

**TOWN OF OLD ORCHARD BEACH
TOWN HALL CHAMBERS
JANUARY 7, 2020
MINUTES**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, January 7, 2020. Chair Thornton opened the meeting at 6:30 p.m.

The following were in attendance:

**Chair Joseph Thornton
Councilor Jay Kelley
Councilor Michael Tousignant
Town Manager Larry Mead
Assistant Town Manager V. Louise Reid**

Absent: Vice Chair Shawn O'Neill
Councilor Kenneth Blow

ACKNOWLEDGEMENTS:

ASSISTANT TOWN MANAGER:

I would remind you of a meeting of the Community Friendly Connection on January 15th at 5:00 here in the Town Council Chamber. Lots of exciting events are being planned and we invite you to come and be part of the planning.

ACCEPTANCE OF MINUTES: Accept the Town Council Minutes of December 17, 2019.

MOTION: Councilor Kelley motioned and Councilor Tousignant seconded to Accept the Minutes as read.

VOTE: Unanimous.

GOOD AND WELFARE:

PRESENTATION:

**FY AUDIT PRESENTATION
FY2019 AUDIT PRESENTATION
RHR SMITH & COMPANY - AUDITORS
ERICKA MCKAY - PRESENTER**



Proven Expertise & Integrity

January 7, 2020

Town Council
Town of Old Orchard Beach
Old Orchard Beach, Maine

We were engaged by the Town of Old Orchard Beach and have audited the financial statements of the Town of Old Orchard Beach as of and for the year ended June 30, 2019. The following information, statements, schedules and tables have been excerpted from the 2019 financial statements, a complete copy of which, including our opinion thereon, will be available at the Town's office. Certain comparative information has been used from prior year audited financial statements. The information contained in this report should be used in conjunction with the audited financial statements as a whole and should not be used for any other purposes.

It has been our pleasure to work with the Town of Old Orchard Beach and we appreciate all the help and consideration provided by the Town's staff. If you have any questions or concerns please do not hesitate to contact us.

