the bulletpoints listed by the GFB & discussion within the hearing along with the option to revoke the business license should the tasked items not be followed; with the agreement to be validated by council.

Mike Shannon Seconded the motion.

6 favor

Chief Dana Kelley opposed

Town Manager made a motion to adjourn the Administrative Review Board

Motioned by: Mike Shannon

&

Seconded by: Chief Fred

Motion carried. The Administrative Review Board adjourned @ 2:45pm on Monday 9/28/2020.

Prepared by: JAH

## GFB SCOTTISH PUB

Dear Town of Old Orchard Beach,

Based on our conversation, we have developed an action plan for rectifying the concerns set before us.

- We have erected a fence at the outer edge of the patio to clearly delineate the area where guests can consume beverages.
- The patio will close at 10pm each night to discourage guests from congregating outside during later hours of operation, thereby reducing the sound levels in that area.
- Guests will not be allowed to take drinks outside after 10pm for the same reasons.
- Guests who wish to smoke after 10pm will be required to do so on the side of the patio abutting Seavey Street. The security staff will monitor the activity and noise level in that area. Guests will be required to be seated in that area while the mask mandate is in effect.
- Pub owners, bar staff, and security will monitor inside the venue as well as the patio area for mask compliance while the mandate is in effect. Disposable masks are available at the door and from staff, so that guests who did not bring a mask can comply with the mandate.
- A 5000 lumens light has been installed at the corner of the building nearest the edge of the patio, in order to illuminate the area.
- Event Safe Professional Services, our security company, has been apprised of the concerns discussed during our meeting. The owners of the GFB Scottish Pub discuss these topics with security staff as well, to further emphasize the importance of the issues.
- Pub owners, bar staff, and security staff monitor the parking areas until everyone who is not staff has exited the property.
- Each day the outside curbing and parking areas are checked for litter and other debris.
- The parking spots and concrete bumpers are in the process of being repainted to more clearly mark these areas for guests and employees using the lot.

Since implementing the above listed protocol, we have noticed a significant difference in the noise levels, social congregating on the patio, and overall compliance. We will be utilizing a security presence year-round to ensure continued progress with the issues outlined above.

We have taken photos of the light, parking area and patio fence to illustrate some of the mentioned topics.

Respectfully submitted,

Robert and Kelly Greenlaw

Owners of the GFB Scottish Pub

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