



Town Council - Meeting Agenda

October 3rd, 2023 @ 6:30 pm
Council Chambers - 1 Portland Avenue

www.oobmaine.com/town-council

**Members of the public wishing to view the meeting from home may tune into Local Access TV (Channel 3 or 1301 - check with your provider) or by clicking the Meeting Videos link on oobmaine.com.)*

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACKNOWLEDGEMENTS:

GOOD & WELFARE:

PRESENTATION:

Town Clerk - Historic annual reports update

ACCEPTANCE OF MINUTES:

Acceptance of minutes from the 9/19/2023 Regular Town Council Meeting.

Chair: Shawn O'Neill

PUBLIC HEARING – ORDINANCE AMENDMENTS:

Public Hearing #1

Shall the Town Council consider amendments to the Code of Ordinances, Section 54, Traffic and Vehicles, Section 187 (a), Restrictions and Prohibitions. This amendment proposes changes on Colby Avenue, by changing the time allowed to park on the southwest side (right side facing the ocean) from West Grand to Seaside Avenue from Five-minute parking to Fifteen-minute parking.

Chair: Shawn O'Neill

For Council Agenda to Set Public Hearing and Change parking time.

Sec. 54-187. - Restrictions and prohibitions.

Colby Avenue. ~~Five~~-Fifteen minute parking shall be allowed on the southwest side (right side facing the ocean) from West Grand Avenue to Seaside Avenue. No parking shall be allowed on either side of Colby Avenue from Clover Street (Fourth Street) to West Grand Avenue except in four designated spaces on the right side of Colby Avenue (facing the Ocean) just west of the intersection of Clover Street (Fourth Street) before the tennis courts.

We would like to propose the **five minute parking** on Colby Avenue be changed to **fifteen minute parking**. The current signage is for fifteen Minute parking which has been in place for some time and is not consistent with current ordinance which states five minutes. Fifteen minutes appears to be a sufficient amount of time based on the location of the Post Office and other area businesses in proximity to the existing spaces. This discrepancy was discovered during a recent review of a GIS Parking Overlay that is being created through CAI.

Public Hearing #2

Shall the Town Council consider amendments to the Code of Ordinances, Section 54, Traffic and Vehicles, Section 187 (a), Restrictions and Prohibitions. This amendment proposes changes on Bay Avenue, by designating no parking on the parking space closest to 1 Bay Avenue (MBL 313-2-1) on the right side of the road.

Chair: Shawn O'Neill

For Council Agenda to Set Public Hearing to designate a No Parking Space on Bay Avenue

Sec. 54-187. - Restrictions and prohibitions.

Bay Avenue. No vehicle shall be parked on the northeasterly side of Bay Avenue (left side facing the ocean). **Added Language (There shall be one no parking space located on the Southwesterly side of Bay Avenue (right side facing the Ocean) in front of 1 Bay Avenue (MBL 313-2-1).**

The purpose of this requested change is due to a request from residents of 1 Bay Avenue (Golden Shores Condominium Association) who expressed concern regarding vehicles parking nearby the exit of the complex and the garage area located on the building. After checking the parking space in question we determined the space appears to be in a hazardous location for vehicles coming and going from the complex or the garage located in the main building.



Maine Condo Companies

September, 6, 2023

Chief Elise Chard
Old Orchard Police Department
16 E. Emerson Cummings Blvd.
Old Orchard Beach, ME 04064

Dear Chief Chard,

I am writing on behalf of the Golden Shores Condo Association at One Bay Avenue in Old Orchard Beach. I have met with Gregory Bunce, the Parking Supervisor and spoken with the Dept. of Public Works Deputy Director who encouraged me to follow up with you regarding a particular parking spot at One Bay Avenue that has created some issues for residents.

The parking spot is located by the opening of the garage door and creates obstruction of view from those exiting the garage. Additionally the senior citizen who parks in the parking lot spaces 9 and 28 is challenged with navigating the vehicles parked behind in the next building and the vehicles parking in the public parking spot on the side of the garage door. Senior citizens worry about visibility, obstruction from the vehicles parking along the garage and often some vehicles in the public spot and building behind overlap into the drive entry/exit. Exit from the garage is often obstructed by the public spot. This public parking spot for the last year has had many construction vehicles and oversized vehicles including min-van's, beach goers, etc. parked and creating challenges for the residents at 1 Bay Ave and especially the parking spot number 9. Some residents who are senior citizens are concerned that should they hit a vehicle due to their age, their insurance company or whomever would pursue license revocation or increase rates. These are legitimate concerns and it is a navigation nightmare at 1 Bay Avenue.

It would be appreciated if the Chief would consider making this a no parking spot. If that is not an option then a compact car spot only or any other suggestions are appreciated. Towing of a vehicle is not the answer as that comes challenges legally and also the owner of the vehicle becomes potentially hostile. See photo from google earth attached.

Thank you for your time and consideration.

Kind regards,

Jackie Aiken

Maine Condo Companies, LLC

Scarborough, ME 04074

207-831-7894

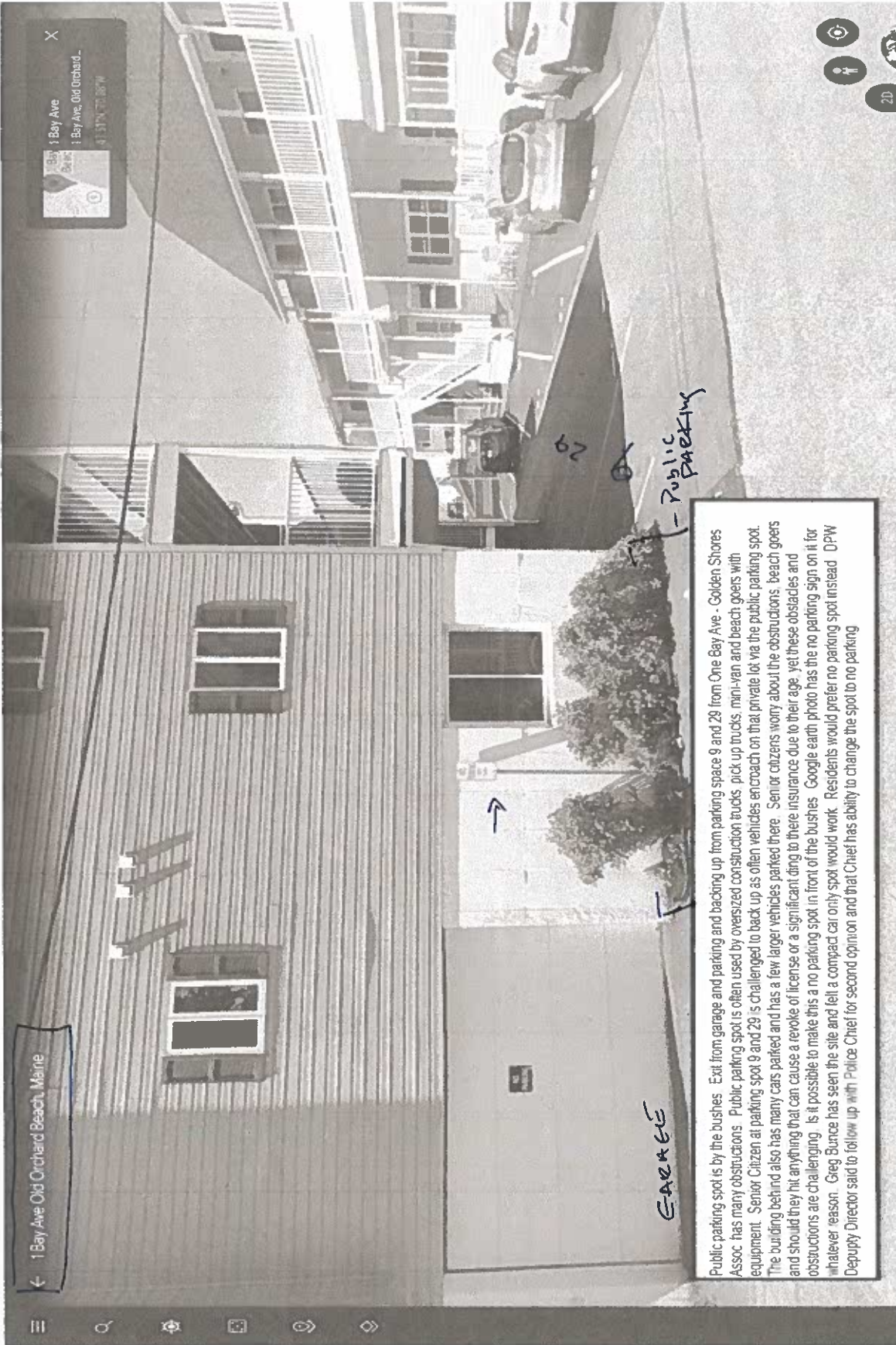
jaiken@mainecondocompanies.com

PS: Once you advise, I will follow up as requested with the DPW Deputy Director who asked me to consider to follow-up with Police Chief. Then DPW can perhaps make some changes.

www.mainecondocompanies.com



Maine Condo Companies



www.mainecondocompanies.com

Google Earth Photo - Shows No Park Sign
9/6/23



1 Bay Avenue

Proposed No Parking Designation



September 11, 2023

1 inch = 22 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Cary Seamans, (105A-1-813), 10 Mickelson Way, one year-round short-term rental.

