

**TOWN OF OLD ORCHARD BEACH, MAINE
ADMINISTRATIVE HEARING**

Tuesday, July 15, 2014

4:30 p.m.

An Administrative Hearing was called to order at 4:30 p.m. on Tuesday, July 15, 2014 to consider administrative review.

The following were in attendance:

**Town Manager Larry Mead
Assistant Town Manager, Louise Reid
Code Enforcement – Dan Finney
Marc Bourassa
Tina Kelly
Police Chief Dana Kelley
Interim Fire Chief John Fitzpatrick**

**Absent: Jeffrey Hinderliter, Planner
 Gary Curtis
 Kenneth Lafayette**

**4:30 p.m. – Ed Jackson dba/Fern Park Cabins (206-10-6), 74 Saco Avenue,
16 Seasonal Rentals**

The Town of Old Orchard Beach has received 3 or more complaints over the past year regarding your property at 74 Saco Avenue MBL# 206-10-6 known as Fern Park Cabins or has had a complaint to the Code Enforcement Office or has failed inspection by the Code Official. A previous Administrative Board Hearing was held on April 10, 2014 regarding serious concerns about the operation of the establishment and the continuing renting of cottage space to International Students. There are fourteen cottages which are rented only in the summer and the concern has been putting more students in the cottages than are permitted. As a result the Administrative Board issued a conditional license based on all code issues being corrected and acceptable to the Code Enforcement Officer; the rental of the cabins allowed only from May 1st through October 15th; the cabins cannot be rented to J-1 students; any denial of access by the Code Enforcement Officer during the licensing period shall be cause for license revocation. Over the past few weeks it has been noted and reported that Mr. Jackson has rented the cabins again to International Students and thus the reason for this additional Administrative Review Hearing.

During the discussion with Mr. Jackson he indicated that he only rented it to International Students who were working for him and that he did not realize that he could not do that since they were working for him. In an incident report dated June 5, 2014 by Sergeant Gerard Hamilton of the Old Orchard Beach Police Department, he noted that in discussion with two students, Dana Dudkina and Benjamin Santos that both acknowledged that International Students were living at 74 Saco Avenue, # 3. Sergeant Hamilton noted that two students had stopped in front of Curl Up and Dye Hair Salon and appeared that they were waiting for a

ride. He walked up to the two individuals and identified himself to them and explained that he was checking on International Students to see how their transition was in Old Orchard Beach. He could see that there was a slight language barrier from the females but he was able to understand them. He asked them where they were living and the stated and pointed out that they were staying in the Fern Park Cabins on Saco Avenue in Cabin # 3 with another person totaling three people in the cabin. They stated that they were paying the equivalent of our money of \$300 and it will go up because right now it is off season. The females further stated that their last day at the Fern Park Cabins is scheduled to be September 1st. To confirm their stay at the Fern Park Cabins we walked back to the cabin that they were staying in. The cabin is directly behind the house on the property and a number three is affixed upper left of the entry door. The Sergeant walks back to the pickup area on Saco Avenue with the two females and met a gentleman, Benjamin Santos Rogers who stated that he assists the J1 Students and verified to the Officer that the two females that he was speaking to are J1 students. The females entered the van to get to their employment.

The Administrative Board members reminded Mr. Jackson of the stipulations put on him at the last Heard and he again said that he did not realize it was meant for students that were working for him. It was emphasized quite strongly that it cannot happen again or the Council will be asked to revoke his license completely. He said that all the students had moved out and that he had no desire or plan to rent to them in the future.

MOTION: Marc Bourassa motioned and Chief Dana Kelley seconded to not take any action at this time but that any deviation from the conditions of not renting cabins to International Students would be considered reason for revocation of license and that the Code Enforcement Officer will still have the authority to enter the property for inspection.

VOTE: Unanimous.

5:00 p.m. – Wendy Blake (308-1-13), 16 Pine Avenue, 1 Seasonal Rental

The Town of Old Orchard Beach has received 3 or more complaints over the past year regarding your property at 16 Pine Avenue MBL# 308-1-13 or has had a complaint to the Code Enforcement Office or has failed inspection by the Code Official. The business was informed of this meeting to conduct a fact finding hearing with the goal of resolving the situation by proposing a consent agreement with the licensee.

Wendy Blake and Bill Hoxie both appeared at this hearing and at the beginning expressed their frustration for having to attend and asked if they were being singled out to which the Town Manager, Larry Mead, and the Police Chief, Dana Kelley, assured them that they definitely were not being singled out in any fashion but that concerns over the past few years as it concerned the rental of property to International Students has raised the level of monitoring of rental property and the need for code issues to be addressed. The general consensus felt by the Board was that Wendy Blake had attempted in every regard to establish a good living arrangement for the students that she had planned to rent to but because of the

limitations presented by code she has not rented and has lost considerable summer income as a result.

