



Town Council - Meeting Agenda

March 5th, 2024 @ 6:30pm
Council Chambers - 1 Portland Avenue
To Be Immediately Followed by an Executive Session

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:

ACCEPTANCE OF MINUTES:

Accept the minutes from the 2/20/2024 Regular Town Council Meeting, the 2/20/24 Executive Sessions and the 2/28/2024 Town Council Workshop.

Chair: Shawn O'Neill

PUBLIC HEARING – LIQUOR LICENSE & APPROVALS:

Potential LLC, The Carolina Motel, (304-2-1), 1 Roussin Street, hotel mini bar
34 units.

Chair: Shawn O’Neill

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Jade CO. Properties LLC, Brita Lappnow, (208-3-12-3), 189 Saco Avenue #3, one (1) seasonal short term rental.

The Friendship Motor Inn INC, (302-6-9), 25 Puffin Street, two (2) seasonal short term rentals.

Kemp Properties LLC, Paul Dunton, (315-15-3-1), 21 Union Avenue #1, one (1) year round short term rental.

42 11th Street LLC, (311-11-8), 42 Eleventh Street, one (1) year round short term rental.

Brooke Allen, (318-13-2), 3 Woodland Avenue, one (1) year round short term rental.

Denise Alphonse, (206-29-32), 60 School Street, one (1) seasonal short term rental.

Diane Wilson Johnson, (313-2-11-2), 3 Bay Avenue #21, one (1) year round rental.

Elizabeth Anne Michaud, (206-11-13), 58 Saco Avenue Unit B, one (1) year round short term rental.

Andrew J. Hodge, (103-7-7), 153 Portland Avenue, one (1) year round short term rental.

Brianna Masse, (315-15-3-3), 21 Union Avenue #3, one (1) year round short term rental.

Chair: Shawn O’Neill

TOWN MANAGER REPORT

NEW BUSINESS:

AGENDA ITEM #8110

Discussion with Action: Appoint the following Democrats as ballot clerks, terms to expire 05/01/2026: Current Ballot Clerks—JoEllen Clark, Brenda Dowling, Walter Dowling, Andrea Dresser, Elizabeth Dunkerley, Anthony Eramo, Guy Fontaine, David Guay, Deborah Guimont, Mary Henaire, Roland Henaire, Gary Larkin, Lauren Manchester, Mary Rena, Robert Riley, Kevin Rioux, William Tullis, Deanna Weaver, Carol Wickens; additional ballot clerks nominated at Caucus—Martin Womer, Stacy Kilroy, Jane Mount, Suzanne Benoit, Guy Fontaine (existing ballot clerk).

Chair: Shawn O'Neill

AGENDA ITEM #8111

Discussion with Action: Appoint the following Republicans as ballot clerks, terms to expire 05/01/2026: Current Ballot Clerks—David Baird, Margaret Bayles, Richard Bayles, Darlene Bourgeois, Linda Bromage, JoEllen Clark, James Cocker, Marcia Cocker, Judith Colby, William Conlan, Sheila Flathers, Patricia Griffin, William Jones, Janice Joubert, Janet Lavenbein, Mark Lowell, George Monteith, Betty Robidoux, Heather Siebert.

Chair: Shawn O'Neill

AGENDA ITEM #8112

Discussion with Action: To consider the proposed discontinuance of a portion of Odena Avenue approximately 205 feet beginning at West Grand Avenue to Seaside Avenue, as more particularly shown on the Town's Tax Map 316 on file with the Town Assessor, and to send notices to all abutters.

Chair: Shawn O'Neill

**Town of Old Orchard
Beach**

Memo

To: Town Council

From: Karen L. Fortier, CMA, Assessor

cc: Kim McLaughlin, Town Clerk

Date: March 5, 2024

Re: Discontinuance of a Portion of Odena Avenue – West Grand Ave. to Seaside Ave.

The purpose of this Memo is to inform the Council of a property owner's request for the Council to vote to discontinue its rights and interest in a portion of Odena Ave and to the explain the process the Town must follow to terminate the Town's interests.

Chris Neagle, Esq., attorney for Richard and Diana Courtemanche, owners of a single-family home located at 119 West Grand Avenue, contacted the Town to request that the Town Council vote to terminate the Town's interests in the portion of Odena Ave located between West Grand Avenue and Seaside Avenue pursuant to 23 M.R.S. § 3026-A. See Exhibit 1. They are not seeking any damages from the Town. The Courtemanches want to build a garage behind their driveway and most of it will need to be in Odena Avenue.

This portion of Odena Avenue from West Grand Avenue and Seaside Avenue was laid out as a public street by the Town in 1926 and a public easement was also created for the Town, however, there is no evidence of any public street at this time, nor any time in the past. See Exhibits 2, 3, 4, 5, 6 & 7.

The following four parcels abut this portion of Odena Ave between West Grand Avenue and Seaside Avenue See Exhibit. (aerial photo date April 2022)

115 West Grand Avenue, Map 316 Block 5 Lot 3
119 West Grand Avenue, Map 316 Block 2 Lot 1
10 Seaside Avenue, Map 316 Block 5 Lot 4
12 Seaside Avenue, Map 316 Block 2 Lot 5

The process by which the Town Council approves an Order of Discontinuance of a Road is governed by 23 M.R.S. § 3026-A. See Exhibit 8.

There is a one-year waiting period if abutting property is not otherwise accessible by a public way, but if not (as in this case) the Council can move forward without a waiting period. It involves the following steps pursuant to 23 M.R.S. § 3026-A:

- a) At this March 5, 2024, meeting, the Town Council will discuss the proposed discontinuance of the noted portion of Odena Avenue and decide if the Council would like to proceed with this process. If so, the Council must vote to schedule a discussion at the March 19, 2024, Town Council meeting. The Council must also give notice via U.S. Postal Service, first class, to all abutters of the March 19th meeting. Please sign the Notices of Proposed Discontinuance of a portion of Odena Avenue from West Grand Avenue to Seaside Avenue that will be mailed to all abutters.
- b) At the March 19, 2024, meeting, the Town Council will discuss the proposed discontinuance, determine any damages owed (if any) to the abutters, then vote to file an order of discontinuance with the Town Clerk, and set the date for a public hearing for April 2, 2024. The Council must sign and mail the Notices of Vote and Public Hearing along with the Order of Discontinuance to all abutters.
- c) The Council will hold a public hearing on April 2, 2024. A copy of the Notice of Vote and Public Hearing, including a copy of the Order of Discontinuance, must be sent to the abutters via first class mail, prior to the public hearing.
- d) At the April 16, 2024, meeting which is at least 10 business days after the public hearing, the Town Council must then vote to finally approve the discontinuance. The motion can read as follows:
 - a. Discussion with Action. Approve the Order of Discontinuance of a portion of Odena Avenue without reservation of a public easement in the same dated March 19, 2024, and filed with the Town Clerk, and to [appropriate the sum of \$0.00 to pay damages as stated in the aforementioned Order.
- e) The Certificate of Clerk must be filed in the Registry and sent to MDOT, Bureau of Maintenance and Operations including the Order of Discontinuance.

In 1986-87, the property owners of 10 Seaside Ave and 12 Seaside Ave requested a portion of Odena Ave from the old railroad line to Seaside Ave be discontinued by abandonment. At the February 17, 1987, meeting, the Town Council voted to not discontinue this portion of Odena Ave. See Exhibit 10.

The current request is seeking the Town's approval to discontinue the portion of Odena Ave from West Grand Ave to Seaside Ave as laid out in Plan Book 2 Page 46 ½ and recorded in the York County Registry of Deeds, and as accepted by the Town on March 1, 1926. See Exhibits 4 & 5. This portion of Odena Ave has not been kept passable for motor vehicle use by the Town for any time after January 1, 1945. Currently this portion of Odena Ave is overgrown with trees and has been since at least 1986. See Exhibits 2,3 & 9.