RHR Smith & Company

Certified Public Accountants

3 Old Orchard Road, Buxton, Maine 04093
T. 800.300.7708 | 207.929.4606 | F. 207.929.4609
www.rhrsmith.com

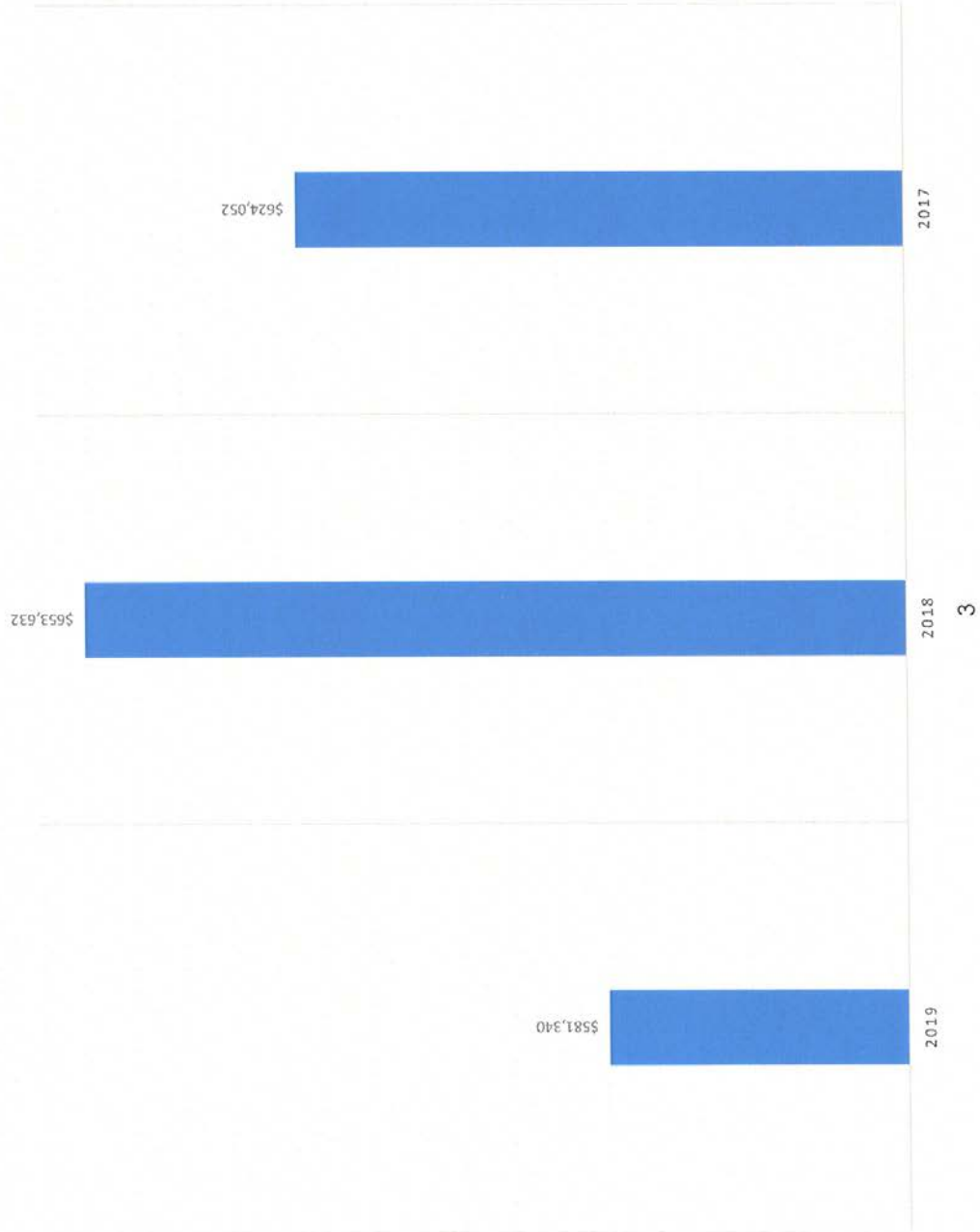
Town of Old Orchard Beach

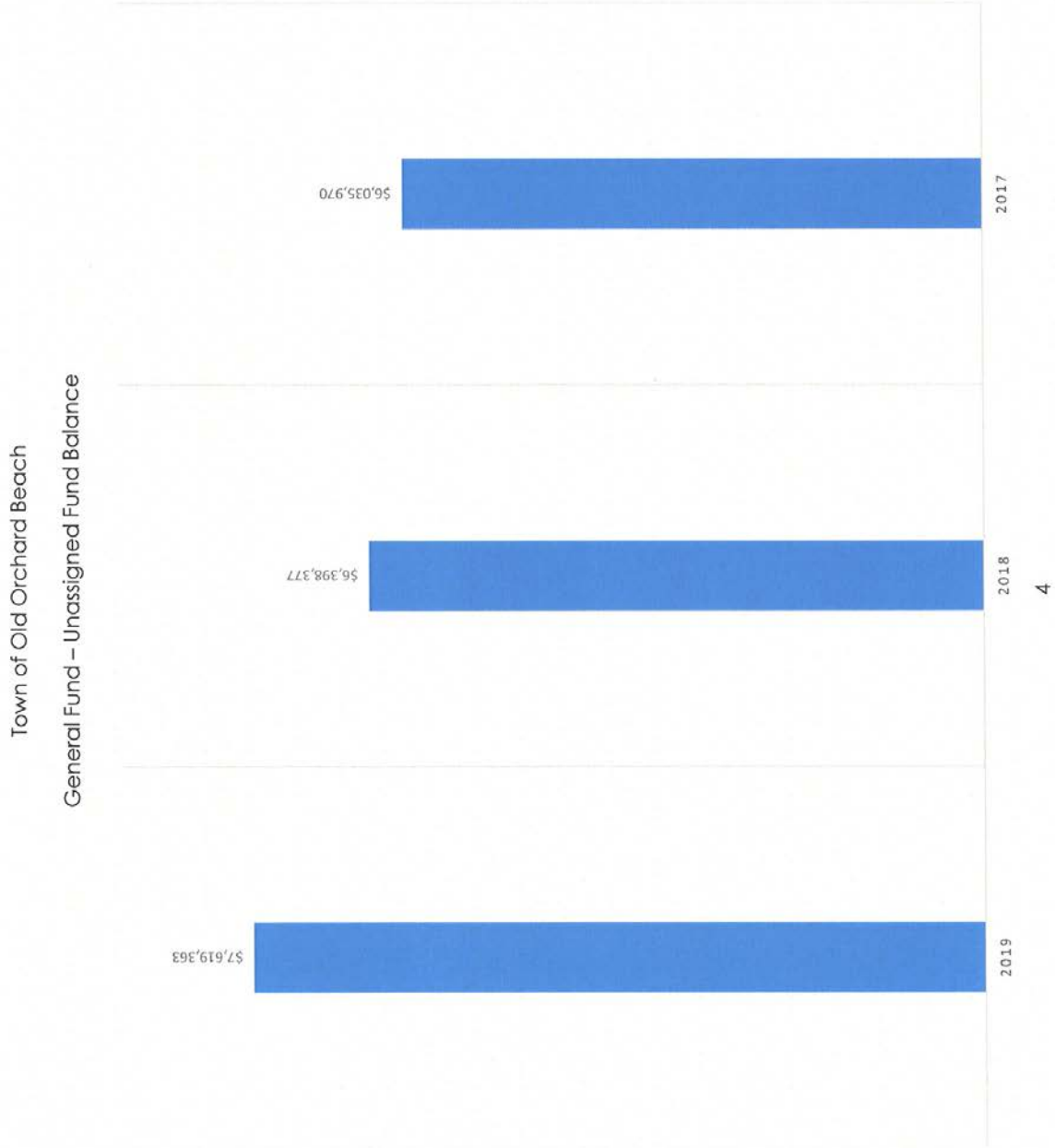
Balance Sheet – Governmental Funds
June 30, 2019