At an inspection of June 4, 2014 as a result of a complaint by telephone, it was indicated that there was overcrowding with the rental to ten students. The initial inspection by Rodney Belanger on May 30, 2014 indicated several issues including repairs needed, installation of smoke detectors and carbon monoxide detectors were needed, a permit for remodeling had not been taken out and a wall was removed in the kitchen without replacing supports and no engineering study of notice of whether it was a bearing wall. The inspection of June 5, 2014 by both Rodney Belanger and Dan Feeney turned up several code violations which were brought to her attention. There were five beds on the floor, small in size with no apparent furniture. The one room had sloping ceilings with less than 60% of the floor useable making it equate to less than 128 square foot. Requirements for J1 housing are 75 square foot per person; therefore this room does not qualify to have students. Another bedroom on the third floor contained apparently the same amount of floor space; however it contained three mattresses, again not nearly large enough for three sleeping areas as per code. Again the second and third floor is not sprinkled per requirement. The height of the sill of the window in each is greater than 16 feet to grade. The basement bedrooms was complete with bed and mattress but no egress windows, no partition of area separating the furnace or oil tank from the bedroom and a strong odor of fuel oil emitting from the area and urine as well. No smoke detector was visible and no record of any permits to remodel the basement was on file. Overall it was noted that the building is severely overcrowded.

Although there was real courtesy between the Administrative Board and the business owner, the need for addressing those issues makes it not possible for them to rent as they have done before. Ms. Blake spoke of the frustration and the loss of income and of her feelings that she will never rent again to International Students. Mr. Hoxie who had done a great deal of work in the house said that they had been given a license and had done everything that the former approval municipal employee had expected and required. The Code Officer was asked to address previous documentation of these issues. It was noted that the home had been restructured which would require more specific building requirements. The Town Manager explained that the Town expects next summer to be more involved with the agencies that work with International Students and agreed with Ms. Blake that there is the impression that they don't care where the students stay. Ms. Blake indicated that she also has foster care in this house and that is approved but those stipulations are not the same as code regulations for rental of a house. Ms. Blake indicated she would like to be involved in meetings with the sponsors of International Students because there is a lot they are not doing to ensure the wellbeing of the students.

MOTION: Chief Kelley motioned and Interim Fire Chief Fitzpatrick seconded that this not be brought forward since the home is not being rented to International Students at this time but that continued upgrades need to be done in the future if rental is to be considered possible.

VOTE: Unanimous.

King Weinstein:

Following the two hearings there was an opportunity for further discussion on previous hearings where follow up has been done. The issues of properties owned by King Weinstein were discussed.

(202-3-5) Grand Beach Inn – 198 East Grand Avenue – Portland Avenue Associates
(205-5-2) Seabreeze Motel – 30 Milliken Street – King Weinstein
(107-2-1) Colindale Estates – 53 Smithwheel – New Heritage Builders

Chief Kelley updated the Board on his discussions with King and a review of complaints or police calls since the last discussion and there appeared to be some lessening of calls which the Chief expressed appreciation for and encouraged further work to be done. Mr. Weinstein in his meeting with the Chief assured that everything is being done to maintain an environment which there is not the need for service calls which put a great deal of demand on the services and support of the Police and Fire Department. Future follow up was recommended.

The Webfoot

Discussion of a status report on the Julia Farris and Donna Soraoue dba/The Webfoot (324-15-1), 1 Temple Avenue, Ocean Park, Unlicensed 23 seasonal rental was given by Chief Kelley who explained that there is an ongoing court case with fines involved because of the lack of not only acknowledgement but code violations being addressed by this business. The Board was reminded that it has been difficult to get response to certified mail delivery. The issues at the Webfoot have been ongoing for several years with little success in the business owners addressing the issues brought forward and their lack of appearance at this meeting was considered another sign of their inability to address or want to address the issues being brought forward. The matter of this unlicensed business included code issues that needed to be addressed and some were addressed except for issues such as the upgrade of the fire alarm system were are vital to the safety of the occupants. The Administrative Board Committee deliberated about this issue at the last meeting and felt that unless fines are not levied against the business owner, no attention will be given to the issues involved. Fines were set at \$100 for the first day, \$250 for the second day, and \$500 for each day thereafter.

Diane Dion (206-4-4), 102 Saco Avenue, four year round rentals.

It was noted that the individual that was to have been evicted is still living in the cabin and still has a presence at all hours of the day and night. The history of the renter included mental deficiencies, use of drugs, emotional considerations, and the unplanned behavioral ups and downs that have caused concerns with neighbors and other renters. The history of how this renter was brought to the location includes the City of Portland and through his case worker. The owner also indicates that she rents through the prison program and also through Shalom house – all agencies dealing with individuals with substantive issues which often make rentals difficult. At the last hearing in May it was indicated that the owner was to secure the eviction of the renter in the next sixty days and to meet after that time to evaluate the outcome of the eviction. Unfortunately that time has passed and the individual still has not been evicted. *(Since then the Town Manager has contacted the Executive*

Director –Section 8 – and discussions held which recommendations how to advance this issue. They indicated that Ms. Dion was made aware before renting to him of the challenges of being his landlord when she requested and received rent increases. She clearly has informed them that this is her choice.)

The Administrative Board meeting ended at 5 45 p.m.

MOTION: Chief Kelley motioned and Chief Fitzpatrick seconded to adjourn.

VOTE: Unanimous.

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 five (5) pages is a true copy of the original Minutes of the Administrative Hearings held on Tuesday, July 15, 2014.