Portion of Odena Ave to be Discontinued

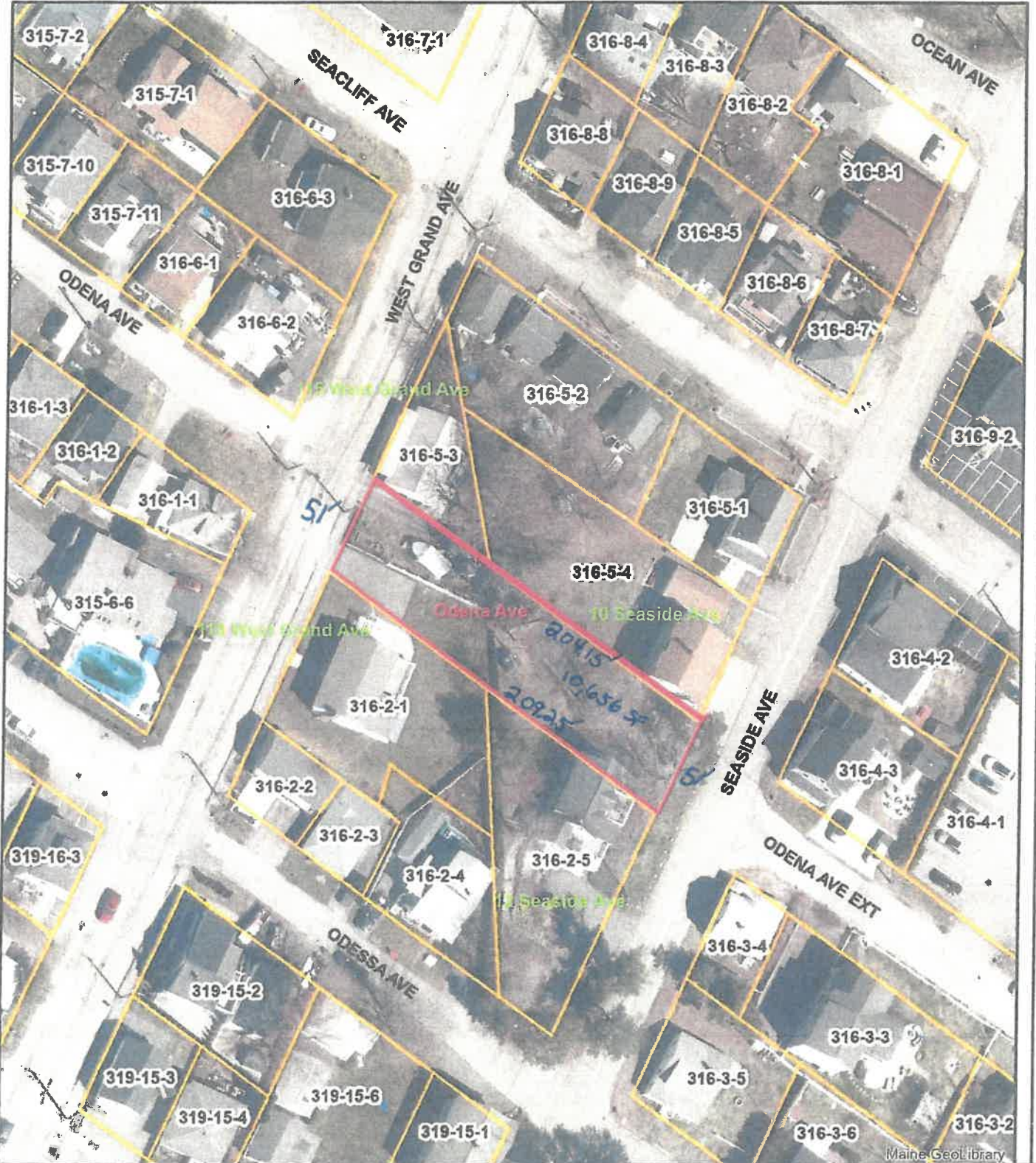
West Grand Ave to Seaside Ave



February 13, 2024

1 inch = 68 Feet

www.cai-tech.com



Maine Geol Library

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

EXHIBIT

1

tabbles



#115

#119

West Grand Ave

tabbles®

EXHIBIT

2



#12

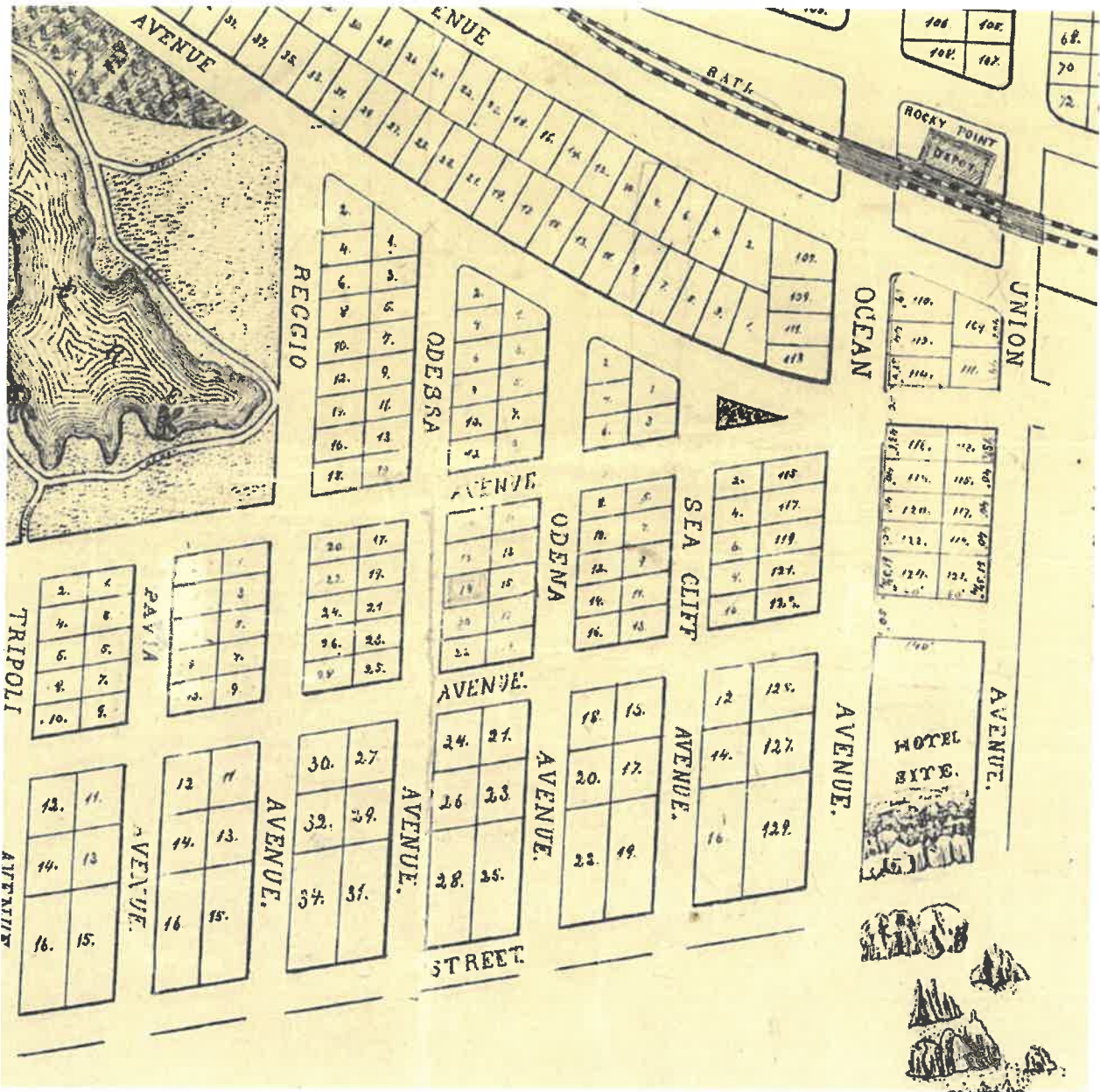
#10

Seaside Avenue
→

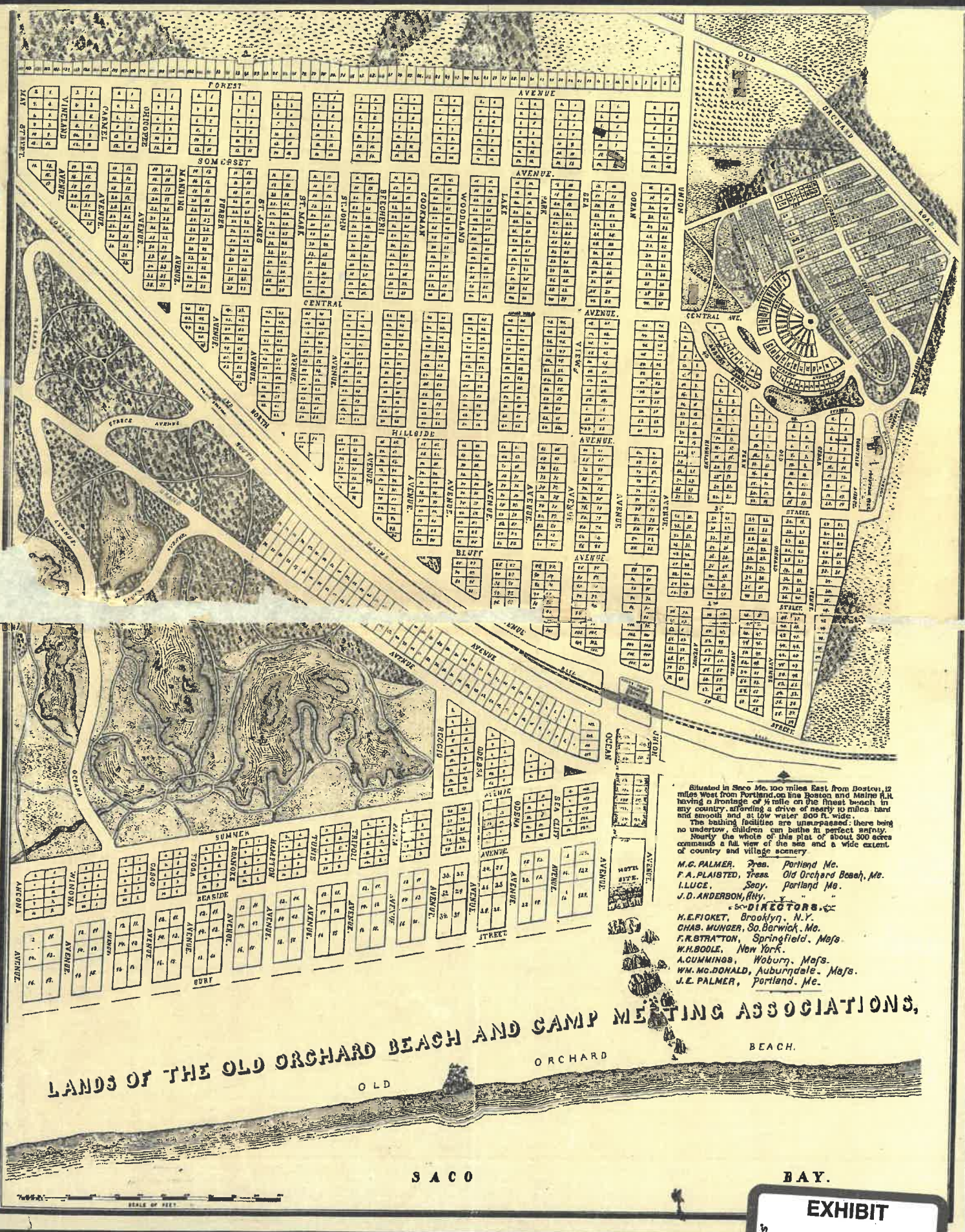
tabbles®
EXHIBIT
3

Lands of Old Orchard Beach and Camp Meeting Association – Plan Book 2 Page 46 ½; Dated: 3/16/1880.

Enlarged View to show Odena Avenue



tabbles®
EXHIBIT
4



Situated in Saco Me. 100 miles East from Boston, 12 miles West from Portland, on the Boston and Maine R.R. having a frontage of 1/2 mile on the finest beach in any country, affording a drive of nearly 10 miles hard and smooth and at low water 200 ft. wide. The bathing facilities are unsurpassed, there being no undertow, children can bathe in perfect safety. Nearly the whole of this plat of about 300 acres commands a full view of the sea and a wide extent of country and village scenery.

- M.C. PALMER, Pres. Portland Me.
 F.A. PLAISTED, Treas. Old Orchard Beach, Me.
 J. LUCE, Secy. Portland Me.
 J.D. ANDERSON, Rty.
- DIRECTORS:**
 H.E. FIOKET, Brooklyn, N.Y.
 CHAS. MUNGER, So. Berwick, Me.
 F.R. STRATTON, Springfield, Me.
 W.H. BOOLE, New York.
 A. CUMMINGS, Woburn, Mass.
 WM. MC DONALD, Auburndale, Mass.
 J.E. PALMER, Portland, Me.

LANDS OF THE OLD ORCHARD BEACH AND CAMP MEETING ASSOCIATIONS.

tabbles®

EXHIBIT

5

ODENA AVENUE

Art. 33. Mar. 1, 1926.

Voted to waive the reading of the return and accept as laid out by the Selectmen as amended.

The subscribers, Selectmen of Old Orchard upon the application of Edward Goshen and others, to lay out a town way in said town, beginning at the intersection of W. Grand Avenue and Odena Avenue the proposed way, thence Southerly along said Odena Avenue to Seaside Avenue, having given seven days notice of our intention to lay out the same, and stated in the notice the termini thereof, by posting said notice in two public places in said town, and in the vicinity of the proposed way: to wit: at the Post Office and on the premises in said town on the 30th. day of January 1926 and having met at the time and place appointed for that purpose, and having personally examined the route proposed, are of the opinion that there is occasion for a new town way, for the use of said town as proposed. We therefore lay out said way as follows: beginning at a point on the Southerly side of West Grand Avenue, where said Odena Avenue intersects with West Grand Avenue, the same being shown on Dennetts plan of the Old Orchard Beach Association, and being a reserved way on said plan, and so recorded in the plan book, in the York Registry of Deeds: thence Southerly along said Odena Avenue as shown on said plan to property of one Shakley--as amended by, vote of town at this meeting: said way to be fifty feet in width or such width as is shown on plan heretofore referred to. No land damages are asked or awarded.