Cary Seamans, (105A-1-818), 4 Mickelson Way, one year-round short-term rental.

John Orthmann, (211-7-52), 158 Temple #C, one seasonal short-term rental.

Chair: Shawn O’Neill

PUBLIC HEARING – SPECIAL AMUSEMENT PERMITS & APPROVALS:

Jumpin' Jake's Restaurant and Fish Market, Bryan Gale, (208-3-3), 181 Saco Ave,
1-3 person acoustic/plug in and DJ 12:00 pm to 10:00 pm.

Chair: Shawn O'Neill

TOWN MANAGER REPORT

NEW BUSINESS:

AGENDA ITEM #8009

Discussion with Action: Enact an ordinance establishing a Moratorium on Short Term Rentals, whereas no specific regulations governing Short Term Rentals exists under the Town of Old Orchard Beach's Zoning Ordinances and which has raised concerns related to public safety and welfare and potential adverse effects on the fabric of residential neighborhoods.

Chair: Shawn O'Neill

**TOWN OF OLD ORCHARD BEACH
ORDINANCE ESTABLISHING A MORATORIUM
ON SHORT TERM RENTALS**

WHEREAS, residential dwelling units have increasingly been advertised and operated as Short Term Rentals throughout the Town of Old Orchard Beach (“the Town”); and

WHEREAS, no specific regulation governing Short Term Rentals exists under the Town of Old Orchard Beach’s Zoning Ordinances; and

WHEREAS, Short Term Rentals raise a number of concerns related to public safety and welfare, including, but not limited to, potential adverse effects on the fabric of residential neighborhoods and impacts of transient occupation on adjacent residents, and the inability to maintain housing availability for long-term residents; and

WHEREAS, under Section 18-33 of the Town’s Code of Ordinances, any person who owns, operates, or conducts a business, including seasonal rental units, temporary seasonal housing, and year round housing, must obtain a license from the Town Council pursuant to the Fee Schedule in Appendix A of the Code, which does not list Short Term Rentals as a stand-alone category; and

WHEREAS, there have been an increasing number of dwelling units operating as a Short Term Rentals;

WHEREAS, the Town’s current ordinances do not provide an adequate mechanism to regulate and prevent the potential for serious public harm from the increase in Short Term Rentals throughout the Town; and

WHEREAS, the Town’s existing ordinances do not provide an adequate mechanism to regulate and control Short Term Rentals and are inadequate to prevent the potential for serious public harm from the continued use of residential property as Short Term Rentals; and

WHEREAS, the Town needs a reasonable amount of time to study the land use implications of Short Term Rentals and to develop reasonable regulations governing the licensing, permitting, location, and operation of Short Term Rentals and their operation; and

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S. § 4356, be it hereby ordained by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, as follows:

1. DEFINITIONS.

As used in this Ordinance, the following term has the following meaning:

“*Short Term Rental*” means any building or structure, or portion thereof, that is offered or provided to a guest or guests to be used for living or sleeping for a fee for less than 30 consecutive days, with the exception of motels, hotels, bed and breakfast, inns, overnight cabins, and campgrounds. Short-term rental units may be whole house, duplexes, multifamily, apartments, condominiums, condominium hotels/motels, and individual rooms or individual units in homes, duplexes, multifamily, apartments, condominiums, and condominium hotels/motels.

2. APPLICABILITY.

This moratorium shall apply to the issuance of all new business licenses for Short Term Rentals which are requested or arise on or after the effective date of the Ordinance, in the following Zoning Districts only:

- Residential 1 District (R-1)
- Residential 2 District (R-2)
- Residential 3 District (R-3)
- Residential 4 District (R-4)
- Single Family Private Dwelling District (R-5)
- Rural District
- Planned Mixed Use Development

Notwithstanding the provisions of 1 M.R.S.A. § 302, this Ordinance shall apply to applications or requests for business license for Short Term Rentals, whether or not an application or proceeding to establish or expand said use prior to the enactment of this Ordinance

would be deemed a pending proceeding. No person may establish, operate, or rent a Short-Term Rental without a business license during the time this Ordinance is in effect.

This Ordinance does not apply to renewal applications for existing licenses, or for license applications for the operation of Short Term Rentals in dwelling units in which there was a transfer of title and ownership within the year prior to the effective date of this Ordinance.

3. PROHIBITION.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of Old Orchard Beach shall accept, process or act upon any application for any approval, including but not limited to a business permit, building permit, certificate of occupancy, site plan review, conditional use, or any other approval, relating to the establishment, or operation, of a Short Term Rental, other than renewals of existing licenses. No person shall establish or operate a Short Term Rental within the Town of Old Orchard Beach that was not approved and licensed by the Town prior to the effective date of this Ordinance, other than an application for renewal of an existing license, or for license applications for the operation of Short Term Rentals in dwelling units in which there was a transfer of title and ownership within the year prior to the effective date of this Ordinance.

4. ENFORCEMENT, VIOLATION AND PENALTIES.

This Ordinance shall be enforced by the Code Enforcement Officer of the Town of Old Orchard Beach. Any person who violates this Ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S.A. § 4452. If a Short Term Rental is operated in violation of this Ordinance, each day such use continues constitutes a separate violation.

5. EFFECTIVE DATE.

This Ordinance takes effect immediately upon adoption and shall expire on the 181st day thereafter, unless earlier extended, repealed or modified by the Old Orchard Beach Town Council.

6. SEVERABILITY.

Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.

AGENDA ITEM #8010

Discussion with Action: Shall the Council approve a Contract Zone Agreement between Land Matters, LLC and the Town of Old Orchard Beach, for the property located at 60 Saco Ave., Map 206, Block 10, Lot 1 in the GB2 district, pursuant to 30A M.R.S.A., Section 4352 (8), Chapter 78, Section 78-31 and Chapter 78, Article IX of the Old Orchard Beach Zoning Ordinance, and Section 410 of the Old Orchard Beach Charter. The purpose of the Contract Zone is to allow the establishment of a 6-unit residential condominium building.

Chair: Shawn O'Neill

THE FRANKLIN CONTRACT ZONE
CONTRACT ZONING AGREEMENT
BETWEEN LAND MATTERS, LLC and THE TOWN OF OLD ORCHARD BEACH

This Contract Zoning Agreement is made this ____ day of _____, 2023 by and between the **TOWN OF OLD ORCHARD BEACH**, a body corporate and politic located in the County of York and State of Maine (hereinafter the “Town”) and **LAND MATTERS, LLC**, a Maine limited liability company with a principle place of business in Saco, Maine, (hereinafter “Property Owner”).

WHEREAS, pursuant to a certain Purchase & Sale Agreement dated April 9, 2021, Property Owner has a right and interest in a parcel of real estate located at 60 Saco Avenue, Town of Old Orchard Beach, Maine (Tax Map 206, Block 10, Lot 1) and which address shall be changed to 9 Fern Park Avenue, Town of Old Orchard Beach, Maine, as depicted on the *Trillium Engineering Group boundary survey (the “Boundary Survey”)* and attached hereto as **Exhibit A** and incorporated herewith (hereinafter the “Property”).

WHEREAS, the Property is currently located in the General Business District 2 (GB-2) (“GB-2”), under the Old Orchard Beach Zoning Ordinance (“OOBZO”).

WHEREAS, the Property consists of approximately **0.325 acres (14,176 sq/ft)** and is located at the corner of Saco Avenue and Fern Park Avenue.

WHEREAS, the Property is not currently in use having previously housed a branch of the U.S. Post Office and is built in the style of a commercial office building.