	General Fund	Sewer Special Revenue	CIP Public Works	Other Governmental Funds	Total Governmental Funds
ASSETS					
Cash and cash equivalents	\$ 7,209,046	\$ -	\$ -	\$ -	\$ 7,209,046
Investments	5,721,894	-	-	-	5,721,894
Accounts receivable (net of allowance for uncollectibles):					
Taxes	1,300,578	-	-	-	1,300,578
Tax liens	517,821	-	-	-	517,821
Other	43,751	-	-	137,082	180,833
Inventory	55,853	-	-	-	55,853
Prepaid items	1,391	-	-	-	1,391
Due from other funds	46,423	1,088,311	2,160,043	773,376	4,068,153
TOTAL ASSETS	\$ 14,896,757	\$ 1,088,311	\$ 2,160,043	\$ 910,458	\$ 19,055,569
LIABILITIES					
Accounts payable	\$ 329,300	\$ 178,098	\$ 382,736	\$ 39,785	\$ 929,919
Accrued payroll and related liabilities	221,122	-	-	-	221,122
Other liabilities	428,924	-	-	-	428,924
Due to other funds	4,021,730	-	-	46,423	4,068,153
TOTAL LIABILITIES	5,001,076	178,098	382,736	86,208	5,648,118
DEFERRED INFLOWS OF RESOURCES					
Deferred revenue - property taxes	1,694,978	-	-	-	1,694,978
TOTAL DEFERRED INFLOWS OF RESOURCES	1,694,978	-	-	-	1,694,978
FUND BALANCES					
Nonspendable	57,244	-	-	-	57,244
Restricted	-	-	-	130,486	130,486
Committed	-	910,213	1,777,307	741,982	3,429,502
Assigned	524,096	-	-	2,526	526,622
Unassigned	7,619,363	-	-	(50,744)	7,568,619
TOTAL FUND BALANCES	8,200,703	910,213	1,777,307	824,250	11,712,473
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND FUND BALANCES	\$ 14,896,757	\$ 1,088,311	\$ 2,160,043	\$ 910,458	\$ 19,055,569

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Town of Old Orchard Beach
General Fund – Nonspendable / Assigned Fund Balance





Town of Old Orchard Beach

Statement of Revenues, Expenditures and Changes in Fund Balances
Governmental Funds
June 30, 2019

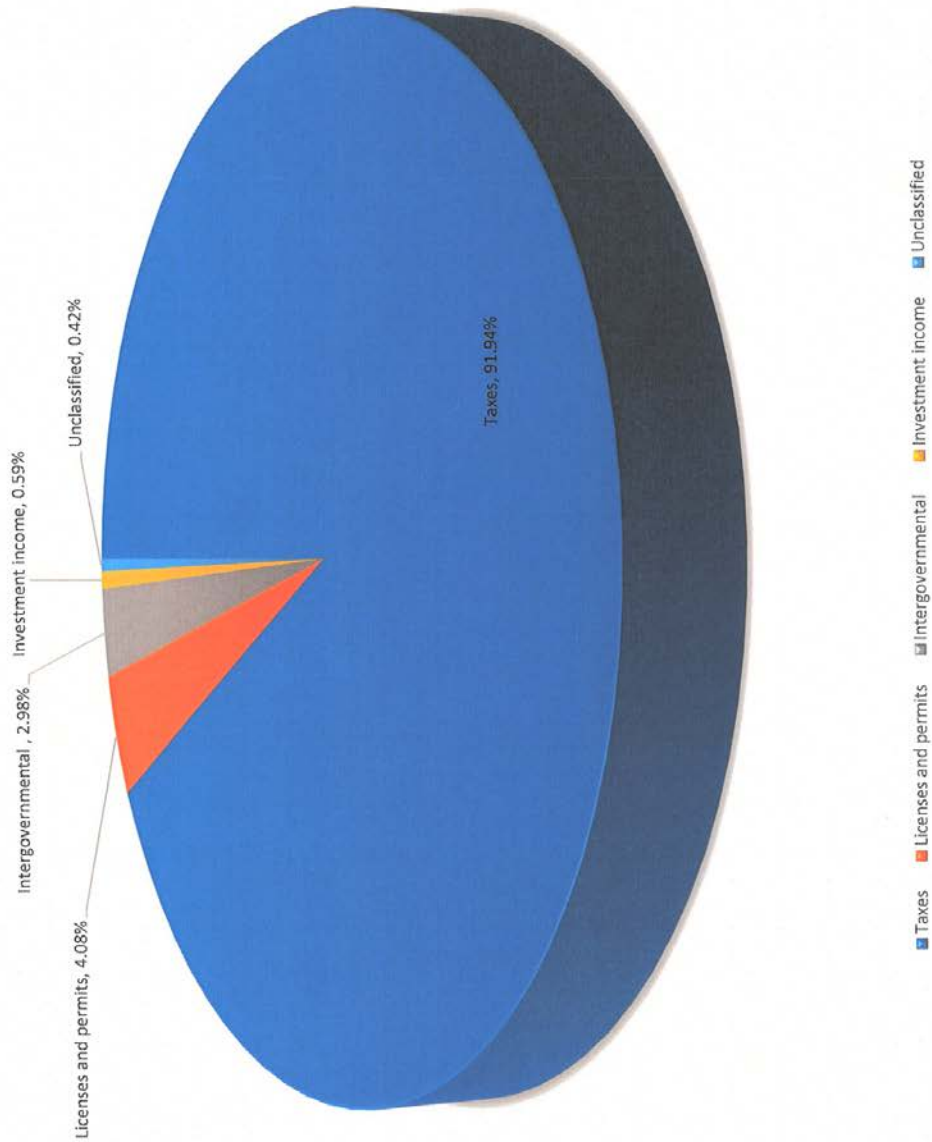
	General Fund	Sewer Special Revenue	CIP Public Works	Other Governmental Funds	Total Governmental Funds
REVENUES					
Taxes	\$ 28,564,444	\$ -	\$ -	\$ -	\$ 28,564,444
Licenses and permits	1,266,279	-	-	-	1,266,279
Intergovernmental	924,577	-	-	33,995	958,572
Other charges for services	-	217,615	-	784,562	1,002,177
Investment income	182,306	-	-	-	182,306
Unclassified	129,947	-	-	99,506	229,453
TOTAL REVENUES	31,067,553	217,615	-	918,063	32,203,231
EXPENDITURES					
Current:					
General government	4,638,273	-	-	-	4,638,273
Public works	1,589,519	-	-	-	1,589,519
Sanitation	1,706,729	201,886	-	-	1,908,615
Public safety	5,193,987	-	-	8,839	5,202,826
Recreation, culture and agencies	723,337	-	-	369,331	1,092,668
Health and welfare	72,858	-	-	-	72,858
Education	12,244,147	-	-	-	12,244,147
County tax	890,601	-	-	-	890,601
Tax abatements/ overlay	68,708	-	-	-	68,708
Program expenses	-	-	-	69,704	69,704
Debt service:					
Principal	994,513	-	-	-	994,513
Interest	261,309	-	-	-	261,309
Equipment replacement	415,201	-	-	-	415,201
Capital outlay	-	-	1,202,815	463,066	1,665,881
TOTAL EXPENDITURES	28,799,182	201,886	1,202,815	910,940	31,114,823
EXCESS REVENUES OVER (UNDER) EXPENDITURES	2,268,371	15,729	(1,202,815)	7,123	1,088,408
OTHER FINANCING SOURCES (USES)					
Transfers in	616,855	-	1,250,500	481,032	2,348,387
Transfers (out)	(1,736,532)	-	-	(611,855)	(2,348,387)
TOTAL OTHER FINANCING SOURCES (USES)	(1,119,677)	-	1,250,500	(130,823)	-
NET CHANGE IN FUND BALANCES	1,148,694	15,729	47,685	(123,700)	1,088,408
FUND BALANCES - JULY 1	7,052,009	894,484	1,729,622	947,950	10,624,065
FUND BALANCES - JUNE 30	\$ 8,200,703	\$ 910,213	\$ 1,777,307	\$ 824,250	\$ 11,712,473