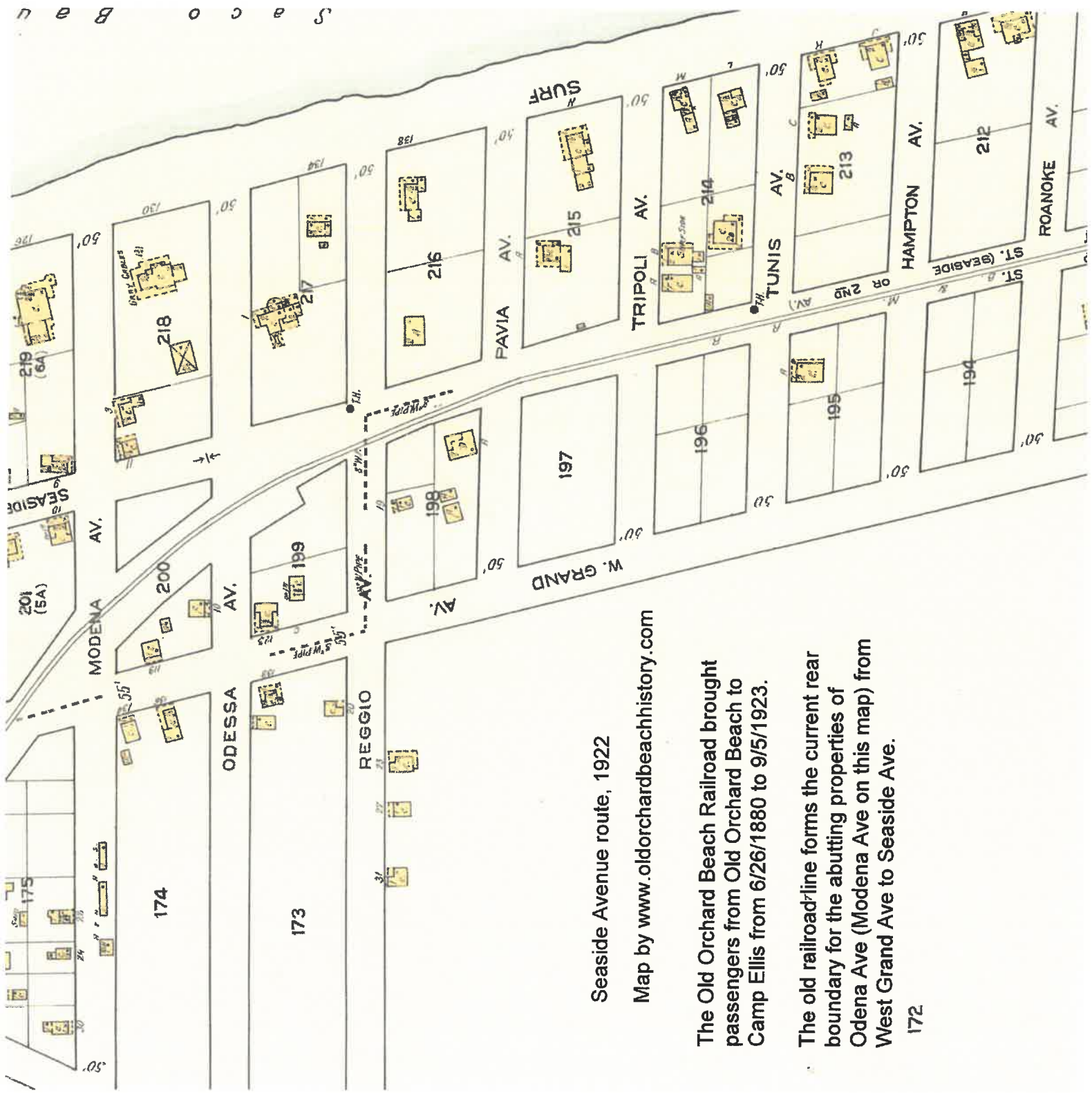
Such laying out with the boundries and admeasurements, has been filed with the Town Clerk on the 20th. day of February, 1926, being seven days before this meeting: and we now hereby report such laying out, with the boundries and admeasurements of the same to the said town, at the meeting of the inhabitants regularly warned and notified, for them to accept and allow the same.

Given under our hands this 20th. day of February A.D. 1926.

Fred I. Luce
Frank H. Libby
Harold F. Hutchinson
Selectmen of Old Orchard.

Odena Ave.
Pg. 3





Seaside Avenue route, 1922

Map by www.oldorchardbeachhistory.com

The Old Orchard Beach Railroad brought passengers from Old Orchard Beach to Camp Ellis from 6/26/1880 to 9/5/1923.

The old railroad line forms the current rear boundary for the abutting properties of Odena Ave (Modena Ave on this map) from West Grand Ave to Seaside Ave.

172

tabbies*

EXHIBIT

7

S a c o B a u

Title 23: TRANSPORTATION

Part 3: LOCAL HIGHWAY LAW

Chapter 304: ACQUISITION OF PROPERTY FOR HIGHWAY PURPOSES

§3026-A. Discontinuance of town ways

A municipality may terminate in whole or in part any interests held by it for highway purposes. A municipality discontinuing a town way or public easement in this State must meet the following requirements. [PL 2015, c. 464, §5 (NEW).]

1. Notification of discontinuance to abutting property owners. The municipal officers shall give best practicable notice to all abutting property owners of a proposed discontinuance of a town way or public easement.

A. For a proposed discontinuance of a town way, the notice must include information regarding the potential discontinuance or retention of a public easement, including maintenance obligations for and the right of access to the way under the discontinuance or retention of a public easement, and information regarding the rights of abutting property owners to enter into agreements regarding maintenance of and access to the discontinued way. [PL 2017, c. 345, §1 (NEW).]

B. For a proposed discontinuance of a town way that is abutted by property not otherwise accessible by a public way, the notice must include information, in addition to the information required in paragraph A, regarding the right of abutting property owners to create private easements and the municipal requirements under [subsection 1-A \(./23/title23sec3026-A.html\)](#). [PL 2017, c. 345, §1 (NEW).]

[Paragraphs A \(./23/title23sec3026-A.html\)](#) and [B \(./23/title23sec3026-A.html\)](#) apply to town ways that are not discontinued as of October 1, 2018.

As used in this subsection, "best practicable notice" means, at minimum, the mailing by the United States Postal Service, postage prepaid, first class, of notice to abutting property owners whose addresses appear in the assessment records of the municipality.

[PL 2017, c. 345, §1 (AMD).]

1-A. Discontinuance after October 1, 2018 of a town way with abutting property not otherwise accessible. A municipality may not discontinue a town way that is not discontinued as of October 1, 2018 pursuant to this section if that town way is abutted by property not otherwise accessible by a public way, unless the municipal officers have complied with this subsection.

A. The municipal officers shall wait one year from the date of notice provided pursuant to [subsection 1, paragraph B \(./23/title23sec3026-A.html\)](#) before proceeding with the discontinuance process, to allow abutting property owners the opportunity to grant private easements that run with the title of the property owners' land for the purpose of allowing travel along the way for all abutting property owners and their lessees and guests. [PL 2017, c. 345, §2 (NEW).]



2018, in a municipality in which the municipal legislative body is the town meeting, the vote must be conducted at the next regularly scheduled annual town meeting.

[PL 2017, c. 345, §3 (AMD) .]

5. Certificate of discontinuance filed. The municipal clerk shall record an attested certificate of discontinuance after a vote by the municipal legislative body under subsection 4 in the registry of deeds. The certificate must describe the town way or public easement and the final action by the municipal legislative body. The date the certificate is filed is the date the town way or public easement is discontinued. The registry of deeds shall record a certificate of discontinuance under the name of the town way or public easement, the name of the municipality and the names of the abutting property owners. The municipal clerk shall provide a photocopy of the certificate to the Department of Transportation, Bureau of Maintenance and Operations.

[PL 2015, c. 464, §5 (NEW) .]

6. Utility easement. An easement for public utility facilities necessary to provide or maintain service remains in a discontinued town way regardless of whether a public easement is retained. Upon approval by a municipal legislative body of an order to discontinue a town way and retain a public easement, unless otherwise stated in the order, all remaining interests of the municipality, if any, pass to the abutting property owners in fee simple to the center of the way.

[PL 2015, c. 464, §5 (NEW) .]

SECTION HISTORY

PL 2015, c. 464, §5 (NEW) . PL 2017, c. 154, §3 (AMD) . PL 2017, c. 345, §§1-3 (AMD) .

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.

[Office of the Revisor of Statutes \(mailto:webmaster_ros@legislature.maine.gov\)](mailto:webmaster_ros@legislature.maine.gov) · 7 State House Station · State House Room 108 · Augusta, Maine 04333-0007

Data for this page extracted on 10/30/2023 08:34:32.

AFFIDAVIT

STATE OF MAINE
COUNTY OF YORK

November 21, 1986

I, BERNARD W. EMERY, having been duly sworn, depose and state as follows:

1. I am Bernard W. Emery. I am the Tax Assessor of the Town of Old Orchard Beach. My averments in this Affidavit are based upon my own knowledge and belief. I am personally aware of the location and condition of the portion of Odena Avenue in the Town of Old Orchard Beach, situated between West Grand Avenue, Seaside Avenue, Odessa Avenue and Seacliff Avenue (the "Roadway").

2. The portion of Odena Avenue shown on the "Dennett Plan", recorded in the York County Registry of Deeds in Plan Book 2, Page 46-1/2, which contains the Roadway, was laid out as a town way by the Selectmen of the Town of Old Orchard Beach pursuant to Article 33, dated March 1, 1926.

3. The Roadway has not been kept passable for the use of motor vehicles at the expense of the Town of Old Orchard Beach or County of York for any time later than January 1, 1945.

4. To the best of my knowledge and belief, the Roadway is overgrown with trees and has not been used since at least January 1, 1945.

State of Maine
County of York SS

Bernard W. Emery
Bernard W. Emery

Subscribed and sworn to before me,

Maureen M. O'Leary
Notary Public
MAUREEN M. O'LEARY
Comm. Exp. 5/8/88



TOWN OF OLD ORCHARD BEACH, MAINE
REGULAR COUNCIL MEETING
FEBRUARY 17, 1987
TOWN HALL COUNCIL CHAMBERS - 7:00 P.M.

MINUTES

Chairman Horace Allen called the meeting to order and led in the Pledge to the Flag. Responding to Roll Call were Council Members Gerald Verrier, Paul Ladakakos, George Kerr, Donna Gagne and Mr. Allen.

MEETING OPENED
PLEDGE TO FLAG
ROLL CALL

Mr. Kerr motioned and Mr. Ladakakos seconded that Mr. Plante serve as Secretary Pro-Tem
Vote was unanimous.

Motion was made by Mr. Verrier and seconded by Mr. Ladakakos to table the minutes of 12/23/86 and 2/3/87 until a later date.
Vote was unanimous.