WHEREAS, Property Owner wishes to further develop and make use of the Property as a six (6) unit residential condominium so as to revitalize the Property and make use of it in conformity with the Town of Old Orchard Beach Comprehensive Plan (“OOB Comp Plan”).

WHEREAS, Property Owner and the Town wish to create a separate zone known as The Franklin Contract Zone which will enable above-described uses to exist on the Property.

WHEREAS, the Town has the authority to enter into a contract re-zoning for the Property pursuant to 30-A M.R.S.A. §4352 and Article IX “Contract Zoning”, et seq., of the OOBZO.

WHEREAS, after notice and hearing and due deliberation on the re-zoning phase, the Old Orchard Beach Planning Board recommended re-zoning of the Property.

WHEREAS, pursuant to Section 78-2138 and 30-A M.R.S.A. § 4352(8), the Planning Board and the Town Council have determined that: the re-zoning is consistent with the Town’s Comprehensive Plan; and, that the re-zoning is consistent with existing uses and allowed uses within the original zone; and, that the conditions described in this Agreement and in the Franklin Contract Zone are sufficient to achieve the purposes described in Section 78-2131.

WHEREAS, the re-zoning has been adopted by the Town Council.

NOW THEREFORE, in consideration of the mutual promises made to each other, the parties covenant and agree as follows:

1. The Town will amend the Zoning Ordinance and map to create and make reference to this Agreement and the The Franklin Contract Zone as depicted on Exhibit A.

2. Subject to final Planning Board approval and after public hearing, of the Site Plan, the Property Owner and/or its heirs, successors and assigns shall be authorized to use the Property for any of the uses set forth in the description of The Franklin Contract Zone attached hereto as **Exhibit B** and incorporated herewith.

3. In reviewing the Site Plan, the Planning Board will apply the standards set forth in the Old Orchard Beach Ordinance except as modified by the description of the Franklin Contract Zone attached hereto as Exhibit B and incorporated herewith. The project shall be developed substantially conforming with the layout shown on the Site Plan, Exhibit A. The Planning Board may make modifications of the Site Plan without amendment of this Agreement.

4. Property Owner shall record the Contract Zoning Amendment in the York County Registry of Deeds and shall submit proof of recording to the Town's Code Enforcement Officer and Planner.

5. The provisions of this Contract Zoning Agreement shall be deemed restrictions on the use of the Property and shall be amended only upon further written agreement of the Town and Property Owner and/or its heirs, successors and assigns to the Property.

6. The above restrictions, provisions and conditions are an essential part of the re-zoning, shall run with the Property and shall bind Property Owner and/or its heirs, successors and assigns of the Property or any party in possession or occupancy of the Property or any part thereof and shall inure to the benefit of and be enforceable by the Town.

7. If any of the restrictions, provisions, conditions or portions of this Agreement is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portions shall be deemed as separate, distinct and independent provisions and such determination shall not affect the validity of the remaining portions hereof.

8. Except as expressly modified herein, the use and occupancy of the Property shall be governed by and comply with the provisions of the Town of Old Orchard Beach Zoning Ordinance.

9. In the event that Property Owner and/or its successors and assigns fail to develop or operate the Property in accordance with this Agreement or in the event of any other breach of any conditions set forth in this Agreement, the Town Council shall have the authority, after written notice to Property Owner and/or its successors and assigns, and reasonable opportunity to

cure, to terminate this Agreement or to re-zone the Property to the current zone or any successor zone. In the event of such a re-zoning, the Property shall then be used for only such uses or otherwise allowed by law. The Town shall also have the ability to enforce any breach of this Agreement or any other violation of the Zoning Ordinance through the provisions of 30-A M.R.S.A. § 4452.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the ____ day of _____ 2023.

TOWN OF OLD ORCHARD BEACH

Witness

By: _____
Its Town Council

LAND MATTERS, LLC

Witness

By: _____
Its Member & Manager
Thereunto duly authorized

Witness

Tom Gillis

STATE OF MAINE
YORK, ss.

_____, 2023

Personally appeared the above-named _____ as _____ of the Town of Old Orchard Beach and acknowledged the foregoing instrument to be their free act and deed in said capacity on behalf of said Town.

Before me,

Notary Public/Attorney at Law

STATE OF MAINE
YORK, ss.

_____, 2023

Personally appeared the above-named Tom Gillis as Member & Manager of Land Matters, LLC, and acknowledged the foregoing instrument to be his free act and deed in said capacity on behalf of said Land Matters, LLC.

Before me,

Notary Public/Attorney at Law

EXHIBIT B

THE FRANKLIN CONTRACT ZONE

A. Purpose

The Franklin Contract Zone (“FCZ”) shall be located at 9 Fern Park Avenue, Town of Old Orchard Beach, Maine (Tax Map 206, Block 10, Lot 1)(the “Property”).

The purpose of the FCZ is to allow for current structure(s) located on the Property to be developed and used as a residential condominium with up to six (6) units.

The Franklin Contract Zone is consistent with the Old Orchard Beach Comprehensive Plan (“Comprehensive Plan”) Policy A.40 in that it seeks to sustainably maintain and preserve the existing structure, said structure being the former U.S. Post Office. The improvement of the current one story brick structure will include the incorporation of historic architectural materials and details which will reflect and enhance the former character of building and improve the aesthetics of the community consistent with Policy A.26 of the Comprehensive Plan. The footprint of the existing structure shall not be enlarged and the building height will be less than thirty-five (35’) feet.

Consistent with the Comprehensive Plan, The Franklin Contract Zone includes the installation of an additional five (5’) foot wide sidewalk, landscaping, and seating, along the southwesterly side of Fern Park Avenue, which shall improve pedestrian safety.

Consistent with the Comprehensive Plan, Policy A.3, The Franklin Contract Zone conforms to the predominately residential nature of the GB-2 District and the surrounding neighborhood and will add up to six (6) moderately priced residential condominium units, with rental term(s) of less than thirty (30) days prohibited, to the Town’s housing stock, which is in conformity with the Comprehensive Plan Policy A.3 to assure opportunities for affordable housing while allowing the proper workings of the real estate marketplace.

Consistent with the Comprehensive Plan, The Franklin Contract Zone will restore and improve the visual character of the premises which is prominently situated on Saco Avenue, the major gateway to the Town center. It will have no negative impact on traffic on Saco Avenue nor will it add any additional traffic to Fern Park Avenue.

Consistent with the Comprehensive Plan, the Franklin Contract Zone will not place additional burden upon the Town to provide municipal services as electric, telecommunication, water and sewer services already exist upon the Property; and, The Franklin Contract Zone shall provide private carting services for trash removal and the

removal of waste. Snow removal within the Franklin Contract Zone will be effectuated by private contractor.

Consistent with the Comprehensive Plan, Policy A.42, ample on-site parking will be provided for residents and guests consistent with Policy A 42 and in conformity with the existing on- site requirements of the Town.

B. Permitted Uses

The following uses shall be permitted in The Franklin Contract Zone (FCZ):

- (1) Single-family detached, two-family, and multifamily dwellings.
- (2) Accessory buildings, structures, or uses.
- (3) Business, professional, and governmental offices.
- (4) Retail uses of less than 5,000 square feet of gross leasable area.
- (5) Artist and craftsman studios.
- (6) Lodges and fraternal organizations.
- (7) Lodging establishments.
- (8) Municipal uses.
- (9) Community living arrangements.
- (10) Residential Condominium. For purposes of the FCZ “Residential Condominium” shall mean a residential condominium project, which units are individually owned, one hundred (100%) percent of which are used for residential purposes and not for transient use as short-term rentals.

C. Conditional Uses

The planning board may authorize the following uses in the FCZ provided that the conditions of Article VII, Chapter 78, OOBZO are met:

- (1) Automotive service and/or repair.
- (2) Retail uses in excess of 5,000 square feet of gross leasable area.
- (3) Public/private utility facility.
- (4) Wireless telecommunication facilities: architectural siting only.
- (5) Home occupations.
- (6) Cafes.

D. Prohibited Uses

Prohibited uses in the FCZ are as follows:

- (1) Truck terminals/motor freight business.
- (2) Drinking establishments.
- (3) Mobile homes.
- (4) Contractor storage yard 1 and 2.