Town of Old Orchard Beach

Budget to Actual Comparison
Governmental Funds
June 30, 2019

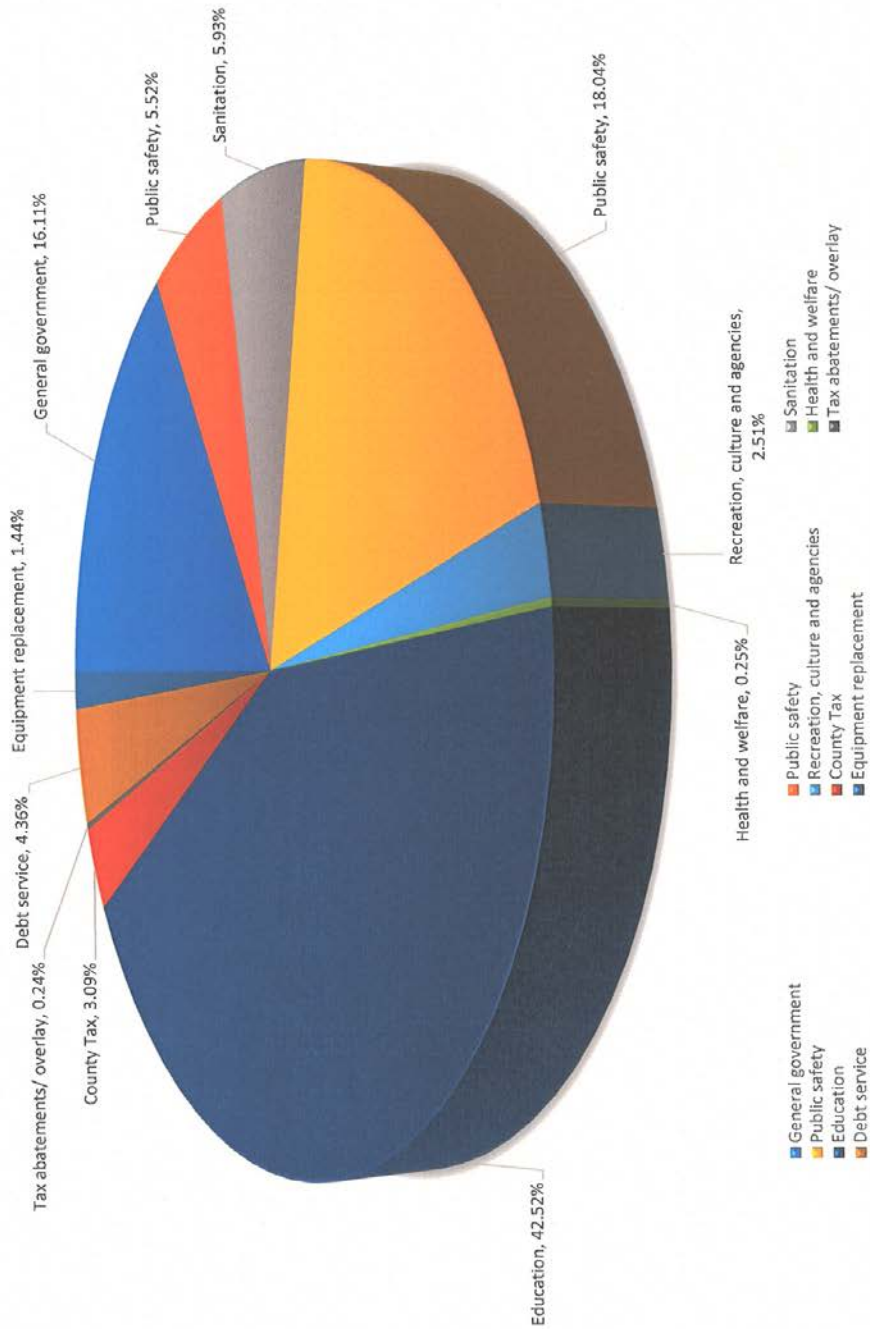
	Budgeted Amounts		Actual Amounts	Variance Positive (Negative)
	Original	Final		
Budgetary Fund Balance, July 1	\$ 7,052,009	\$ 7,052,009	\$ 7,052,009	\$ -
Resources (Inflows):				
Taxes	27,861,030	28,282,476	28,564,444	281,968
Licenses and permits	1,074,000	1,074,000	1,266,279	192,279
Intergovernmental	814,500	860,164	924,577	64,413
Unclassified	179,505	179,505	129,947	(49,558)
Interest earned	65,000	65,000	182,306	117,306
Transfers in	611,854	611,854	616,855	5,001
Amounts Available for Appropriation	<u>37,657,898</u>	<u>38,125,008</u>	<u>38,736,417</u>	<u>611,409</u>
Charges to Appropriations (Outflows):				
General government	5,009,910	5,009,910	4,638,273	371,637
Public works	1,728,662	1,728,662	1,589,519	139,143
Sanitation	1,768,988	1,768,988	1,706,729	62,259
Public safety	5,286,406	5,286,406	5,193,987	92,419
Recreation, culture and agencies	755,500	755,500	723,337	32,163
Health and welfare	85,140	85,140	72,858	12,282
Education	12,170,868	12,244,148	12,244,147	1
County tax	906,100	890,601	890,601	-
Tax abatements/overlay	60,000	405,376	68,708	336,668
Debt service:				
Principal	994,515	994,515	994,513	2
Interest	318,000	318,000	261,309	56,691
Equipment replacement	439,800	439,800	415,201	24,599
Transfers out	1,682,000	1,745,953	1,736,532	9,421
Total Charges to Appropriations	<u>31,205,889</u>	<u>31,672,999</u>	<u>30,535,714</u>	<u>1,137,285</u>
Budgetary Fund Balance, June 30	<u>\$ 6,452,009</u>	<u>\$ 6,452,009</u>	<u>\$ 8,200,703</u>	<u>\$ 1,748,694</u>
Utilization of unassigned fund balance	<u>\$ 600,000</u>	<u>\$ 600,000</u>	<u>\$ -</u>	<u>\$ (600,000)</u>