TABLE MINUTES
of 12/23/86 &
2/3/87

Motion made by Mr. Ladakakos and seconded by Mr. Kerr to accept license for William Ward subject to X-rated tapes being segregated.
Vote was unanimous.

BUSINESS LICENSE:
William Ward

The report regarding the School Department was withdrawn pending further information.

REPORT: SCHOOL
COMMITTEE

The HD claim, so-called, a matter of long standing, was finally resolved with Mr. Kerr making the motion and Mr. Ladakakos seconding to tender \$10,000 immediately and a balance of \$24,514 on or due before July 15, 1987 against total claim of \$65,000+ as full and final settlement.
Vote was unanimous. *amended. see minutes of 2/17/87*

REPORT: HD CLAIM

Item #25 was withdrawn pending an update of the report by Paul Wright.

TABLED ITEM #25
REPORT: AD HOC COM.

After several preliminary motions failing because of either a lack of a second or a withdrawal of the original motion and the second, Mr. Verrier moved that we do not discontinue a portion of Odessa Avenue.
Those voting in favor - Mr. Verrier, Mr. Kerr, Mrs. Gagne and Mr. Allen
Voting No - Mr. Ladakakos

TABLED ITEM #29
DISCONTINUANCE OF
PORTION OF ODESSA
AVENUE

**VOTED NOT TO
DISCONTINUE A
PORTION OF
ODESSA AVE**

Mr. Ladakakos to abate the 1985 taxes

ITEM #36-DISBANDING
AD HOC TRAFFIC COM.

by Mr. Ladakakos that we accept the
for \$11,686. The money to be taken

ITEM #37-ABATEMENT
OF ROBERT HAKIM
1985 BUS/PER. TAX

by Mr. Ladakakos not to license or

ITEM #38-POLICE
CRUISER PURCHASE

ITEM #39-NO OUT-
SIDE DISPLAYS





Town Of Old Orchard Beach
1 Portland Ave, Old Orchard Beach, ME 04064

Memories Start Here

March 5, 2024

Michael J. O'Connor
4807 Sawgrass Breeze Dr.
Palm Beach, FL 33418

RE: Notice of Proposed Discontinuance of a portion of Odena Avenue

Dear Mr. O'Connor:

Our records show that you own property abutting Odena Avenue. This is to notify you that the Town Council propose to initiate the process to consider whether to issue an order to discontinue a portion of Odena Avenue beginning at West Grand Avenue to Seaside Avenue and will determine damages, if any, to be paid to abutting property owners.

A portion of Odena Avenue is now a town way approximately 51 feet wide beginning at West Grand Avenue and running for a distance of approximately 205 feet in a generally easterly direction, as shown more particularly on the Town Tax Map number 316 on file at the Town Office. The Town Council does not intend to retain a public easement in the road.

If an Order of Discontinuance is issued and subsequently approved by the Town Council, the Town will have no obligation to maintain, repair or plow the road but the public will still have the right to travel over it unless the public easement is extinguished as well. If the public easement is also extinguished, the Town will have no obligation to maintain, repair or plow the road and the public will not have a right to travel over it. Ownership of the road is generally presumed to revert to the abutting landowners to the center line.

As an abutting property owner, you would have the right to maintain a discontinued road and to form a road association or enter private agreements to maintain, plow and repair the road if it is discontinued with or without a public easement. Abutting property owners have the right to establish private easements to provide access to their property if they do not already possess a private right of access over a discontinued road.

These matters will be discussed at a future meeting of the municipal officers on **Tuesday, March 19, 2024** and at a public hearing to be held at a later date. As an abutter, you or your designated agent are invited to attend the meeting, and to attend and be heard at the public hearing.

OLD ORCHARD BEACH TOWN COUNCIL

Dated: March 5, 2024

Shawn O'Neil, Chairman

Shawn Kenneth Blow, Vice Chair

V. Louise Reid

Connor Rague

Michael Tousignant

Owner of 10 Seaside Avenue
Map/Lot: 316-2-5



Town Of Old Orchard Beach
1 Portland Ave, Old Orchard Beach, ME 04064

Memories Start Here

March 5, 2024

Robert & Jenny Hallett
1 East Grand Ave #401
Old Orchard Beach, ME 04064

RE: Notice of Proposed Discontinuance of a portion of Odena Avenue

Dear Mr. & Mrs. Hallett:

Our records show that you own property abutting Odena Avenue. This is to notify you that the Town Council propose to initiate the process to consider whether to issue an order to discontinue a portion of Odena Avenue beginning at West Grand Avenue to Seaside Avenue and will determine damages, if any, to be paid to abutting property owners.

A portion of Odena Avenue is now a town way approximately 51 feet wide beginning at West Grand Avenue and running for a distance of approximately 205 feet in a generally easterly direction, as shown more particularly on the Town Tax Map number 316 on file at the Town Office. The Town Council does not intend to retain a public easement in the road.

If an Order of Discontinuance is issued and subsequently approved by the Town Council, the Town will have no obligation to maintain, repair or plow the road but the public will still have the right to travel over it unless the public easement is extinguished as well. If the public easement is also extinguished, the Town will have no obligation to maintain, repair or plow the road and the public will not have a right to travel over it. Ownership of the road is generally presumed to revert to the abutting landowners to the center line.

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OLD ORCHARD BEACH TOWN COUNCIL

Dated: March 5, 2024

Shawn O’Neil, Chairman

Shawn Kenneth Blow, Vice Chair

V. Louise Reid

Connor Rague

Michael Tousignant

Owner of 12 Seaside Avenue
Map/Lot: 316-2-5



Town Of Old Orchard Beach
1 Portland Ave, Old Orchard Beach, ME 04064

Memories Start Here

March 5, 2024

Frank Peitrasiuk, Jr.
184 Pitcher St
Montgomery, MA 01085

RE: Notice of Proposed Discontinuance of a portion of Odena Avenue

Dear Mr. Peitrasiuk:

Our records show that you own property abutting Odena Avenue. This is to notify you that the Town Council propose to initiate the process to consider whether to issue an order to discontinue a portion of Odena Avenue beginning at West Grand Avenue to Seaside Avenue and will determine damages, if any, to be paid to abutting property owners.

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OLD ORCHARD BEACH TOWN COUNCIL

Dated: March 5, 2024

Shawn O’Neil, Chairman

Shawn Kenneth Blow, Vice Chair

V. Louise Reid

Connor Rague

Michael Tousignant

Owner of 115 West Grand Avenue
Map/Lot: 316-5-3



Town Of Old Orchard Beach
1 Portland Ave, Old Orchard Beach, ME 04064

Memories Start Here

March 5, 2024

Copy sent to Chris Neagle, Esq. via Email to chris@neaglelaw.com

Dianna A. & Richard Courtemanche
3508 Donoso Crt
Naples, FL 34109

RE: Notice of Proposed Discontinuance of a portion of Odena Avenue

Dear Mr. & Mrs. Courtemanche:

Our records show that you own property abutting Odena Avenue. This is to notify you that the Town Council propose to initiate the process to consider whether to issue an order to discontinue a portion of Odena Avenue beginning at West Grand Avenue to Seaside Avenue and will determine damages, if any, to be paid to abutting property owners.

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If an Order of Discontinuance is issued and subsequently approved by the Town Council, the Town will have no obligation to maintain, repair or plow the road but the public will still have the right to travel over it unless the public easement is extinguished as well. If the public easement is also extinguished, the Town will have no obligation to maintain, repair or plow the road and the public will not have a right to travel over it. Ownership of the road is generally presumed to revert to the abutting landowners to the center line.

As an abutting property owner, you would have the right to maintain a discontinued road and to form a road association or enter private agreements to maintain, plow and repair the road if it is discontinued with or without a public easement. Abutting property owners have the right to establish private easements to provide access to their property if they do not already possess a private right of access over a discontinued road.

These matters will be discussed at a future meeting of the municipal officers on **Tuesday, March 19, 2024** and at a public hearing to be held at a later date. As an abutter, you or your designated agent are invited to attend the meeting, and to attend and be heard at the public hearing.

OLD ORCHARD BEACH TOWN COUNCIL

Dated: March 5, 2024

Shawn O'Neil, Chairman

Shawn Kenneth Blow, Vice Chair

V. Louise Reid

Connor Rague

Michael Tousignant

Owner of 119 West Grand Avenue
Map/Lot: 316-2-1

AGENDA ITEM #8113

Discussion with Action: Approve the Special Event Permit application for 5k Sports Race Management to hold a road race on Saturday, March 23rd, 2024, from 8 a.m. to Noon. Two Old Orchard Beach police officers are required, and must be booked at least two weeks prior to the event; any cancellation of the event must be at least one week prior to the event. Insurance, listing the Town of Old Orchard Beach as additionally insured, must be provided to the Town Clerk's Office at least two weeks in advance of 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 5K Sports Race Management
Address of applicant P.O. Box 1625 Portland, Me 04101
City State Zip
Phone number of applicant (207) 831-6029 Fax ()
Cell phone () E-mail FiveKSport @ AOL.COM

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

Website address (if an Organization, Firm or Corporation) FiveKSport @ AOL.COM

Type of Event:

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

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

Half Marathon

Will you be using tents? _____ YES 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.

Will you be using staging? _____ YES NO

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

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

Other: _____

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 JIM McCorkle Work Phone (207) 83-6029
Address PO Box 1625 Portland ME 04107
City State Zip
Cell phone (207) 831-6029 Fax (____) _____
E-mail FIVEK Sport & Acl. com

4. SET-UP Date for Event 3/23/24 Day of Week SAT from 0800 to 1200

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

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 _____ Day of Week _____ from _____ to _____

RAIN DATE(s) _____ Times _____

(if rain date listed, insurance must list rain date)

5. Location of the Event Brunswick Hotel
(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+

200 ish

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 X NO

Description of merchandise _____

10. Is the event a Charitable event? X YES _____ NO

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

If this event a Regional School Unit #23 event? _____ Yes X 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:

Old Orchard Beach Track + Field - High School

12. List any Event Sponsors:

5K Sports Race MONT

Will admission be charged for the event? _____ YES _____ X NO

Will participants be charged for parking? _____ YES _____ X NO

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

Cancel ↑ Cancel ↑

YES (if yes, please list dates): 2017, 2018, 2019, 2020, 2021, 2022
2023

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 sheet 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) :

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

Times: 0800-1200 How many? 3

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

Name: _____ 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)

None

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).

Where will the event attendees/participants park? 1st Street

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.

none

Is the use of barricades necessary/requested for this event? none

If yes, number needed and location none

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:

Is any other public works assistance needed? no

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

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 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 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.

no

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:

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; No, it will be provided at least 30 days prior to the event.

