

**TOWN OF OLD ORCHARD BEACH, MAINE  
ADMINISTRATIVE HEARING  
Monday, May 19, 2014  
4:00 p.m.**

An Administrative Hearing was called to order at 4:00 p.m. on Monday, May 19, 2014 at 4:00 p.m. to consider administrative review.

The following were in attendance:

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

**Absent:       Town Manager Larry Mead  
                  Gary Curtis  
                  Kenneth Lafayette**

In the absence of the Town Manager, Larry Mead, Administrative Board Business Owner, Marc Bourassa, agreed to serve as Chair. He 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 it is hoped issues can be resolved today so that it does not have to come to the Town Council.

**4:00 p.m. – William C. Neumann dba/Last Call (206-31-19) – 4 First Street, Victualers with Preparation with Beer, Wine and/or Liquor on Premises.**

It was noticed that business notification was made to Linda Gervais and one to Candace Kainey. There were several issues that required the business notification including assault, disturbances, rescue calls, domestic disturbance with most being results from disorderly conduct. Most of their employees are part time working perhaps three days at a rate of \$16 an hour. Mr. Neumann realized the need for training of his staff and has already signed up for the meeting by Tips and Wages which is scheduled at the Police Department on June 11, 2014. The owner showed a definitive desire to work out the issues that were brought forward by the Board realizing that more security was necessary and has hired an additional outside company which will give his three bouncers on duty during the weekend hours which are

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most critical. Linda Gervais has worked for this business for many years and both she and Mr. Neumann appeared to have a handle on their clients but also recognized that they needed to address the number of calls that were occurring and demanding service by the Police Department. The Board expressed appreciation for the costiveness of their reaction to the issues that were brought forward and consensus was that no action needed to be taken as it appeared they were addressing the issues that were presented.

**MOTION:** Chief Kelley motioned and Marc Bourassa seconded to accept the assured cooperation of the business owner and to accept that the issues have been resolved at this time.

**VOTE:** Unanimous.

**4:30 p.m.** Julia Farris and Donna Soraoue dba/The Webfoot (324-15-1), 1 Temple Avenue, Ocean Park, Unlicensed 23 seasonal rental.

These business owners did not show at the hearing nor respond to the 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. It has been difficult in the past to inspect the facility and to reach the applicants to set up times to go to the establishment. Over the past few years every effort has been made to work with the business owners providing conditional licenses but there always appeared to be the lack of commitment on their part to work with the administration to move items forward. Neal Weinstein for several years represented them but just recently indicated that he no longer represents The Webfoot. In reviewing the files these issues go back to 2010 with promises to move forward but then issues not being addressed. The Fire Chief mentioned that there have been ongoing issues with a neighbor in an easement issue about legal variance granted to Mr. Bob Vinkoor so he may access his property at 3 Temple Avenue. The Chief has visited and taken photos of the site on three occasions. It is enormously important that this three foot access right-of-way is kept completely clear of all obstacles for public safety responders at all times because of its relation to the rapid access to structure at 3 Temple Avenue as well as the off-street side of the Webfoot Inn. The Chief mentioned in his letter the Chief explained that they would use the three foot access to lay fire attack hose, navigate ambulance stretchers or utilize the space for operations to protect the exposed building behind the Webfoot structure. He noted that the landscape of the beach side of the Webfoot Inn property is unpredictable especially in winter and may prove to be impossible for firefighters or rescue personnel to transport vital equipment to the Vinkoor's property. The removal of snow and/or all other obstructions is vital for responding public safety personnel to quickly enter any residence without hindrance in order to perform necessary emergency tasks. Again a response from the Webfoot has not been received.

**The Administrative Board Committee deliberated about this issue and felt that unless fines are not levied against the business owner, no attention will be given to the issues involved. It was the intent of the Code Enforcement Officer and the Police Officer to visit the establishment in the next few days and serve a summons on this business with the institution of the fines at that time, \$100 for the first day, \$250 for the second day, and \$500 for each day thereafter.**

**MOTION: Dan Feeney motioned and Tina Kelly seconded to move forward to the Town Council a recommendation to deny a license to this establishment based on past history and for the Police Chief and Code Enforcement Officer to begin institution of the fines and move legally forward effective May 20, 2014; and that recommendation of denial of license will be provided to the Town Council for the June 3, 2014 agenda.**

**VOTE: Unanimous.**

**UPDATE FROM CODE OFFICER – May 27, 2014 - *The Code Officer, Dan Feeney, and a Police Officer went to The Webfoot and did an inspection. The Code Officer is researching a few issues and will have a report within two weeks. If they are then in violation fines will be instituted.***

**5:30 p.m. – John McManus (309-8-3), 3 Short Street, one year round rental.**

**Mr. McManus was joined by Bob Fillion. It appeared that Mr. McManus was a little surprised at being called before the Board because he had already addressed the issue of one of his renters who appeared to be the individual involved in almost all the issues raised in the complaints. That individual has already been evicted and has moved on. The Board felt that Mr. McManus attempted in most areas to conduct his business in a very professional manner with the avoidance of issues such as were presented by the one unfortunate rental.**

**MOTION: Chief Kelley motioned and Chief Glass seconded to accept the changes that have already been made with the eviction of the confrontational individual and not require further consideration of the issues raised.**

**VOTE: Unanimous.**

**The Administrative Board meeting ended at 5:10 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 Monday, May 19, 2014.**

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