E. Space and Bulk Requirements

Space and bulk requirements for the FCZ are as follows:

Standard	Residential Uses	Nonresidential Uses
Minimum lot area	2,300 sq. ft. NDD*	5,000 sq. ft. NDD*
Minimum lot area per unit	2,300 sq. ft.	5,000 sq. ft.
Minimum lot frontage	60 feet	60 feet
Minimum lot width	50 feet	50 feet
Minimum front yard setback, all structures	15 feet	15 feet
Minimum side yard setback, all structures	10 feet	10 feet
Minimum rear yard setback, all structures	15 feet	15 feet
Commercial use abutting a residential property	NA	25 feet
Maximum building coverage	35%	50%
Maximum building height	35 feet	35 feet

*NDD = Net development density

F. Performance Standards

(a) *Parking*. In addition to parking standards specified in Division 4, Article VIII, Chapter 78, OOBZO, all uses in the FCZ shall conform to the following parking requirements:

- (1) Where the town establishes parallel parking on Saco Avenue, properties fronting such facilities may reduce the required amount of on-site parking, specified under Division 4, Article VIII, Chapter, OOBZO, in the following manner:

Use Size	Required Off-Street Parking
<500 square feet net leasable area	None
500—1,500 square feet net leasable area	50% of required
1,500+ square feet net leasable area	100% of required

- (2) All required off-street parking shall be located in the side or rear yards of a property and not in the front yard fronting Saco Avenue.
- (b) *Driveway locations.* Notwithstanding driveway location standards specified in Division 4, Article VIII, Chapter 78, OOBZO, corner lots with less than 100 feet of frontage on Saco Avenue shall establish driveways on side streets and not access Saco Avenue directly. The combined frontage of two adjacent parcels shall be applied to the 100-foot frontage requirement, provided that the parcels share a single curb cut and driveway.
- (c) *Site improvements.* Site improvements are as follows:
 - (1) *Curbs and sidewalks.* Where nonresidential development or multifamily residential development or apartment houses in excess of five units fronts a public street, the property owner shall construct a public sidewalk and street curb within the street right-of-way for the length of the property frontage. All sidewalks and curb designs shall conform to specifications as established by the Planning Board.
 - (2) *Lighting.* Notwithstanding the standards for parking lot lighting specified in Division 4, Article VIII, Chapter 78, OOBZO, all freestanding site lighting shall:
 - a. Not exceed the height of the principal building or 14 feet, whichever is less.
 - b. From a nonresidential use, not shed more than 0.5 footcandle onto surrounding residential or nonresidential properties.
 - c. Be shielded to prevent point source glare.
 - (3) *Street trees.* Where nonresidential development or multifamily residential development in excess of five units fronts a public street, the property owner shall install street trees within the highway right-of-way or within a conservation easement fronting the property as specified by the planning board.
- (d) *Signage.* All signs in the FCA must conform to the following standards in addition to those of Division 5, Article VIII, Chapter 78, OOBZO:
 - (1) *Materials.* All proposed signage shall be constructed of either wood, metal, or fabric.
 - (2) *Lighting.* All proposed signs may be illuminated by one or more shielded external light fixtures affixed to the building, the sign, or uprights emanating from the ground. Internally illuminated signs shall be permitted.
 - (3) *Area and dimensions.* Area and dimensions are as follows:
 - a. Total aggregate signage located on the site, displayed on retractable awnings, affixed to the building, and displayed in the windows shall not exceed one square foot of signage for every two linear feet of building or storefront frontage on a public street.
 - b. Maximum aggregate signage for any business shall not exceed 40 square feet.

- c. Freestanding signs shall not exceed 15 feet in height and shall not exceed the allowable square footage. Square footage of signage allocated for the freestanding sign shall be subtracted from the maximum allowable square footage.
- d. Permitted sign area is not transferable between sides of the building located on a corner lot.

G. **Flood Plains**

Any construction or development within a flood plain, as defined by the Old Orchard Beach Flood Plain Management Ordinance, shall additionally comply with the terms of that Ordinance.

H. **Site Plan Review**

Any proposals as described in Chapter 78, Article IV (Site Plans), of the OOBZO shall be subject to site plan review and approval by the Planning Board prior to receipt of a building permit or plumbing permit.

AGENDA ITEM #8011

Discussion with Action: Shall the Council amend the Code of Ordinances, Section 54, Traffic and Vehicles, Section 187, Restrictions and Prohibitions, York Street, changing the designation of the first two parking spaces on the left side facing the ocean, from East Grand Avenue, as handicap parking, to designating the second and third parking spaces on the left side facing the ocean, from East Grand, as handicap parking spaces.

Chair: Shawn O'Neill

NOTICE OF PUBLIC HEARING
MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on September 19th, 2023, at 6:30 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the Code of Ordinances, Chapter 54, Traffic and Vehicles, Section 54-187, Restrictions and Prohibitions, York Street, by adding the underscored language and deleting the strikethrough language as follows:

York Street. No vehicle shall be parked on the southwesterly side of York Street (right side facing the ocean). The ~~first two~~ second and third parking spaces on the left side facing the ocean, from East Grand Avenue, shall be designated handicap parking.

Per Order of the Municipal Officers this _____ day of _____, 2023.

A True Copy
Attest:

Kim M. McLaughlin, Town Clerk

AGENDA ITEM #8012

Discussion with Action: Award the proposal from Knowles Industrial Services Corporation in the amount of \$58,076.00 for building repairs to the fire station from CIP account 52002-50813 CIP Public Safety Facility Improvements - Fire, with a balance of \$141,565.24.

Chair: Shawn O'Neill

295 NEW PORTLAND ROAD
GORHAM, MAINE 04038
(207) 854-1900
(207) 854-4996 FAX
www.knowlesindustrial.com

May 25, 2023

Chief John Gilboy
Fire Chief
Town of Old Orchard Beach
136 Saco Ave.
Old Orchard Beach, ME 04064

RE: Water Intrusion at Exterior Walls

Dear Chief Gilboy,

Thank you for reaching out and giving us the opportunity to provide you with some budgets for various repair options to your fire station located at 136 Saco Ave in Old Orchard, ME. This proposal will focus on the existing water penetration issues you are experiencing on the inside of your building along the east facing (Saco Ave.) elevation. We have compiled what we believe to be the driving causes for the water entering the building and what we think would be the most cost-effective way of mitigating the existing issues. Observations of existing conditions and recommended remediations are as follows:

Observations



Restoring the Past - Protecting the Future

SERVING INDUSTRY'S NEED FOR REPAIR AND RESTORATION SINCE 1971

SHOTCRETE • GROUTING • CONCRETE • MASONRY • PROTECTIVE COATINGS & LININGS



Window and corner of building where water has been entering inside the building.



Visible damaged block along building corner. Missing mortar at masonry joints. Dry and brittle caulking at windows.



The steel lintel above window has begun to corrode. No signs of any existing flashing along top of lintel.

Exterior Façade Existing Conditions:

- Deteriorated masonry joints – several areas where joints are missing mortar completely.
- Damaged blocks in need of replacement, especially at the corner of the building.
- Caulking around window perimeter is severely aged and needs full replacement.
- Lintel over window showing signs of corrosion.
- Peeling paint along surface of block, showing signs of moisture intrusion.

The cause of the water penetration into the building can be attributed as a combined result of all the above-mentioned observations. It's difficult to identify the main cause without doing some exploratory work, but the most probable source for water entering inside of the building is probably due to water intrusion through the face of the exterior block. While the elastomeric coating on the block has held up relatively well since it was applied 10 years ago, there are multiple locations along the building façade where the paint has failed and some areas where even bare block is visible. With split-face block it is very important that any coating is applied carefully and thoroughly, as a pinhole-free (non-porous) surface is vital to protect against moisture intrusion.

Below we have presented what we believe to be the most cost-effective way of mitigating the existing causes for the current moisture penetration into the building, as well as how to protect against it afterwards.

Recommendations

There are several different approaches that could be taken to address the water intrusion into the building. Our recommended approach would be to repair all masonry features, replace all exterior sealants, and then apply a sealer to the entire façade of the building. Repairing masonry items will consist of spot repointing any deteriorated or missing mortar joints and replacing any damaged or broken block. All exterior sealants around windows and doors should be fully removed and replaced. After all repairs have been completed, we can apply a sealer as a secondary defense against future moisture intrusion.

Applying a sealer instead of a new elastomeric coating will be a substantial labor costs saving, seeing as the paint must be thoroughly applied and will be a slow-moving process since it would require the paint to be brushed and backed rolled to obtain proper coverage. Please find below the cost to complete all the necessary repairs and seal the building afterwards.