Town of Old Orchard Beach
General Fund Revenues - 2019



Town of Old Orchard Beach

Comparison Schedule – Revenues and Expenditures
General Fund
Two Years Ending June 30, 2019 and 2018



Town of Old Orchard Beach
 Comparison Schedule – Revenues and Expenditures
 General Fund
 Two Years Ending June 30, 2019 and 2018

REVENUES:		2019		2018
Taxes	92.33%	28,564,444	92.2%	27,112,075
Licenses and permits	4.09%	1,266,279	3.8%	1,130,491
Intergovernmental	2.99%	924,577	2.6%	762,742
Investment income	0.59%	182,306	0.3%	80,257
Unclassified	0.42%	129,947	1.1%	318,783
	100.00%	30,937,606	100.0%	29,404,348

EXPENDITURES

General government	16.11%	4,638,273	15.9%	4,494,925
Public works	5.52%	1,589,519	5.5%	1,555,768
Sanitation	5.93%	1,706,729	6.0%	1,707,716
Public safety	18.04%	5,193,987	17.6%	4,988,436
Recreation, culture and agencies	2.51%	723,337	2.5%	712,943
Health and welfare	0.25%	72,858	0.3%	78,213
Education	42.52%	12,244,147	43.0%	12,170,868
County Tax	3.09%	890,601	3.4%	961,670
Tax abatements/ overlay	0.24%	68,708	0.1%	23,756
Debt service	4.36%	1,255,822	4.3%	1,209,530
Equipment replacement	1.44%	415,201	1.4%	394,726
	100.0%	28,799,182	100.0%	28,298,551

Town of Old Orchard Beach

Schedule of Nonmajor Revenue, Expenditures and
Changes in Fund Balances
For The Year Ended June 30, 2019

	Special Revenue Funds	Capital Projects Funds	Total Nonmajor Governmental Funds
REVENUES			
Intergovernmental revenue	\$ 33,995	\$ -	\$ 33,995
Charges for services	784,562	-	784,562
Other income	99,506	-	99,506
TOTAL REVENUES	918,063	-	918,063
EXPENDITURES			
Public safety	8,839	-	8,839
Recreation, culture and agencies	369,331	-	369,331
Program expenses	69,704	-	69,704
Capital outlay	-	463,066	463,066
TOTAL EXPENDITURES	447,874	463,066	910,940
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	470,189	(463,066)	7,123
OTHER FINANCING SOURCES (USES)			
Transfers in	49,532	431,500	481,032
Transfers (out)	(503,000)	(108,855)	(611,855)
TOTAL OTHER FINANCING SOURCES (USES)	(453,468)	322,645	(130,823)
NET CHANGE IN FUND BALANCES	16,721	(140,421)	(123,700)
FUND BALANCES - JULY 1	322,270	625,680	947,950
FUND BALANCES - JUNE 30	\$ 338,991	\$ 485,259	\$ 824,250

PUBLIC HEARING: Shall we Amend Chapter 78 – Zoning, Article III – Conformance and Nonconformance, Division 2 – Nonconformities, Section 78-180 – Appeals from restrictions on nonconforming uses?

