

TOWN OF OLD ORCHARD BEACH, MAINE
ADMINISTRATIVE HEARING
Tuesday, April 8, 2014
4:30 p.m.

An Administrative Hearing was called to order at 4:35 p.m. on Tuesday, April 8, 2014 to consider administrative review.

The following were in attendance:

Town Manager Larry Mead
Assistant Town Manager, Louise Reid
Code Enforcement – Dan Finney
Planner – Jeffrey Hinderliter
Marc Bourassa
Tina Kelly
Police Chief Dana Kelley
Fire Chief John Glass

Absent: Kenneth Lafayette
 Gary Curtis

The first Administrative Board Meeting was with the Crosswinds Cottages.

4:00 – 4:30 Crosswinds Cottages – Norm and Eunice Marquis
 142 East Grand Avenue (MBL # 303-4-7)

Mrs. Eunice Marquis was present for the hearing and expressed her understanding of the issues relative to the number of complaints that have needed service by the Police Department at their business. She indicated that they have been doing winter rentals for over fourteen years but that this year will be her last year of doing them as the issues that they cause does not make it financially profitable nor is the stress related issues that occur acceptable to she and her husband. They have had some non-paying clients which have made it difficult; the cost of heat this year was enormous; and they have spent over \$10,000 in renovations in their facility and it is difficult in some instances for winter rentals to respect the quality of their housing. Mrs. Marquis mentioned that two of the rescue calls were for cancer patients and the Chief of Police indicated that these calls are expected and that he would not want a business owner or a client not to feel comfortable in calling the Police at any time. The question was asked what period of time she rented for summer and she indicated May 1st through Labor Day. She indicated that summer rentals included ten units and three cabins. There are eight year round units with two cottages occupied by the business owner and her step-son. Considering that the Marquis do not plan to rent during the off –season, a seasonal rental license will be permitted for ten units and the two cottages year round.

MOTION: Marc Bourassa motioned and Chief Dana Kelley seconded that the license be renewed subject to the following conditions:

The thirteen unit motel will be seasonal only from May 1st through October 15th. Three cabins, # 19, 20, and 21 are to be seasonal only from May 1st through October 15th. No winter rentals in any of the seasonal units or cabins.

Vote: Unanimous.

The Town Manager expressed his appreciation to Mrs. Marquis and to Norman who could not be in attendance because of illness and thanked her for her support.

88 Union Avenue – Michael Zompa, Business Owner – MBL# 314-17-1.

In attendance was the father of Mr. Michael Zompa who is serving his country. Mr. Nico Zompa attended along with Ronald Podalaski as a spokesperson. The Town Manager explained the purpose of the Administrative Review Board. He indicated this is a fact findings board with the desire to resolve the issues that are involved. The Town Manager explained the process in that three or more disturbances verified by the Police Chief makes this hearing necessary. If the meeting of the Administrative Board with the business owner does not resolve the issues, the license will go to the Town Council for revocation or denial. The purpose of this meeting today was to make sure that the business owner is aware of the service requests that have been necessary as a result of the calls from his establishment. This is a three unit property (seven bedrooms on the 2nd floor which includes thirteen people.) There were many calls in the first six months of last year regarding one of the clients living in the facility. That individual has been evicted. Mr. Zompa indicated and apologized that he was not aware of the service calls as he works many long hours. He was notified by the police on May 5th of 2013. They discussed another client, Josh Kelley, who worked for Mr. Zompa doing odd jobs but he was taken to Small Claims Court and no longer lives at the facility. He moved out on November 8th of 2013. It was apparent that Mr. Zompa does not have any written legal agreement with those who rent from him and that perhaps a more definitive follow up needs to be done with applications and documentation of past history before he allows someone to rent from him. Everything appeared to be by verbal agreement and nothing in writing. Mr. Zompa indicated that he rents both weekly and monthly and although he does somewhat of a background check there is no lease agreement. Inspection of the facility was agreed to by Mr. Zompa and the Code Enforcement Officer indicated that he will be following up on that inspection in the coming week. The Board highly recommended that there be a more documented program before rental of units of the business including background checks and a lease arrangement. Again it was indicated that when three or more complaints are received this institutes that Administrative Board Hearing.

MOTION: Marc Bourassa made the motion and Chief Dana Kelley seconded that the license renewal be approved subject to a inspection by Code Enforcement and once repairs required by Code Enforcement are completed within 45 days from May 1st and Code Enforcement has re-inspected and found the property compliant.

VOTE: Unanimous.

**Island View Motel – 172 East Grand Avenue – Kramer Properties, LLC –
MLB 302-7-9 (2 Lafayette Street – Biddeford, Maine 04005**

Attendance at this Hearing was Julie Kramer, the Manager of the facility and her father, Mark Kramer. Mr. Kramer has had experience in management of hotel/motel businesses and was basically administering the business for his daughter. This is the second year that Julie has owned the property; a property that in the past has had constant service calls and has been under review before. Ms. Kramer explained that her desire was to establish a family lodging but that she had no idea how difficult that would be. She has a mortgage on the property which requires that they do winter rentals. There were domestic issues, drug issues, and other calls for disruptions among clients – more than are normal for a business of that size. She indicated that she has mostly 2-3 days or one week with special rates for three nights. It is a motel, renting for short periods of time. She has tried diligently to set up rules and regulations and her father has made every effort to control the situation and make sure that he knows what is going on throughout the facility. He was not aware of the number of calls until they received notification of this hearing. They discussed the number of people in a room and assured the Board that she is careful to limit the number to the correct amount. She also acknowledged that she had no idea the difficulties in getting the right people to rent and to know whether you have that type of individual in the facility. The Board acknowledge that they recognized this is a business under new management and that they want to support the new business owner but that there needed to be changes in the number of service calls and assurance that perhaps more monitoring of the types of individual to whom they are renting.

MOTION: Marc Bourassa motioned and Chief Dana Kelley seconded not to take any action at this time with the understanding that the issues discussed would be dealt with changes that need to be made in the type of individual to whom they are renting.

VOTE: Unanimous.

The Administrative Board Meeting concluded at 5:50 p.m.

Respectfully Submitted,



V. Louise Reid
Secretary to the Administrative Board

I, V. Louise Reid, Secretary to the Administrative Board of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of three (3) pages is a true copy of the original Minutes of the Administrative Hearings held on Tuesday, April 8, 2014.