Additionally, the steel lintels above the window on the ground level are showing signs of corrosion. While these lintels are purely structural and not doing anything to prevent water entering the building, it could be beneficial to replace them and install in-wall flashing above to help direct the flow of water if it is able to somehow bypass the sealer and make its way to the back side of the masonry wall.

Complete Building Repairs & Seal Building Façade

\$38,918.00

- Spot repoint any deteriorated or missing mortar joints, up to 50 SF.
- Replace any broken or damaged block, up to 25 SF.
- Remove & replace all exterior sealants along doors, windows, etc., approx. 110 LN FT.
- Pressure wash façade & apply Siloxane PD water repellent to exterior façade, approx. 1000 SF.

Optional: Install new Lintels & In-Wall Flashing above ground floor windows

\$19,158.00

- Shore up masonry above both ground floor windows.
- Remove 2 courses of block above both ground floor windows.
- Remove & replace lintels above both ground floor windows.
- Install new in-wall flashing on the top side of the lintels.
- Relay blocks above window.

Provided by Others

- Water supply
- Parking for 1 utility body truck
- Lay down area for material and equipment.

Please note that each of the above options includes labor, equipment, and materials for all the work listed. Building repairs and sealing the facade is expected to take 2 weeks to complete, with an additional week of work included if optional work is chosen to be completed. Working hours are from 6:30am-5pm, Monday-Friday.

Should you have any questions or need any additional information, please do not hesitate to contact me.

Respectfully,

Casey Paladino
Project Engineer
(207) 615-5073

AGENDA ITEM #8013

Discussion with Action: Approve the quote from Eagle Network Solutions for the upgrade and licensing of 4 virtual servers in the amount of \$8,463.00 from account 51002-50923 CIP IT Infrastructure Account with a balance of \$45,641.11. This was approved as part of the FY 24 CIP budget.

Chair: Shawn O'Neill



OUTSOURCED IT SERVICES
FOR SMALL AND MID-SIZED BUSINESSES



We have prepared a quote for you

Upgrading Operating Systems for OOB Project

Quote # 001420
Version 1

Prepared for:

Old Orchard Beach

Jordan Miles
jmiles@oobmaine.com

▶ Executive Summary

This quote reflects 4 virtual servers that still need to be upgraded from Server 2012 R2 to Server 2022.

- Store02
- Print01
- Vision8
- SQL01

Several virtual servers have been or *will be decommissioned* as this work is completed: LaserFiche, SOPHOSS01 Server and VISION (to be done). This represents a monthly recurring billing savings of \$105.00 x 3. (\$315.00)

Mailstore has already been upgraded. (done)

Licensing

Description	Price	Qty	Ext. Price
WINDOWS SERVER 2022 Standard- "WINDOWS SERVER 2022 STANDARD VLIC 16 CORE LICENSE PACK, Product stocked by manufacturer. Delivery times vary."	\$1,069.00	2	\$2,138.00
<p>Jordan,</p> <p>We are under the belief that the old VS "Vision" can be shut down after this migration is complete. We have it in writing from a Vision leader but are verifying accuracy. If it turns out Vision must remain in operation, we will need to order a 3rd license but we do not believe this will be necessary.</p> <p>Amy</p>			

Subtotal: **\$2,138.00**

Store02

Description	Price	Qty	Ext. Price
ENS Fixed Fee Technical Svcs Labor / Technical Services time to complete job outlined and quoted. Work to be done during standard ENS business hours of M-F, 8:00-5:00.	\$115.00	12	\$1,380.00
<p>Statement of Work: Migration work to spin up new Windows Server 2022 Virtual Machine and migrate the Share data to it from Store02.</p>			

Subtotal: **\$1,380.00**



Print01

Description	Price	Qty	Ext. Price
ENS Fixed Fee Technical Svcs	\$115.00	12	\$1,380.00
Labor / Technical Services time to complete job outlined and quoted. Work to be done during standard ENS business hours of M-F, 8:00-5:00.			
Statement of Work: Spin up new Windows Server 2022 Virtual Machine, migrate management of all printers on Print01 to OOB-Print01. Group Policy will be updated to reflect the host changes and printer firmware will be flashed to latest version to accommodate the new security policies enacted beyond Server 2012 R2.			

Subtotal: **\$1,380.00**

Vision8

Description	Price	Qty	Ext. Price
ENS Fixed Fee Technical Svcs	\$115.00	16	\$1,840.00
Labor / Technical Services time to complete job outlined and quoted. Work to be done during standard ENS business hours of M-F, 8:00-5:00.			
Statement of Work: Spin up a new Windows Server 2022 Virtual Machine. SQL data will be stored on OOB-Munis01, utilizing the SQL 2022 Licensing already purchased by the town. Vision support will handle the migration portion of the software and data for a cost of \$2500 one-time fee. Our estimated hours is to assist Vision support where needed with the migration, such as SA access to SQL and creating a new instance on there for SQL Server.			
*NOTE: Vision Support fee is between OOB and VISION.			

Subtotal: **\$1,840.00**

SQL01

Description	Price	Qty	Ext. Price
ENS Fixed Fee Technical Svcs	\$115.00	15	\$1,725.00
Labor / Technical Services time to complete job outlined and quoted. Work to be done during standard ENS business hours of M-F, 8:00-5:00.			
Statement of Work: 15 hours estimated LL Spin up a new Windows Server 2022 Virtual Machine. Dependent on SQL version support we can utilize the SQL 2022 licensing from Munis project. Estimated hours is for the migration assistance for Trio support. This one is up to Jordan we confirmed that Server 2016 which SQL01 is currently running on is good until 2026, buying us more time before needing to migrate. Work should be completed prior to 2027.			



SQL01

Description	Price	Qty	Ext. Price
Trio Support requires a one-time \$600 purchase of Wise J Software and then a \$3995 cost for the migration of Trio to the new server. That is covered by Trio in their quote to OOB.			

Subtotal: **\$1,725.00**

Upgrading Operating Systems for OOB Project



Prepared by:
Eagle Network Solutions
 Amy Jacob
 603-466-7477
 Fax 603-585-5668
 ajacob@eaglemsp.com

Prepared for:
Old Orchard Beach
 1 Portland Avenue
 Old Orchard Beach, ME 04064
 Jordan Miles
 (207) 937-5622
 jmiles@oobmaine.com


Quote Information:
Quote #: 001420
 Version: 1
 Delivery Date: 09/27/2023
 Expiration Date: 10/13/2023

Quote Summary

Description	Amount
Licensing	\$2,138.00
Store02	\$1,380.00
Print01	\$1,380.00
Vision8	\$1,840.00
SQL01	\$1,725.00
Total: \$8,463.00	

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors. This quote is subject to the terms and conditions of the Eagle Network Solutions Master Service Agreement located at <http://www.eaglenetsolutions.com/MSA%2004%202020.pdf>.

Eagle Network Solutions

Signature: 
 Name: Amy Jacob
 Title: Director of Operations
 Date: 09/27/2023

Old Orchard Beach

Signature: _____
 Name: Jordan Miles
 Date: _____

AGENDA ITEM #8014

Discussion with Action: Discussion with Action: Set the public hearing date of October 17th, 2023 to amend the Code of Ordinances, Section 54 Traffic, sub-section 187, Old Orchard Street, by changing all of the two-hour parking spaces and free 15-minutes spaces to free 30-minute parking spaces, and adding nine free one-hour handicap spaces.