CHAIR: I open this Public Hearing at 6:54.

The Planner, Jeffrey Hinderliter, indicated that what this standard does it allows a nonconforming use of land or nonconforming use of structure to be enlarged, increased, extended or converted to another nonconforming use after the use has been ceased for up to ten years. Remember, this is only “use” and not structure (structure deals with height setbacks). Basically this standard extends the typical nonconforming use standard from the common two year cut off time to ten years. And this standard takes the typical nonconforming use standard even further. Normally nonconforming uses may only be resumed or enlarged within the same footprint within two years after the use ceases. The appeal from restrictions on nonconforming uses standard allows the nonconforming use to, in addition to resumption of enlarging within the same footprint, move on to another portion or the lot, enlarge beyond the footprint, and be converted to another nonconforming use. And then extend the two year cut off to ten years. An example of how this standard can be applied. A convenience store is next to your home (or in your neighborhood) and the owner decides to close the store. A convenience store is not a permissible or conditional use in your zoning district; therefore, is considered a nonconforming use. Under 78-180, the owner or another owner could resume, expand, etc. that use or even establish another nonconforming use such as an adult business, salvage facility, etc. up to ten years from the date the store was discontinued. The resumption, expansion, conversion of the use will require Planning Board review as a Conditional Use, but with this standard, it allows the use to be established. OOB has other nonconforming standards that allow nonconforming use of land and structures to continue to operate and if the use ceases, it can resume the same use as long as the use did not cease for more than two years. Also nonconforming uses can be maintained, enlarged in the same footprint. This standard will not be changes. The Planning Board voted unanimously to support the proposed amendment. Although the recommendation was made with the note that the Planning Board will consider amending the other nonconforming use standards for the purpose of increasing the two year cut off date.

This ordinance amendment is proposing to remove the “Appeals from restrictions on nonconforming uses” (Sec. 78-180) standard from the Old Orchard Beach Zoning Ordinance. Currently, the Appeals from restrictions on nonconforming uses standard allows a nonconforming use of land or a nonconforming use of a structure to be enlarged, increased, extended, moved, reconstructed, structurally altered, converted to another nonconforming use, or resumed after cessation for a period of more than two years but less ten years upon approval by the Planning Board as a Conditional Use. Basically, this standard extends the nonconforming use standard from to 10 years (commonly its 2) and takes it a step further by allowing a nonconforming use to be enlarged, increased, extended, moved and even changed to another nonconforming use.

In most ordinances (including OOB’s), nonconforming use of land and structures can only be continued and resumed within 2 years of the date of the discontinuance. The nonconforming use cannot be enlarged, increased, extended, moved or changed into another nonconforming use. Also, if the nonconforming use ceases for more than 2 years any future use must conform to current ordinances- the use loses its “grandfathered” status. Current OOB ordinance Secs.78-176, 177 and 179 allow continuance and resumption of nonconforming uses. This will not change with the proposed amendment.

Compared to the way ordinances traditionally regulate nonconforming uses (described above), 78-180 is much different and provides a lot of flexibility in regards to what someone can do with a nonconforming use after the use ceases for more than 2 years. The standard extends the grandfathering status to 10 years and allows a change to the nonconforming use into another nonconforming use, so, it can be said that all uses, even those that are not allowed, are in fact allowed if you have a nonconforming use and you cease the use for more than 2 years.

An example of how this standard could be applied: A convenience store is next to your home (or in your neighborhood) and the owner decides to close the store. A convenience store is not a permissible or conditional use in your zoning district; therefore, is considered a nonconforming use. Under 78-180, the owner or another owner could resume, expand, etc. that use or even establish another nonconforming use such as an adult business, salvage facility, etc. up to 10 years from the date the store was discontinued. The resumption, expansion, conversion of the use will require PB review as a Conditional Use, but with this standard, it allows the use to be established.

A standard such as 78-180 does have some positives and benefits to property owners who have nonconforming uses. Although, its current language leaves the town open to potentially undesirable uses which could create considerable impacts.

Planning Board Action And Review

The Planning Board considered this proposal over several months. The result was a unanimous recommendation that the Council remove Sec. 78-180 in its entirety. Although, the recommendation was made with the note that the Board will consider amendments to Secs. 78-177 and 179 with the intent to extend the resumption of use “grandfathering” time frame from 2 years to 5 years.

The Board considered the following during their review:

- The town has standards in place that deal with nonconforming use of land (78-177) and structures (78-179). The standard the Board’s considering allows an owner of a nonconforming use or structure to essentially “waive” the standards in 78-177 and 179 as long as the Board finds a proposal is acceptable. Really, one of the primary differences is 78-180 allows the nonconforming use of land and structure standards to be extended to 10 years and the ability to change to another nonconforming use.
- Reduce the 10 years to a shorter time-frame. This may be applicable only for resuming and converting nonconforming uses if the Board feels proposals that enlarge, increase, extend, move, reconstruct, structurally alter nonconforming uses can have a more lenient time frame.
- Delete or amend the “converted to another nonconforming use” language. This language pretty much smacks the principles of zoning in the face as it could be interpreted to allow any use to be established on a property that has a nonconforming use, even if the use is specifically prohibited.
- Tightening the Board’s review standards- Adding something such as “...will have no greater adverse impact according to the criteria listed in...” then add criteria. Also, maybe some types of development will not need Board’s review or even be exempt. For example, 1 & 2 family residential use will typically not have the same impact a hotel, apartment building or nonresidential use.