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

SPECIAL EVENT PERMIT AGREEMENT

I, James McCorkle on behalf of 5K Sports Race Mgmt
(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. J.M (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 with 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 agent, 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: James McCorkle Date: 1/31/24
(authorized representative)

Print name: JAMES McCorkle

Print Organization Name (if applicable): 5K Sports Race Mount

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

Course MAP
Attached

On the Run Half Marathon

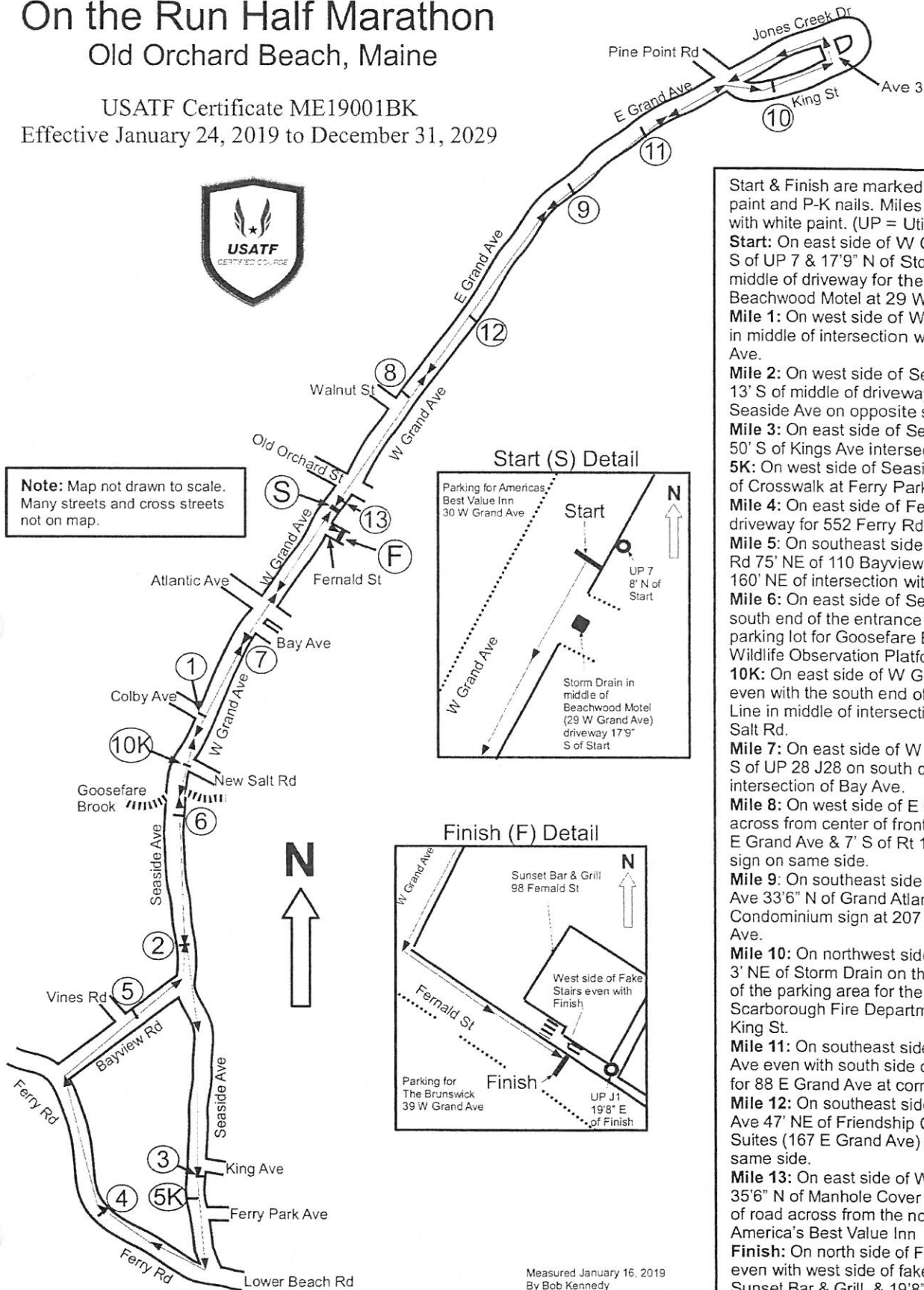
Old Orchard Beach, Maine

USATF Certificate ME19001BK

Effective January 24, 2019 to December 31, 2029



Note: Map not drawn to scale. Many streets and cross streets not on map.



Start & Finish are marked with white paint and P-K nails. Miles are marked with white paint. (UP = Utility Pole).

Start: On east side of W Grand Ave 8' S of UP 7 & 17'9" N of Storm Drain in middle of driveway for the The Beachwood Motel at 29 W Grand Ave.

Mile 1: On west side of W Grand Ave in middle of intersection with Colby Ave.

Mile 2: On west side of Seaside Ave 13' S of middle of driveway for 371 Seaside Ave on opposite side.

Mile 3: On east side of Seaside Ave 50' S of Kings Ave intersection

5K: On west side of Seaside Ave 60' N of Crosswalk at Ferry Park Ave.

Mile 4: On east side of Ferry Rd in driveway for 552 Ferry Rd.

Mile 5: On southeast side of Bayview Rd 75' NE of 110 Bayview Rd & about 160' NE of intersection with Vines Rd.

Mile 6: On east side of Seaside Ave at south end of the entrance to the parking lot for Goosefare Brook Wildlife Observation Platform.

10K: On east side of W Grand Ave even with the south end of the Stop Line in middle of intersection of New Salt Rd.

Mile 7: On east side of W Grand Ave 2' S of UP 28 J28 on south corner of intersection of Bay Ave.

Mile 8: On west side of E Grand Ave across from center of front steps for 71 E Grand Ave & 7' S of Rt 1 Bike Turn sign on same side.

Mile 9: On southeast side of E Grand Ave 33'6" N of Grand Atlantic Condominium sign at 207 E Grand Ave.

Mile 10: On northwest side of King St 3' NE of Storm Drain on the south side of the parking area for the Scarborough Fire Department at 12 King St.

Mile 11: On southeast side of E Grand Ave even with south side of front door for 88 E Grand Ave at corner of 10th St.
Mile 12: On southeast side of E Grand Ave 47' NE of Friendship Oceanfront Suites (167 E Grand Ave) sign on same side.

Mile 13: On east side of W Grand Ave 35'6" N of Manhole Cover on east side of road across from the north end of America's Best Value Inn

Finish: On north side of Fernald St even with west side of fake stairs of Sunset Bar & Grill, & 19'8" W of UP J1 between Sunset Bar & Grill and The Waverly Condos.

MISCELLANEOUS PAYMENT RECPT#: 615920
TOWN OF OLD ORCHARD BEACH
1 PORTLAND AVE.

OLD ORCHARD BEACH, ME 04064

DATE: 02/09/24 TIME: 07:29:28
CLERK: jeff DEPT:
CUSTOMER#:

COMMENT: SPEC EVENT PERMIT

CHG: TCREC TOWN CLERK RECE 50.00

AMOUNT PAID: 50.00

PAID BY: SPORTS RACE MANAGEME
PAYMENT METH: CHECK
 2639

REFERENCE:

AMT TENDERED: 50.00
AMT APPLIED: 50.00
CHANGE: .00

AGENDA ITEM #8114

Discussion with Action: Approve the Special Event Permit application for the Salvation Army to hold their evening programs in the Square; July 24th through July 29th, 2024, including set-up and takedown. Inspection by Fire Prevention and Code Enforcement of the stage constructed in the Square to ensure compliance with applicable fire and building codes, to take place prior to any performance. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk's Office at least one month in advance of 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 Kathleen Veltsos

Address of applicant 8 Sixth Street, Old Orchard Beach, ME 04064

City State Zip

Phone number of applicant (207) 703-4255 Fax (207) 934-5977

Cell phone (207) 703-4255 E-mail Kathleen.Veltsos@use.salvationarmy.org

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

The Salvation Army

Website address (if an Organization, Firm or Corporation) _____

Type of Event:

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

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

Event programs at the town square parking area including music (vocal and instrumental) drama and

speaking 7PM-11PM

Will you be using tents? YES 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.

See attached diagram

Will you be using staging? YES NO

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

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

Other: video screens

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 Kathryn Higgins Work Phone () 845-274-2883

Address 197 Sickles Ave Apt C1, Nyack, NY 10960
City State Zip

Cell phone () 845-274-2883 Fax () _____

E-mail useartministiesdirector@use.salvationarmy.org

4. SET-UP Date for Event July 24, 2024 Day of Week Wednesday from 6:00 AM to 10:00 PM

Date of Event July 25, 2024 Day of Week Thursday from 9:00 AM to 10:00 PM

Date of Event July 26, 2024 Day of Week Friday from 6:30 PM to 10:00 PM

Date of Event July 27, 2024 Day of Week Saturday from 6:30 PM to 10:00 PM

Date of Event July 28, 2024 Day of Week Sunday from 2:00 PM to 10:00 PM

TAKE-DOWN date July 28, 2024 Day of Week Sunday from 10:00 PM to Monday, July 29, 3:00 AM

RAIN DATE(s) n/a Times n/a
(if rain date listed, insurance must list rain date)

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

6. The estimated number of participants in the event

x 0-150; _____ 150-500; _____ 500-1000; _____ 1,000+

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.

Square entrance will need to be blocked for set up, event and breakdown

8. Will the sale of food and/or beverages occur at the event? n/a 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 x _____ NO

Description of merchandise _____

10. Is the event a Charitable event? x _____ YES _____ NO

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

Is this event a Regional School Unit #23 event? _____ Yes x _____ 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:

The Salvation Army

12. List any Event Sponsors:

The Salvation Army

Will admission be charged for the event? _____ YES x _____ NO

Will participants be charged for parking? _____ YES x _____ NO

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

YES (if yes, please list dates): each year for approximately 25 years

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) :

The Salvation Army will hire security personnel to guard stage area.

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

Times: See Below How many? 1

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

Name: Ed Annino- First Protection Services Phone Number: 207-819-5103

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)

stage and video

First Protection Security
7/24/24 10PM- 7/25/24 9AM
7/25/24 10PM- 7/26/24 6:30PM
7/26/24 10PM-7/27/24 6:30PM
7/27/24 10PM- 7/28/24 2PM

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).

typical sound equipment to project voice and music

Where will the event attendees/participants park? Public parking or their respective hotels.

Most attendees will be residing in local hotels.

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: We will need space for 1 box truck at the square, as well as space for support

personnel vehicles at Milliken St. parking

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.

We will provide waste receptacles when necessary. We are not selling or giving away food.

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

If yes, number needed and location entrance and exit to town square

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:

Is any other public works assistance needed? We will need access to the power panels on Friday

If using First Street or Memorial Park Parking Lot, has the applicant reserved two spaces for Amtrak Parking? n/a

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 x 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.

Please see the attached

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

Will the alcohol be: _____ Sold; _____ Given away; n/a 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? n/a Yes, it's attached _____ No

20. Will the event involve professional fireworks? _____ YES x 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 X 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 x 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; No, it will be provided at least 30 days prior to the event.