Chair: Shawn O'Neill



Proposed New Handicap Spaces #1

Old Orchard Street ME



September 21, 2023

1 inch = 48 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



Proposed New Handicap Spaces #2

Lower Old Orchard StreetME



September 21, 2023

1 inch = 48 Feet

www.cai-tech.com



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All Existing and Proposed Handicap Parking Spaces



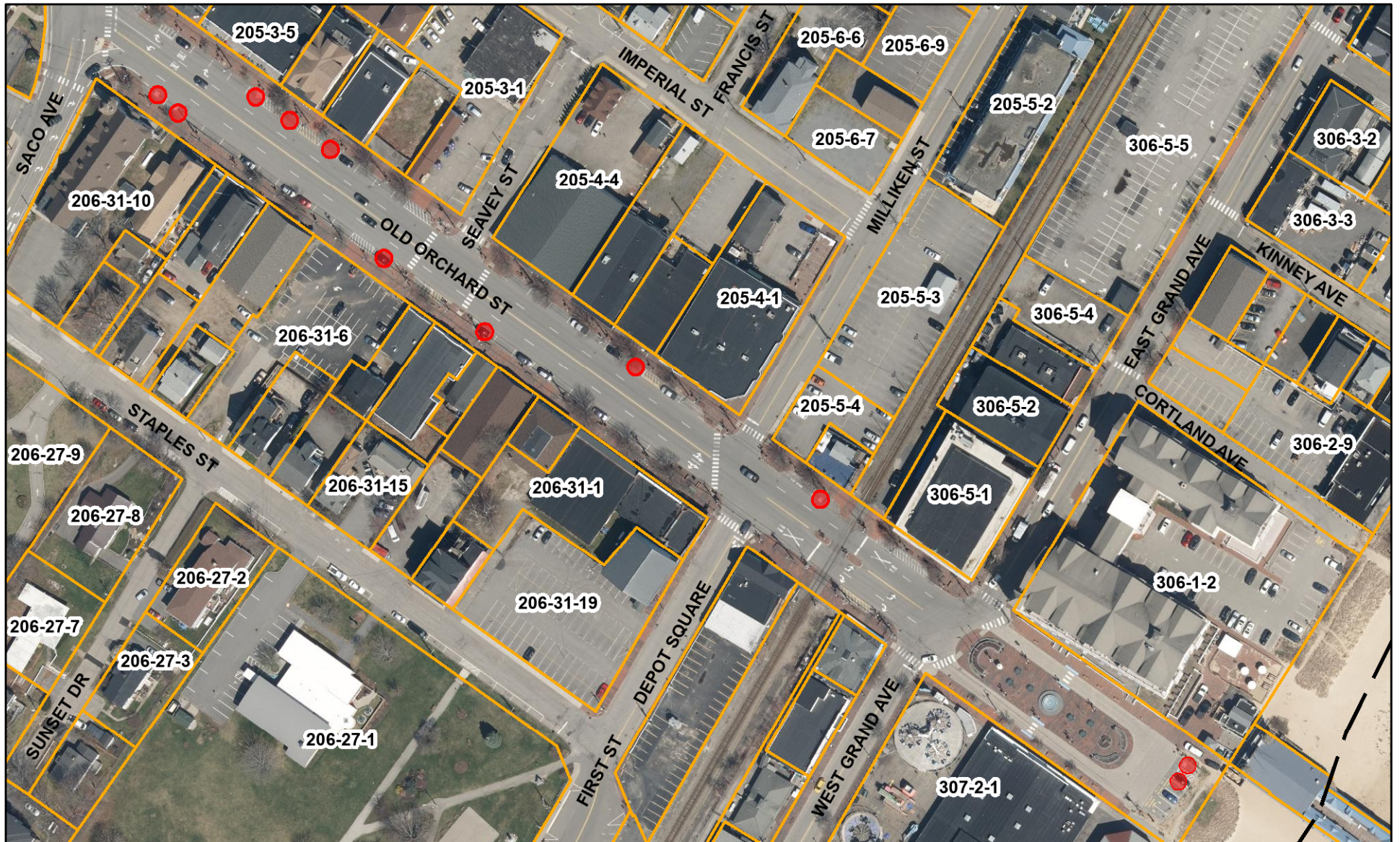
September 21, 2023

Old Orchard Street

1 inch = 136 Feet



www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

AGENDA ITEM #8015

Discussion with Action: Approve the FY 23 Line Item Transfer in the amount of \$170,725.00 from the following accounts with credit balances:

\$170,725 from account 20131-50106 Polic Department Full Time Wage Expense with a balance of \$171,446.46

To the following accounts with deficit balances:

\$58,655.59 to account 20131-50101 Police Department Head Salary with a balance of (\$58,655.59)

\$18,081.53 to account 20131-50109 Police Department Seasonal Overtime Wage Expense with a balance of (\$18,081.53)

\$17,719.55 to account 20131-50111 Police Department Overtime Wage Expense with a balance of (17,719.55)

\$57,929.13 to account 20131-50251 Police Department Conferences/Training with a balance of (\$57,929.13)

\$18,339.20 to account 20131-50453 Police Department Vehicle Repair/Tire with a balance of (\$18,339.20)

Total Deficit: \$170,725

Chair: Shawn O'Neill

AGENDA ITEM #8016

Discussion with Action: Approve the FY 23 Line Item Transfer in the amount of \$47,552.04 from the Following Accounts with Credit Balances:

\$45,091.39 from account 20131-50104 Police Department Seasonal Reserve Wage Expense with a balance of \$194,665.08

\$1,528.50 from account 20132-50108 Parking Enforcement Seasonal Employee Wage Expense with a balance of \$1,528.50

\$932.15 from account 20132-50106 Parking Enforcement Full Time Employee Wage Expense with a balance of \$955.87

Total Credit Balance to Transfer: \$47,552.04

To the Following Accounts with Deficit Balances:

\$30,700.79 to account 20132-50450 Parking Enforcement Debit Card Fees with a balance of (\$30,700.79)

\$11,118.69 to account 20132-50836 Parking Enforcement Sign Expense with a balance of (\$11,118.69)

\$5,732.56 to account 20132-50310 Parking Enforcement Service Contracts with a balance of (\$5,732.56)

Total Deficit: \$47,552.04

Chair: Shawn O'Neill

AGENDA ITEM #8017

Discussion with Action: Per Section 50-111 of the Code of Ordinances, the Town Council, for E-911 services, is naming the following private ways:

- Summer Winds Drive
- R and R Lane
- Bordeaux Drive

Chair: Shawn O'Neill

AGENDA ITEM #8018

Discussion with Action: Approve the Special Event Permit application for Special Olympics to hold their annual Lobster Dip on Monday, January 1st, 2024 from 8am to when the “Dip” takes place at noon; clean up by 2pm. Parking allowed on one side of West Grand Avenue; two police officers required. Applicant must confirm and coordinate with the OOB Fire Department the following: that the Major Medical Emergency Response Team and the Maine State Police Dive Team will be available; and availability of on duty crews transport-incident dependent. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided one month prior to the event.

Chair: Shawn O’Neill

APPLICATION INFORMATION

PLEASE SUBMIT A **COMPLETE** APPLICATION A MINIMUM OF **30 CALENDAR DAYS** PRIOR TO THE EVENT.

1. Name of applicant Special Olympics Maine / Phil Geelhoed, Pres & CEO

Address of applicant 525 Main Street; Suite D; So. Portland, ME 04106
City State Zip

Phone number of applicant (207) 879-0489 Fax () 1-888-490-0672

Cell phone () 207-577-2463 E-mail philg@somaine.org

On whose behalf is this event being conducted? (Organization, Firm, Corporation, if applicable)
Special Olympics Maine

Website address (if an Organization, Firm or Corporation) somaine.org

Type of Event:

- Festival/Fair
- Race/Walk/Bike Ride
- Concert
- Parade/March
- Other - Please specify

Charitable Fundraiser

2. Event Description (name all vendors who will provide entertainment and the type of entertainment provided)

Annual Lobster Dip - held (on the beach) in front of The Brunswick. Participants raise funds and "Dip" in the ocean

Will you be using tents? _____ YES X NO

If yes, list size of tent and supplier, as well as what portion of the event will be taking place under the tent (i.e. cooking, sales, picnic tables, chairs, etc), and how the tent will be secured.

4' x 8' stage on Beach.
(Currently stored @

Will you be using staging? YES NO

If yes, the following items will be used at the event (Please mark all that apply):

OOB Pub. Works

- Amplified Music
- Bleacher(s)
- Dance Floor(s)
- Live Entertainment
- Loud Speaker(s)
- Microphone(s)
- Stadium(s)
- Stage(s)

Other: Own portable PA on beach to play music & announce event. Approx 10am - 1pm

Note: If any of the above items will be used, please indicate their location on your attached Site Plan/Map. Use of the above items may require the Event Organizer to meet ADA regulations.

3. Chairperson and/or responsible party for the event, if other than above:
(Include information how this person may be contacted at any time during the event).