- Use of the language within the nonconforming standard and create individual requirements for each. For example, change of nonconforming use, resumption of nonconforming use, expansion, etc. could have their own individual standards.
- ‘When you dive into this you’ll see it’s really not as easy as it seems as there are a number of matters, scenarios, etc. to consider. On the other hand, it could be quite easy- delete 78-180 all together and allow 177 and 179 to regulate nonconforming uses of land and structures and if someone needs relief, apply to ZBA.
- If someone wanted to seek relief from 78-177 or 179 then they could go to the ZBA. Interestingly, it appears the ZBA does not have the ability to grant a variance for nonconforming use and structure appeals- variances are “authorized only from dimensional requirements.” But someone could file an administrative appeal which is an appeal of the interpretation of a standard. This is also why I believe the only chance for an appeal, without getting into ZBA’s authority, is through the PB and that’s why it’s in 78-180.
- Should we just let the standards in 78-177 & 179 limit the continuance of nonconforming use of land and structures at 2 years and not offer an appeal through the PB? The way I interpret this is it would cap nonconforming use and structure enlargement, increase, extension, movement, reconstruction, alteration, or resumption at two years, period. If this is what we decide than 78-180 could be entirely deleted because 78-177 & 179 appears to cover it.
- Should we do as suggested in #1 but permit some flexibility by allowing people to improve their nonconforming use of land and structures beyond 2 years? If so, how much flexibility and what do we consider an improvement?
- Should we keep the same time frame and general language in 78-180 but change the authority to rule on the Appeals from Restrictions on Nonconforming Uses to the ZBA and leave PB with authority to rule on conditional use? If we do this the amendments could become a bit more complicated because the ZBA has specific statutory authority- we would just need to check on this.

As stated above, the Board decided to delete 78-180 in its entirety and recommend the Council approve this change. Also, the Board will work on amending Secs. 78-177 and 179 so nonconforming use resumption will increase from 2 to 5 years. I expect amendments to Secs. 78-177 and 179 before the Council during 2020.

Current Ordinance Language

Below is current zoning ordinance language associated with nonconforming uses. Sec. 78-180 is the ordinance amendment before the Council and is proposed to be removed. Secs. 78-176, 177 and 179 are not part of the ordinance amendment, will continue to be in the ordinance, and are included for your reference only.

Sec. 78-180. - Appeals from restrictions on nonconforming uses.

Notwithstanding sections 78-177(1) through (3) and 78-179(b) through (d), a nonconforming use of land or a nonconforming use of a structure may be enlarged, increased, extended, moved to another portion of the lot or parcel, reconstructed, structurally altered, resumed after cessation for a period of more than two years, but less than ten years, or converted to another nonconforming use on the lot which it occupied on the effective date of the ordinance from which this chapter derives or amendment of this chapter, upon approval of the planning board as conditional use pursuant to article VII of this chapter. The planning board may not approve

any such enlargement, increase, extension, movement, construction, alteration, resumption or conversion, unless it finds that the impact and effects of this enlargement, expansion, extension, resumption or conversion to another nonconforming use on existing uses in the neighborhood will not be substantially different from or greater than the impact and effects of the nonconforming use before the proposed enlargement, expansion, resumption or conversion to another nonconforming use.

Sec. 78-176. - Continuation of nonconformance.

Any lawful use of buildings, structures, premises, or parts thereof existing at the effective date of the ordinance from which this chapter derives or amendment of this chapter and made nonconforming by this chapter or any amendment thereto may be continued although such use does not conform with this chapter or amendment thereto, subject to this division.

Sec. 78-177. - Nonconforming use of land.

Continuance of nonconforming use of land shall be subject to the following:

(1) No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than that occupied at the effective date of the ordinance from which this chapter derives or amendment of this chapter.

(2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of the ordinance from which this chapter derives or amendment of this chapter.

(3) If any such nonconforming use of land ceases for any reason for a period of more than two years, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located

Sec. 78-179. - Nonconforming uses of structures.

(a) *Generally.* No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed, moved or structurally altered except in changing the use of the structure to a conforming use.

(b) *Extension of nonconforming use.* Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of the ordinance from which this chapter derives or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

(c) *Superseded by permitted use.* If a nonconforming use of a structure or premises is superseded by a permitted use for a period of one year, the nonconforming use shall not be thereafter resumed.

(d) *Cessation of use.* If any such nonconforming use of a structure ceases for any reason for a period of more than two years, any subsequent use of such structure shall conform to the regulations specified by this chapter for the district in which such structure is located.

Council Action

If the Council approves the ordinance amendment Sec.78-180 “Appeals from restrictions on nonconforming uses” would be removed. This means 10 year nonconforming use “grandfathering” would no longer be allowed as well as the ability to enlarge, increase, extend, move or change to another nonconforming use.

Approval of the amendment would not cause continuance and resumption of nonconforming uses to disappear- Sec. 78-176 would still allow the continuance of nonconforming uses and

Secs. 78-177 and 179 would still allow a nonconforming use to be resumed within 2 years from the date of its discontinuance.