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

SPECIAL EVENT PERMIT AGREEMENT

I, Kathleen Veltsos on behalf of The Salvation Army
(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. kv (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: Kathleen Veltsos Date: 02/15/24
 (authorized representative)

Print name: Kathleen Veltsos

Print Organization Name (if applicable): Salvation Army

Kathleen Veltsos
 Director, Pavilion Ministries
 Seaside Pavilion
 The Salvation Army |USA Eastern Territory
 Maine, New Hampshire, Vermont
 8 Sixth Street, Old Orchard Beach, ME 04064
 Office: (207) 934-2024 Cell: (207) 703-4255
 Kathleen.Veltsos@use.salvationarmy.org
<http://seasidepavilion.org/>

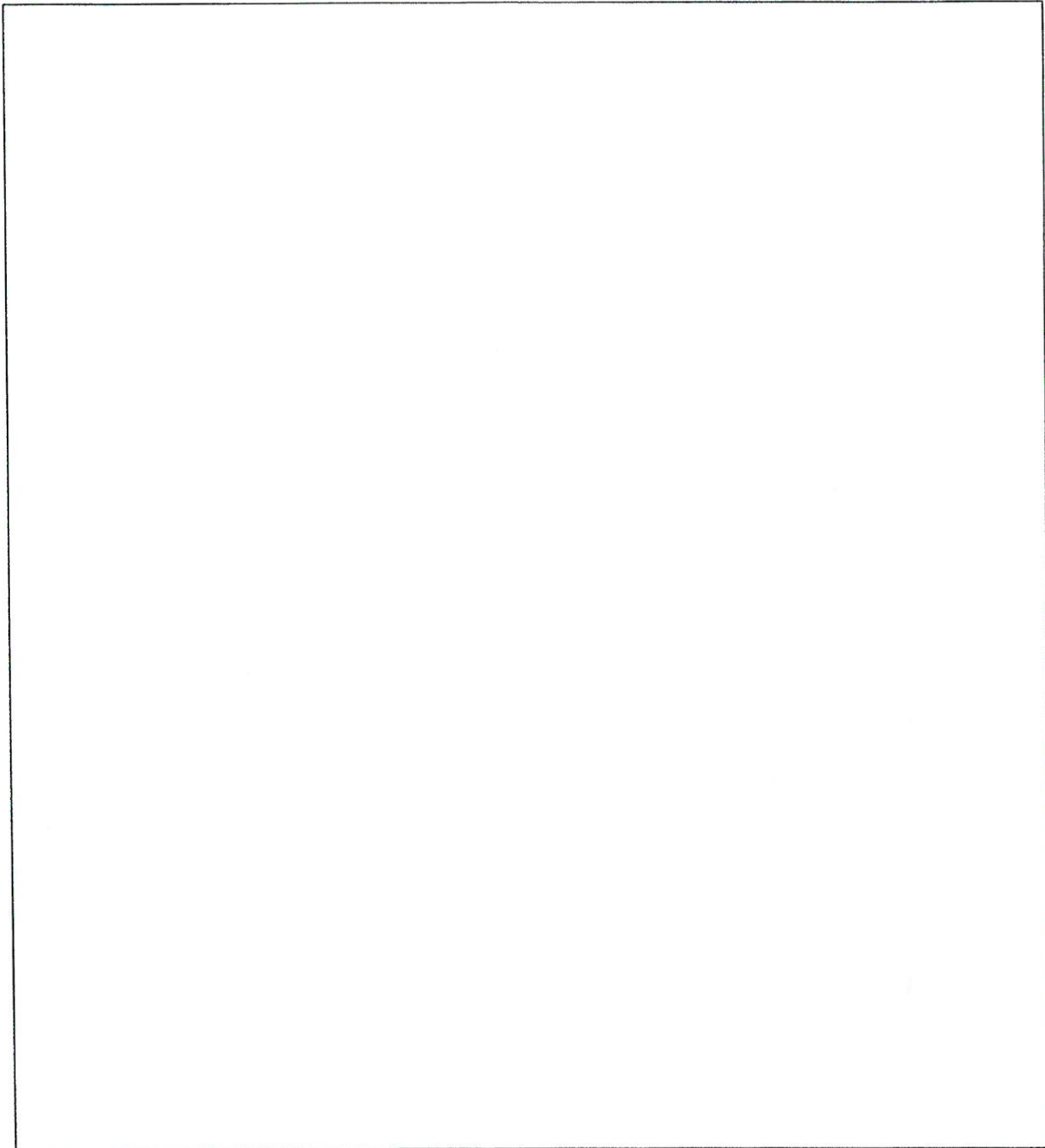
SITE PLAN SKETCH OF SPECIAL EVENT (Completed by Event Coordinator)

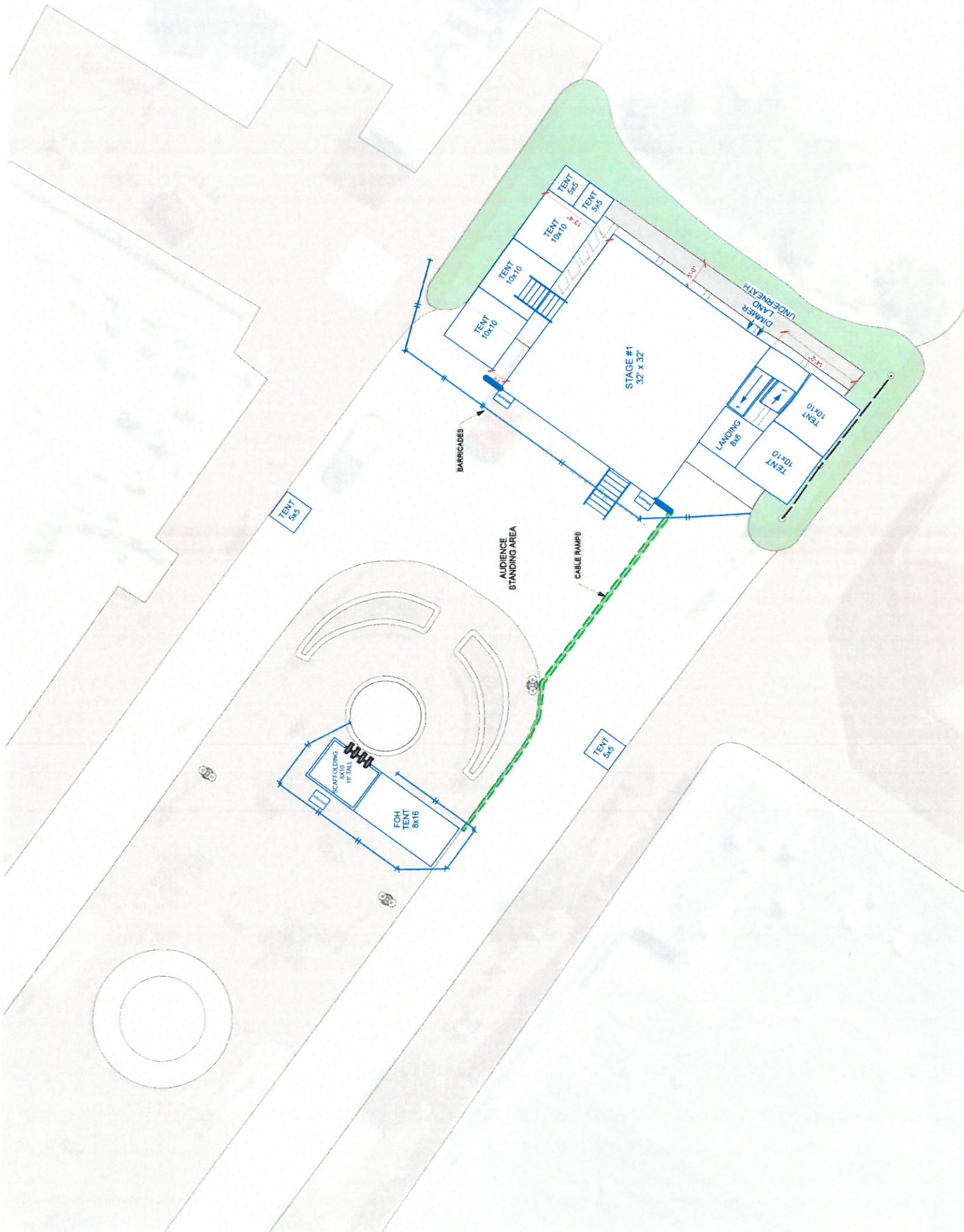
In the space below, please provide the following information. Attach a separate map if necessary.

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





RSU #23
Old Orchard Beach School Department
40 E. Emerson Cummings Blvd.
Old Orchard Beach, Maine 04064
(207) 934-5751 Fax (207) 934-1917

Today's Date: 02/24/23

Rental Contract for Use of School Facilities
(Please read entire form before completing)

Name of School or Organization: The Salvation Army Seaside Pavilion

Name of Requester: Kathleen Veltsos (Please print) Telephone: 207-703-4255

Email Address: Kathleen.Veltsos@use.salvationarmy.org (for electronic confirmations)

Mailing Address: 8 Sixth Street - Old Orchard Beach, ME 04064

Name of School Building requested: OOB & Loranger Room or Space: Parking Lot

Describe the event that will take place: Parking for Seaside Pavilion Events

Number of people anticipated for event: 100-1000

Date(s) facilities needed: Please see attached schedule

Event Start time: _____ Event End Time: _____

Setup Time: _____ Breakdown Time: _____

Specify setup needed: (be specific i.e. classroom with round tables): _____

Staff/Equipment Needed: Custodian _____ PA System _____ Tables _____ Chairs _____


The above organization through its authorized representatives assumes full responsibility for damage and any wear and tear above normal use. The sponsoring organization and its authorized representatives are responsible for charges for their event(s). **IN GENERAL, WEEKEND EVENTS ARE CHARGED FOR CUSTODIAL FEES X's THE NUMBER OF HOURS FOR THE EVENT.** ORGANIZATIONS OUTSIDE THE SCHOOL DISTRICT, PLEASE SEE THE RSU #23 FACILITY POLICY & FEE SCHEDULE.

OFFICE USE ONLY - An invoice will be generated for your records - Checks are payable to: RSU #23.

Custodial Services: \$ _____
Rental Fee for Facility if applicable: \$ _____
Total: \$ _____

IMPORTANT: It is the responsibility of the requesting organization through its representative to contact the Operation's Office two (2) weeks prior to the rental date to verify date and custodial needs - 934-5751.

Signature of Requester: Kathleen Veltsos Signing this request form, indicates acceptance of the rules and policies established by the RSU #23 Board of Education. The organization is responsible for arranging any police/fire department coverage, as well as kitchen personnel & custodial services. The organization wishing to have the rental fees waived, must indicate proof that it is "non-profit". **All requests for waiver of fees must be done in writing to Superintendent of Schools, RSU #23, 40 E. Emerson Cummings Blvd., Old Orchard Beach, ME 04064.**

<u>Office Use Only:</u>	APPROVED	Not Approved	POWERED BY:
Building Principal: _____ Date	_____	_____	 Schedule No.
Athletic Director: _____ Date	_____	_____	
Food Service Director: _____ Date	_____	_____	
Maintenance Director: _____ Date	_____	_____	

IMPORTANT FEE INFORMATION REGARDING ROOM RENTAL, IF APPLICABLE:

Gym or Cafeteria	\$ 150.00	___
Classrooms	\$ 25.00	___
Locker rooms/showers	\$ 50.00	___
Kitchen	\$ 75.00	___
Parking Lots	\$ 50.00	___

CERTAIN EVENTS WILL REQUIRE SPECIAL LIABILITY INSURANCE TO BE OBTAINED BY YOUR ORGANIZATION. A COPY OF THE CERTIFICATE OF INSURANCE MUST BE PRESENTED TO THE OPERATIONS OFFICE, PRIOR TO FINAL APPROVAL.