Name _____ Work Phone (____) _____

Address _____
City State Zip

Cell phone (____) _____ Fax (____) _____

E-mail _____

4. SET-UP Date for Event 1/1/24 Day of Week Monday from 8am to 10am

Date of Event 1/1/24 Day of Week Monday from 8am to 2pm

Date of Event _____ Day of Week _____ from _____ to _____

Date of Event _____ Day of Week _____ from _____ to _____

Date of Event _____ Day of Week _____ from _____ to _____

TAKE-DOWN date 1/1/24 Day of Week Monday from 1pm to 2pm

RAIN DATE(s) _____ Times _____
(if rain date listed, insurance must list rain date)

5. Location of the Event _____
(if applicable, a map or diagram showing the area to be used, or parade route)

6. The estimated number of participants in the event
____ 0-150; 150-500; ____ 500-1000; ____ 1,000+

* Outside event. Covid protocols followed if needed.

7. If a parade or public gathering, will it occupy any or all of the roadway involved or to be traversed? (if yes, explain). Use extra sheet of paper to describe exact route of parade, including any water stops.

No

8. Will the sale of food and/or beverages occur at the event? No If yes, describe the commodities to be sold.

- Alcoholic Beverages (only at Ballpark, using Ballpark Licensee) Pot Luck Items
- Professional Catering Non-Profit Food Vendors Retail Food Vendors

9. Will there be merchandise sold at the event? YES NO

Description of merchandise Possibly hats, towels, t's.

10. Is the event a Charitable event? YES NO

Is this event co-sponsored by the Town of Old Orchard Beach? YES NO

If this event a Regional School Unit #23 event? Yes NO

(The request for a waiver can only be requested if the event is a RSU #23 event or sponsored or co-sponsored by the Town of Old Orchard Beach).

11. If the event is charitable, name the beneficiary of the proceeds from the event:

12. List any Event Sponsors:

The Brunswick

Portland Rugby Club

Will admission be charged for the event? YES NO

Will participants be charged for parking? YES NO

13. Has this event been held previously in Old Orchard Beach?

YES (if yes, please list dates): New Year's Day (past 19+ yrs)
 NO

14. What is the applicant doing to ensure the event will not endanger the public safety or disturb the peace? Describe your plans for security at your event, including crowd control (attach additional sheets if necessary). Security plan will need final approval by the Old Orchard Beach Police Department and they have final say in appropriate number and type of security personnel required. Must include at least one Old Orchard Beach Police Officer, if security is required. Costs associated with security are the sole responsibility of the event organizer.

Please describe your security plan (including your plans for controlling ingress/egress of all persons, vehicles, equipment, and Emergency Medical Services):

Will hire OOB police personnel. Volunteers to assist w/parking & crowd control. @ entrances of Fernold & 4th ave.

Additional Uniformed presence provided by: Off-Duty Police Officers; Private Security; Volunteers

Times: 10am - 2pm How many? 2 officers / multiple vols.

If you have already made contact with someone about security, provide the contact name and number:

Name: Will be done directly w/ OOB Police Dept. Phone Number: _____

Please list any items that will be left overnight. If equipment will be left on-site overnight, provide details for personal property safety and security of site: (Note that the event organizer is solely responsible for items left on the property. The Town assumes no responsibility for items of personal property at the location at any time)

N/A

* Additional support from State Police Dive Team
Emergency medical personnel & 1st Responders on beach.

Will audible devices be used at this event? YES NO

If yes, what type of devices will be used? What time will they be used? (Decibel level limits are in Chapter 26 of the Code of Ordinances).

PA system on beach for music & announce event.
Volume consistent w/past year's events.

Where will the event attendees/participants park? Designated parking lots
via the Sea View Motel (and OOB Public Works
& Waves for street parking)

Will a shuttle service be provided from parking areas to the event site? YES NO

If yes, please describe shuttle plan, and name of company provided service:

Will you require special parking (RV's, trailers, trucks)? YES NO

If yes, give details: _____

15. Describe your plans for waste disposal at your event. What arrangements have you made for removal and disposal of trash generated by your event? Please supply details of numbers and type of containers and supplier of containers that will be used. (Attach additional sheets if necessary) Costs associated with waste disposal are the sole responsibility of the event organizer. Disposal in Town trash receptacles is NOT an accepted means of disposal, and is prohibited.

Receptacles on beach. PU & remove all debris that
day.

Is the use of barricades necessary/requested for this event? yes

If yes, number needed and location Top of Fernold & 4th streets.

Will it be necessary to cover street and/or parking signs for this event, or place no parking signs?

YES NO If yes, please describe:

OOB Public Works has assisted w/this in past.

Is any other public works assistance needed? 4' x 8' stage delivered by OOB Public Wks prior to event.

If using First Street or Memorial Park Parking Lot, has the applicant reserved two spaces for Amtrak Parking? _____.

16. Will there be any use of fire (i.e. tiki torches, grills, barbecues, bonfires, etc?) For Bonfires, the pit/bonfire must be pre-approved for use by the Fire Department; the wood to be burned has no paint or nails; the portable pit or bonfire can be removed or filled in after the event leaving no residue or noticeable impact; a small water extinguisher and shovel are present; at least one adult be assigned to "keep fire watch" at all times. **Note a burn permit must also be obtained from the Fire Department for the date specified on the date of the event. The Fire Department will issue a permit based on class day as listed by the Maine Forest Service. Permission may be refused or revoked if the Maine State Forestry Commission (governing body) declares a "Red Flag" day on which NO open fires may be allowed in our zone. A \$100 cash deposit is required for all fires to be returned to the applicant if the area is cleaned to the satisfaction of the public works department and/or fire department.**

_____ YES NO

If yes, explain: _____

17. Describe your plans for all signage and/or decorations for the event. Please include type of signage to be used, and description of verbiage being posted on signage.

Promo banner displayed on lawn of SBSI. Sponsor banners hung in Brunswick Patio area.

Will this event be posting a banner on public property? _____ YES NO

If yes, please list requested dates, dimensions of banner, wording on banner, and location (no more than two weeks prior to the event):

18. Alcohol is not allowed on public property, except as outlined in the liquor license for the Ballpark. If this is a Ballpark event, will there be alcohol available for consumption? Note, if alcohol is being served, the Town requires additional Liquor Liability Insurance (**minimum \$2,000,000, listing Town of Old Orchard Beach as additionally insured**): _____ YES NO

Will the alcohol be: _____ Sold; _____ Given away; _____ Both

Describe the type of alcohol to be served, times consumption will be allowed, and plans for controlling consumption:

N/A

19. If this is a Ballpark Event, have you signed an agreement with the Ballpark Commission for use of the Ballpark? _____ Yes, it's attached _____ No

20. Will the event involve professional fireworks? _____ YES NO
Consumer Fireworks are prohibited. If professional fireworks are requested, what is the name of the Pyrotechnics Company? _____
(If fireworks are requested, the Fire Chief or his designee must approve of the site prior to the application being submitted to the Town Council for consideration. The Pyrotechnics Company must submit the approval the Maine State Fire Marshal's Office at least one week prior to the event, and the event sponsor's insurance must list that fireworks are occurring).

What time/date will the fireworks display occur? _____

21. Will there be any kind of animals at this event? (e.g. petting zoo, pony rides, etc.) ___ YES NO

If so, please indicate the location of the animals on the Site Plan/Map.

22. Piping Plovers are state and federally protected birds that nest on beaches. There are mandatory beach management guidelines from April 1st through August 31st of each year. Will this event occur on the beach? YES _____ NO

If yes, you must contact the Public Works Department at 207-934-2250, approximately one week prior to the event. In the event there are any active piping plover nests in the vicinity of your event, you may have to move your event farther down the beach, or request permission to change the date of your event.

Piping Plover Essential Habitat: The Maine Department of Inland Fisheries and Wildlife (MDIFW) has designated two areas on Old Orchard Beach as "Essential Habitat" for nesting piping plovers. By statute, a state agency or municipal government shall not permit, license, fund, or carry out projects that will significantly alter an Essential Habitat or violate protection guidelines adopted by MDIFW. This rule is not a prohibition of all projects within areas designated as Essential Habitat. *However, projects must be reviewed by MDIFW before Town approval.*

If the event is located partly or wholly within a mapped Essential Habitat the applicant will need to coordinate with municipal staff to submit a "Request for Project Evaluation" to MDIFW. MDIFW will evaluate the final project proposal per review standards established for Essential Habitats and determine if the project would significantly alter the habitat or violate protection guidelines.

The applicant is encouraged to obtain MDIFW guidance during project planning and design. Early involvement of MDIFW will help to minimize or avoid potential conflicts, facilitate cooperation between all parties, and enable quick turnarounds on project evaluations.