For use of the Kitchen ONLY contact Caroline Trinder, Food Service Director, 934-4461. For use of all other areas, contact Helene Stevens, Operations Office at 934-5751, ext. 1914.

Some requests will require RSU #23 Board of Education approval and a representative of your organization should attend the meeting. *You will be notified should you need to appear before the Board of Education.*



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/20/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).


PRODUCER CHESTERFIELD INSURANCE AGENCY, INC. CHESTERFIELD INSURANCE AGENCY, INC. P. O. BOX 237 GREEN, OH 44232-0237	CONTACT NAME: SEAN ONEILL PHONE (A/C No. Ext.): (330) 896-9777 EXT. 8123 FAX (A/C No.): 330-896-6548 E-MAIL ADDRESS: SEAN.ONEILL@TPA4TSA.COM												
	INSURER(S) AFFORDING COVERAGE												
INSURED THE SALVATION ARMY, A NEW YORK CORP. 440 WEST NYACK ROAD WEST NYACK, NY 10994-1739	<table border="1"> <tr> <td>INSURER A: ZURICH AMERICAN INS. CO.</td> <td>NAIC # 16535</td> </tr> <tr> <td>INSURER B: THE SALVATION ARMY RISK TRUST</td> <td></td> </tr> <tr> <td>INSURER C: THE SALVATION ARMY A NY CORP.</td> <td></td> </tr> <tr> <td>INSURER D: AMERICAN ZURICH INS. CO.</td> <td>40142</td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER A: ZURICH AMERICAN INS. CO.	NAIC # 16535	INSURER B: THE SALVATION ARMY RISK TRUST		INSURER C: THE SALVATION ARMY A NY CORP.		INSURER D: AMERICAN ZURICH INS. CO.	40142	INSURER E:		INSURER F:	
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COVERAGES CERTIFICATE NUMBER: 004109022024 03 SEASIDE PAVILION REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL. SUBR INSD. WVP	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
C	COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:		SELF INSURED RETENTION	01/01/24	01/01/25	EACH OCCURRENCE \$ 500,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 500,000 GENERAL AGGREGATE \$ 500,000 PRODUCTS - COM/POP AGG \$ 500,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		BAP 8978527-28	01/01/24	01/01/25	COMBINED SINGLE LIMIT (Ea accident) \$ 100,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 500,000		TRUST#19578500 INCL PROF LIABILITY	01/01/24	01/01/25	EACH OCCURRENCE \$ 9,500,000 AGGREGATE \$ 9,500,000
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> N / A	WC 8978533-28	01/01/24	01/01/25	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	AUTO LIABILITY EXCESS		SELF INSURED RETENTION	01/01/24	01/01/25	XS OF \$100,000 \$400,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Parking at Old Orchard Beach, ME High School RSU23, 40 Emerson Cummings Blvd, Old Orchard Beach, ME 04064 from 6/22/24 to 08/16/24 for use of OOB High School parking lot for summer season 2024

CERTIFICATE HOLDER Old Orchard Beach ME High School RSU 23 40 Emerson Gummings Blvd Old Orchard Beach, ME 04064	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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	A	B	C	D	E	F
1	PARKING STAFF 2024			SEASIDE PAVILION		
2	DATE	TIME BEGIN	TIME END	EVENT	EVENT TIME	#TROLLEYS
3	Saturday, June 22, 2024	5:00PM	10:00PM	PSO	7:00PM	3
4	Friday, June 28, 2024	5:00PM	10:00PM	PSO	7:00PM	3
5	Saturday, June 29, 2024	5:00PM	10:00PM	TAPESTRY	7:00PM	3
6	Thursday, July 4, 2024	5:00PM	10:00PM	195TH ARMY NAT.GUARD	7:00PM	3
7	Saturday, July 6, 2024	5:00PM	10:00PM	FRAMPTON COMES ALIVE	7:00PM	2
8	Tuesday, July 9, 2024	5:00PM	10:00PM	DEEP BLUE C ORCHESTRA	7:00PM	2
9	Saturday, July 13, 2024	5:00PM	10:00PM	PSO	7:00PM	3
10	Tuesday, July 16, 2024	5:00PM	10:00PM	RUMOURS	7:00PM	3
11	Friday, July 19, 2024	5:00PM	10:00PM	LET'S HANG ON	7:00PM	3
12	Saturday, July 27, 2024	5:30PM	9:30PM	CM	7:00PM	2
13	Sunday, July 28, 2024	8:30AM	12:00PM	CM	10:00AM	1
14	Sunday, July 28, 2024	5:30PM	10:00PM	CM	7:00PM	1
15	Monday, July 29, 2024	4:00pm	9:00PM	CM KIDS NIGHT	5:00PM	1
16	Tuesday, July 30, 2024	5:30PM	10:00PM	CM CONCERT	7:00PM	1
17	Tuesday, August 6, 2024	5:00PM	10:00PM	JASON GRAY	7:00PM	2
18	Friday, August 9, 2024	5:00PM	10:00PM	BEE GEE'S GOLD	7:00PM	3
19	Tuesday, August 13, 2024	5:00PM	10:00PM	STUDIO TWO	7:00PM	2
20	Friday, August 16, 2024	5:00PM	10:00PM	SANCTUS REAL	7:00PM	2



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/20/2024

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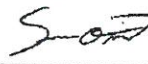
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COVERAGES **CERTIFICATE NUMBER:** 004101022024 02 SEASIDE PAVILION **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR I TR	TYPE OF INSURANCE	ADD'L SUBR INSD. WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
C	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:		SELF INSURED RETENTION	01/01/24	01/01/25	EACH OCCURRENCE \$ 500,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 500,000 GENERAL AGGREGATE \$ 500,000 PRODUCTS - COM/PROP AGG \$ 500,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		BAP 8978527-28	01/01/24	01/01/25	COMBINED SINGLE LIMIT (Ea accident) \$ 100,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB CLAIMS-MADE <input checked="" type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 500,000		TRUST#19678500 INCL PROF LIABILITY	01/01/24	01/01/25	EACH OCCURRENCE \$ 9,500,000 AGGREGATE \$ 9,500,000
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> N / N/A	WC 8978533-28	01/01/24	01/01/25	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	AUTO LIABILITY EXCESS		SELF INSURED RETENTION	01/01/24	01/01/25	XS OF \$100,000 \$400,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Pier Ministry July 24, 2024 through July 29, 2024 for Camp Meetings Pier outreach and entertainment

CERTIFICATE HOLDER Town of Old Orchard Beach 1 Portland Ave Old Orchard Beach, ME 04064	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

AGENDA ITEM #8115

Discussion with Action: Approve the quote from ENS for the three (3) year renewal subscription for the Sophos Anti-Virus, Spam Filtering and Sophos Firewalls support services in the amount of \$11,039.09 from account 20102-50454 Computer Support/Service with a balance of \$60,204.29

Chair: Shawn O'Neill



OUTSOURCED IT SERVICES
FOR SMALL AND MID-SIZED BUSINESSES



We have prepared a quote for you

**Revised Pricing: Renew 3 Year License: Spam Filtering and Anti-Virus
Protection for OOB**

Quote # 001648
Version 1

Prepared for:

Old Orchard Beach

Jordan Miles
jmiles@oobmaine.com



Sophos Central Intercept Advanced: 3 year Subscription

Description	Price	Qty	Ext. Price
Sophos Central Intercept X Advanced for Server - Renewal - 3 Year - Price Level 10-24 Server - Government With the override (reduced) price, this works out to be \$4.00 per server per month.	\$121.82	12	\$1,461.84
Sophos Central Intercept X Advanced - Renewal - 3 Year - Price Level 100-199 User - Government With the override (reduced) price, this works out to be \$1.61 per endpoint per month.	\$52.94	115	\$6,088.10

Subtotal: **\$7,549.94**

Sophos Central Email Advanced: 3 year Subscription

Description	Price	Qty	Ext. Price
Sophos Central Email Advanced - Renewal - 3 Year - Price Level 100-199 User Works out to be \$2.13 per month per user (115 users).	\$30.81	115	\$3,543.15

Subtotal: **\$3,543.15**

Revised Pricing: Renew 3 Year License: Spam Filtering and Anti-Virus Protection for OOB



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 #: 001648
 Version: 1
 Delivery Date: 02/27/2024
 Expiration Date: 03/26/2024

Quote Summary

Description	Amount
Sophos Central Intercept Advanced: 3 year Subscription	\$7,549.94
Sophos Central Email Advanced: 3 year Subscription	\$3,543.15
Total:	\$11,093.09

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: 02/27/2024

Old Orchard Beach

Signature: _____
 Name: Jordan Miles
 Date: _____

AGENDA ITEM #8116

Discussion with Action: Approve the line item transfer of \$15,000 from account 20196-50390 Abatement/Overlay with a balance of \$39,380.94 to account 20132-50836 Sign Expense with a balance of \$(6,336.36).

Chair: Shawn O'Neill

AGENDA ITEM #8117

Discussion with Action: Approve the purchase of Crosstalk-SZ-10 Flashing School Zone Sign from K & K Systems in the amount of \$6,168.57 from account 20132 - 50836 Parking Enforcement Signs with a balance of \$8,663.64.