23. Certificate of Insurance and Additional Insured Endorsement page must be provided to the Town of Old Orchard Beach Town Clerk's Office 30 days prior to the event date. The applicant shall at its own cost and expense furnish a policy or policies for property damage or bodily injury in the amount of at least \$500,000. The Town of Old Orchard Beach **MUST** be listed as an Additional Named Insured.

_____ Yes, it has been provided with the application; X No, it will be provided at least 30 days prior to the event. *Our insurer will issue once our 2024 coverage is put into place. (Re-newed)*

24. Is the applicant requesting the use of the RSU #23 school property (schools, parking lots, playing fields)? _____ YES X NO. If yes, has the applicant received approval from RSU #23 or the date the applicant will receive approval?

SPECIAL EVENT PERMIT AGREEMENT

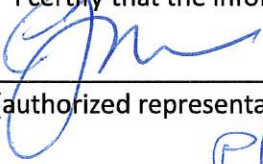
I, Philip Geelhoed on behalf of Special Olympics Maine
(Print Applicant Contact Name) (Print Organization/Group Name)

Agree to abide by the following Special Event requirements:

1. All pre-event determined fees shall be paid at least two weeks prior to the event. I agree to pay any costs determined after the event immediately upon receipt of invoice.
2. Certificate of Insurance and Additional Insured Endorsement page must be provided to the Town Clerk's Office at least 30 days prior to the event date. The Town of Old Orchard Beach MUST be listed as an Additional Name Insured with the proper endorsement included. mg (initial)
3. To develop a comprehensive security plan in conjunction with the Old Orchard Beach Police Department.
4. Town property shall not be removed from the premises including but not limited to benches, trashcans, tables, chairs, fencing, signs, etc.
5. Premises will be left in as good a condition as received except for reasonable wear and tear. All trash will be disposed of properly within 12 hours of the end of the event. I accept responsibility for any damages that might occur during the period of use.
6. To comply will all laws, rules, and regulations of the federal, state, and Town governments governing operations and conduct on Town property.
7. This permit agreement may be terminated by the Town of Old Orchard Beach at any time upon finding a violation of any rule, ordinance, and/or condition of the permit or upon good cause shown.
8. For myself and any other persons, organizations, firms and corporations sponsoring the event, which is the subject of this permit application, jointly and severally, hereby contract and agree to pay all costs of services provided by the Town of Old Orchard Beach, in support of said event.
9. For myself and any other persons, organizations, firms, and corporations sponsoring the event which is the subject of this permit application, jointly and severally, hereby contract and agree to indemnify, defend and hold harmless the Town of Old Orchard beach, its officers and employees, against all claims, loss or liability from any claim or suit arising or alleged to have arisen from any act or omission of said applicant, its agents, invitees or other sponsor in connection with said event.

10. The facility/area is provided in an "as is" condition. The event organization assumes all responsibility for the security and safety of all participants and spectators of the event.
11. I understand that the Town of Old Orchard Beach has no responsibility for equipment and/or items of personal property at the location at any time.
12. Any misrepresentation or deviation from the final permit conditions will result in immediate revocation of the permit and halting of the event.
13. Events are considered rain/shine. Refunds are not issued if the event does not occur.
14. The permit does not authorize alcohol on any public property, including, but not limited to the beach, Memorial Park, streets and sidewalks.
15. Consumer Fireworks are illegal in Old Orchard Beach.

I have read and understand the Special Events Permit Agreement terms and conditions and I agree to be bound by said terms and conditions. I certify that the information I provided is accurate to the best of my knowledge.

Signature:  Date: 9-11-2023
(authorized representative)

Print name: Philip R Geelhoed

Print Organization Name (if applicable): Special Olympics Maine

Thank you!



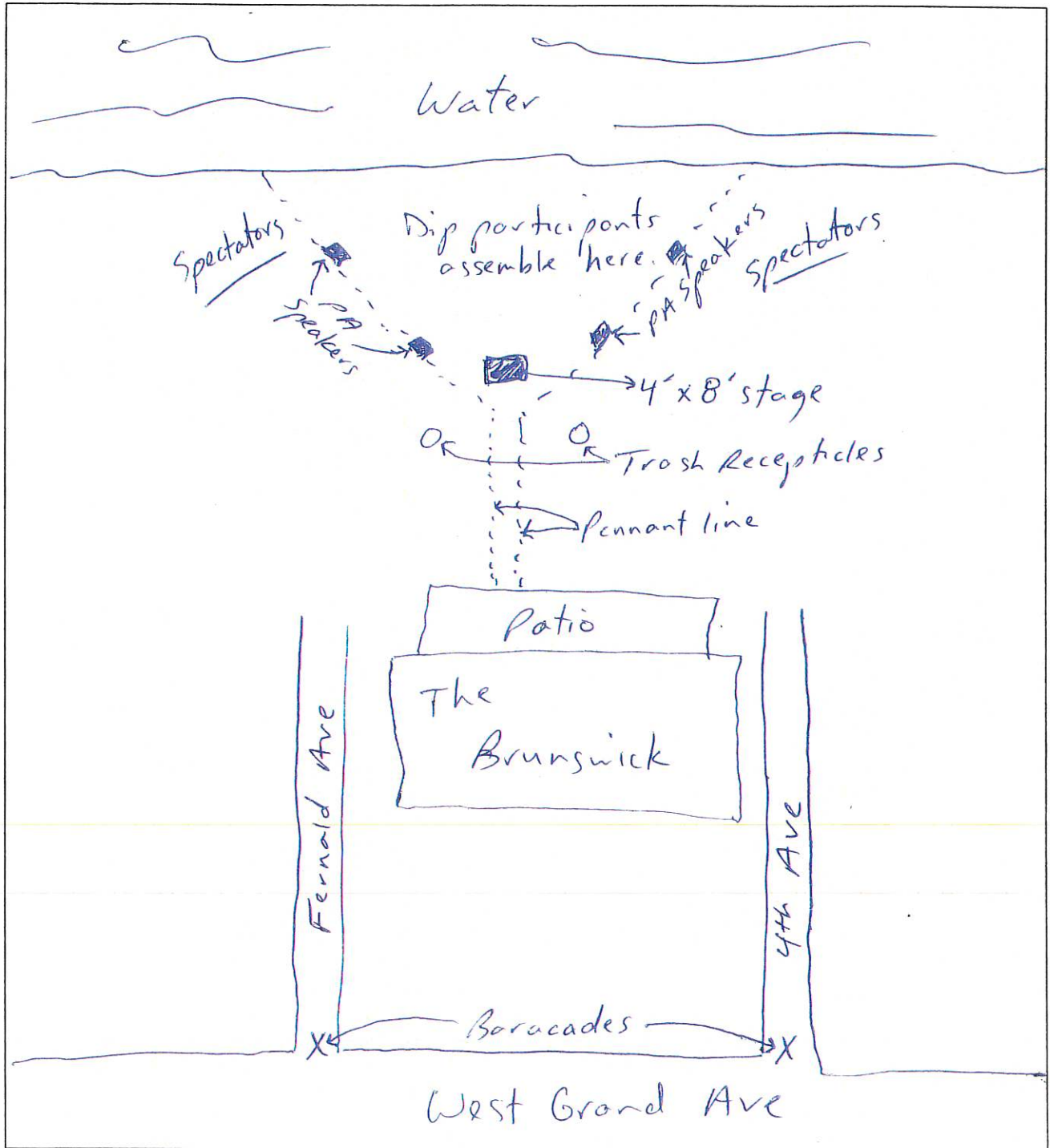
SITE PLAN SKETCH OF SPECIAL EVENT (Completed by Event Coordinator)

In the space below, please provide the following information. Attach a separate map if necessary.

General Map of Location
Event Coordinator's Booth
Tents/Stages/Grandstands
Porta Potties/Rest Rooms

Vendor Locations
Garbage Cans
Water Sources

Street Closures/Parking Information
Water/Electricity Sources
Loudspeakers



AGENDA ITEM #8019

Discussion with Action: Renew the liquor license for The Shack, Kevin Mcallister, (307-1-3), 27 West Grand, m-s-v in a restaurant.

Chair: Shawn O'Neill

AGENDA ITEM #8020

Discussion with Action: Renew the liquor license for Jumpin' Jake's Restaurant and Fish Market, Bryan Gale, (208-3-3), 181 Saco Ave, m-s-v in a restaurant.

Chair: Shawn O'Neill

ADJOURNMENT

Chair: Shawn O'Neill