Chair: Shawn O'Neill

K&K Systems

Systems

QUOTATION

687 Palmetto Road
Tupelo, MS 38801
www.k-systems.com

email:
Phone: 662-566-2025
Fax: 662-566-7123 TollFree: 888-414-3003

Quotation #: Q240125AB-ME-OOBPD
Quotation Date: 1/25/2024
Customer Type: Your Cost

Customer Contact: GREG BUNCE
Quote Valid: 45 days
Prepared by: **Ali Bingham**

Bill To:	Ship To:
Name: Greg Bunce	(Must be filled out Completely) Name: Greg Bunce
Company Name: Town of Old Orchard Beach Police Dept.	Company Name: Town of Old Orchard Beach Police Dept.
Street Address: 1 Portland Ave.	Street Address: rd
Address 2:	City, ST ZIP Code: Old Orchard Beach, ME 04064
City, ST ZIP Code: Old Orchard Beach, ME 04064	Tel and/or Cell: 207-934-4911
Tel: 207-934-4911	Days open to Deliver: M-F
Cell: 207-934-5714	Hours to Deliver: 8-2PM
Fax: 207-934-0246	Is Forklift Available: YES
email: gbunce@oobmaine.com	email: gbunce@oobmaine.com

Product

Model #	Description	Base Price
112-D12	Solar School Zone Beacon, Double 12" LED's yellow/amber, polycarbonate heads, 40 watt solar panel with mounting bracket, 365 day programmable timer module, aluminum lockable battery box, flasher, regulator, and wiring. Partially assembled to mount to existing pole. When mounting to spun aluminum pole requires CTR-D1 or CTR-D2. No battery included.	\$2,323.86

Packaging

K&K Delivers

Options and Accessories - PER UNIT

QTY per Unit	Description	Price Each	Price per Unit
1	CROSSTALK-SZ-10 School Zone - Cellular 4G/LTE + 900MHz wireless unit (1500+ feet range) Must have service contract. NEMA TS-2 and FCC approved. Lead Unit for Crosstalk -4s. Requires AntennaKit-1 and AntennaKit-2.	\$1,048.00	\$1,048.00
1	ASC-L-SC-1 One (1) year Service Plan for cloud based cell service based on a maximum 3 MB per cellular account per month. To be used with School lights.	\$220.00	\$220.00
1	ANTENNAKIT-1 Antenna for 900MHz radio (SH-MPANTENNA6) - Includes cable (CW-900-Cable-10).	\$71.11	\$71.11
1	ANTENNAKIT-2 Antenna for cell modem (SH-SMAANTENNA) - Includes cable (CW-Cell-Cable-12)	\$60.00	\$60.00
1	BAT-12-100A 100 amp, 12V, AGM battery; Dimensions: 12.16"x6.75" x8.70"	\$341.23	\$341.23
1	CCTR-15 COMPLETE 15' SPUN POLE KIT TO INCLUDE ALL MOUNTING HARDWARE. 15' crash tested 4" round aluminum spun pole with pedestal base, top cap, anchor bolts, signal mount and control box mount.	\$765.73	\$765.73
1	CTR-D2 4" Pole Mounting Hardware Kit for Beacons. To include: Two (2)- CTR-BCM (Back of cabinet mount for 4" aluminum pole); Four (4)-CTR-MH (Mounting hardware per head (if K&K CTR pole not purchased) to include: pole plate with set screw; 6" nipple; tritud elbow with set screw); and One (1) pair-CTR-UBS (U-Bolt Mounting hardware for signage (U-bolt). Price/pair.)	\$538.64	\$538.64

Special Notes

FOB: Tupelo, MS 38801
Delivery (weeks): 6-12 Weeks
Warranty: 1 year limited warranty, Factory Depot

Per System Total: \$5,368.57
Total QTY of Systems: 1 \$5,368.57
Total Shipping Costs: \$800.00
Taxes: 0.00%
GRAND TOTAL: \$6,168.57

AGENDA ITEM #8118

Discussion with Action: To approve the Consent Agreement between HFY Enterprises, Inc and the Town of Old Orchard Beach in consideration of mutual agreement that the Town shall not seek any action against the property owner, its successors in interest, heirs or assigns, with respect to the encroachment as shown on the Mortgage Loan Inspection which revealed a twenty two foot (22') encroachment of the road frontage, and a two foot (2') encroachment of the side setback.

Chair: Shawn O'Neill

ADJOURNMENT

Chair: Shawn O'Neill

CONSENT AGREEMENT
BETWEEN THE TOWN OF OLD ORCHARD BEACH
AND HFY ENTERPRISES, INC.

This Agreement is made between the Town of Old Orchard Beach, hereinafter “Town”, and HFY Enterprises, Inc., a Maine corporation with a mailing address of 39 West Grand Avenue, Old Orchard Beach, Maine 04064, hereinafter “Property Owner”.

WHEREAS: Property Owner is the owner of 1 Captains Road, Old Orchard Beach, Maine 04064, MBL 102-3-10, recorded in the York County Registry of Deeds in Plan Book 19321, Page 0503 (the “Trustees Deed”), and

WHEREAS: on July 18, 2019, Derek Faulkner on behalf of Property Owner Beth Gilman submitted a building permit application for 102-3-10 to the Code Enforcement Office to construct a single-family home; and

WHEREAS: on October 2, 2019, the Code Enforcement Office approved a building permit to construct a single-family home on the Lot; and

WHEREAS: on February 16, 2024, a Mortgage Loan Inspection (the “MLI”) was completed by Brad Lodge of Middle Branch, LLC Professional Land Surveyors that showed the road frontage was 178’ instead of the required 200’ as shown in Exhibit A; and

WHEREAS: on February 16, 2024, a Mortgage Loan Inspection (the “MLI”) was completed by Brad Lodge of Middle Branch, LLC Professional Land Surveyors that showed the side setback was 23’ instead of the required 25’ as shown in Exhibit A; and

WHEREAS: Chapter 78 Article III, Section 78-142 of Old Orchard Beach Code of Ordinances states no structure shall be erected unless in conformity with the Zoning Ordinance, which includes the required setbacks; and

WHEREAS: The construction of the single-family home was completed 2019; and

WHEREAS: The Property Owner would incur excessive cost of moving the structure to comply with the required 200’ frontage and 25’ setback; and

WHEREAS: the encroachment into the setback does not cause substantial increase in health or safety risk to abutters or future property owners; and

WHEREAS: state law and the Town’s ordinances authorize the Town to bring enforcement actions to cure violations, including the imposition of fines and the recovery of legal fees and expenses; and

WHEREAS: the Town and Property Owner wish to resolve this matter without further litigation.

NOW, THEREFORE, in consideration of the mutual promises and agreements set forth herein, the parties agree as follows:

1. The Town shall not seek any further action against Property Owner, its successors in interest, heirs or assigns, with respect to the encroachment and those matters shown on the MLI.
2. Notwithstanding the foregoing conditions set forth in Section 1 above, and even in the absence of any record evidence of Property Owner's compliance or success with its efforts to resolve the encroachment by other means, the execution and recording of this Agreement shall conclude this matter between the parties and shall effectively resolve the violation.
3. This Agreement shall be recorded in the York County Registry of Deeds, and a copy will remain in the property file.

Signed and agreed to by:

HFY ENTERPRISES, INC.

TOWN OF OLD ORCHARD BEACH

Its: _____
Date: _____

Diana Asanza, Town Manager
Date: _____

State of Maine

County of _____, ss _____, 2022

Personally appeared Thomas Lacasse, in his capacity as the _____ of HFY Enterprises, Inc., and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of HFY Enterprises, Inc.

Before me,

Notary Public/Attorney at Law

Print Name: _____

My Commission Expires: _____

State of Maine

County of _____, ss _____, 2022

Personally appeared Diana H. Asanza, in her capacity as the Town Manager for the Town of Old Orchard Beach, Maine, and acknowledged the foregoing instrument to be her free act and deed in his said capacity, and the free act and deed of the Town of Old Orchard Beach.

Before me,

Notary Public/Attorney at Law

Print Name: _____

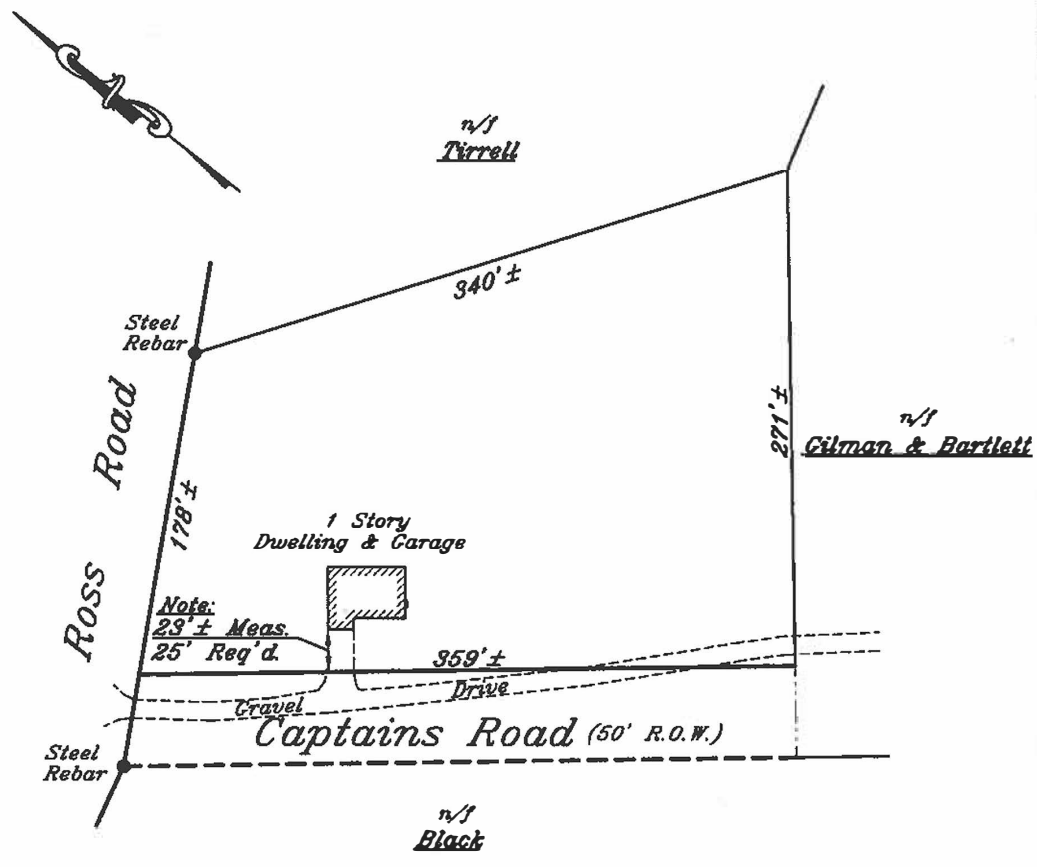
My Commission Expires: _____

For Mortgage Lender Use Only

General Notes: (1) Distances shown are taken from provided title references shown below. (2) The purpose of this inspection is to render an opinion as follows: A) dwelling and accessory structure's compliance with respect to municipal zoning setbacks and B) flood zone determination by horizontal scaling on below referenced FEMA Map. (3) This inspection excepts out all technical standards as set forth by State of Maine Board of Licensure for Professional Land Surveyors. (4) This inspection is to be used only by the below listed lender, title attorney and title insurer and shall not be used by another party for boundary line locations or land title opinions. (5) A boundary survey should be performed to render a professional opinion pertaining to boundary line locations, easements, rights of way, encumbrances and/or encroachments. Wetland existence and any required setback thereto are not determined with this inspection.

This Inspection Shall Not Be Used For Construction Purposes

Address: 1 Captains Road Inspection Date: February 16, 2024
Old Orchard Beach, Maine Scale: 1" = 80'



See deed for appurtenances.

Applicant: Ian Elliott McKenna Requesting Party: Weinstein, Lovell & Orduway, P.A.
Owner: HEY Enterprises Inc Attorney: _____
Lender: Saco & Biddeford Savings Inst File No. 22413780 Field Book: 477-72

Title References:
Deed Book: 19821 Page: 503
Plan Book: _____ Page: _____ Lot: _____
County: York

Municipal References:
Map: 102 Block: 9 Lot: 10

The dwelling was not in compliance with municipal zoning setback requirements at the time of construction. See above note

Comments:

Middle Branch, LLC Professional Land Surveyors

1A Depot Street, P.O. Box 618
Alfred, Me. 04002-0618
Ph. (207)924-8712 Fax (207)924-8100



This Inspection Is Valid Only With An Embossed Seal And Is Null & Void 90 Days After Inspection Date.

This Is Not A Boundary Survey

Not For Recording MRL