Example Approvals: Appeals From Restrictions On Nonconforming Uses

- Paul's II (Red Rocket) – Change use of 7 units from seasonal to year-round Hotel (5 current year-round use to a total of 12).
- Paul's II (Red Rocket) – Reopening of 12 seasonal cottages, replacement of existing cottages with new cottages.
- 183 Temple Ave – Allow an Accessory Dwelling Unit.
- 47 East Grand – Increase the number of rental rooms from 6 to 9 within the existing structure.
- 180 Saco Ave (Summer Winds) – Demolish 53 overnight cabins and replace with 53 seasonal dwelling units.
- 44 Union Ave – Re-establish 3 dwelling units.

**Ch. 78 Amendment to Appeals from restrictions on nonconforming uses
(Council Public Hearing – 7 January 2020)**

Amendment to Chapter 78 – Zoning, Article III – Conformance and Nonconformance, Division 2 – Nonconformities, Section 78-180- Appeals from restrictions on nonconforming uses shall be amended by deleting the ~~strikethrough~~ language as follows:

~~Sec. 78-180. – Appeals from restrictions on nonconforming uses.~~

~~Notwithstanding sections [78-177](#)(1) through (3) and [78-179](#)(b) through (d), a nonconforming use of land or a nonconforming use of a structure may be enlarged, increased, extended, moved to another portion of the lot or parcel, reconstructed, structurally altered, resumed after cessation for a period of more than two years, but less than ten years, or converted to another nonconforming use on the lot which it occupied on the effective date of the ordinance from which this chapter derives or amendment of this chapter, upon approval of the planning board as conditional use pursuant to article VII of this chapter. The planning board may not approve any such enlargement, increase, extension, movement, construction, alteration, resumption or conversion, unless it finds that the impact and effects of this enlargement, expansion, extension, resumption or conversion to another nonconforming use on existing uses in the neighborhood will not be substantially different from or greater than the impact and effects of the nonconforming use before the proposed enlargement, expansion, resumption or conversion to another nonconforming use.~~

~~(Ord. of 9-18-2001, § 4.3.5)~~

CHAIR: I close this Public Hearing at 6:54 p.m.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 6:54 p.m.

Kris & James Zerio (321-5-8), 15 Winona Avenue, three year round rentals; and Barbara Hickey & Jeffrey Fairbanks (107-3-6-15), 6 Country Drive, one year round bedroom rental/two occupant maximum.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to address these two Business Licenses separately.

VOTE: Unanimous.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Approve the Business License for Kris & James Zerio (321-5-8), 15 Winona Avenue, three year round rentals

VOTE: Unanimous.

There was a lengthy discussion on the item Barbara Hickey & Jeffrey Fairbanks (107-3-6-15), 6 Country Drive, one year round bedroom rental/two occupant maximum. A large number of neighbors attended the meeting along with Barbara Hickey and Jeffrey Fairbanks. The neighbors presented their concerns that they had purchased their properties in a residential zoning and to know allow what is a business (exchange of funds), is not fair to those who bought with the understanding that in the Covenants a business was not permitted. Speakers included some whom I was not able to secure their names but also John Martinez, Rick White, Kelsey Daniell, Jeff Fairbanks, Barbara Hickey. Concern was expressed that this business would bring more traffic and make is unsafe for the children in the neighborhood. Questions were asked about the length of stay and difference between summer and winter residency. Mr. Fairbanks assured them that they would maintain the neighborhood flavor and avoid noise and parking or traffic issues. The Town Manager explained that we are not able to enforce what the neighbors are requesting because the Ordinance allows what Barbara Hickey and Jeffrey Fairbanks are requesting. The question was raised about whether they would be serving meals and they indicated they would not. The applicant presented an item from the Supreme Judicial Court of Maine – Silsby versus Belch – February 28, 2008. “The said grantees...covenant with the said grantor...that they will only use the (property) for residential or dwelling house purposes and that said premises will not be used for any commercial or industrial use. The client applied to the Code Enforcement officer for a building permit to convert an existing building on the property into a three-unit apartment building. This permit was granted and renovations were completed.” The neighbors presented an advertisement which was posted indicating – “Quiet Retreat II Near Beach, Recreation and Highway. Private room in house – 2 guests – 1 bedroom – 1 bed, 1 private bath, self-check-in, Check yourself in with the keypad; Sparkling clean – 18 recent guests said this place was sparkling clean; Barbara is a Superhost, experienced, highly rated hosts who are committed to providing great stays for guests.” The Council asked if they served meals and Mr. Fairbanks indicated that they would each with the guests – it was their home and they would have meals together. Neighbor Kelsey Daniells indicated that several years ago she checked with the Code Officer about the ability of anyone to open a business in this residential community and he said “absolutely not.” Councilor Tousignant indicated that he did not approve of a business in a residential area but since the business license was given and is legal according to our legal council. Councilor Tousignant indicated that he would like to have this Public Hearing – Business License - item put on the next agenda when there is a full Town Council members in attendance.

CHAIR: I close this Public Hearing at 7:12 p.m.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Remove without Prejudice and move to have this Public Hearing item on the agenda on January 21st for further discussion when there is a full Town Councilor in attendance - Barbara Hickey & Jeffrey Fairbanks (107-3-6-15), 6 Country Drive, one year round bedroom rental/two occupant maximum.

VOTE: Unanimous.

TOWN MANAGER'S REPORT:

The Town Manager reported that there would be Neighborhood Informational Meeting tomorrow evening at 6:00 p.m. here in the Town Council Chamber for residents and property owners of Fern Avenue and West Old Orchard Avenue. Major road construction is planned this Spring on Fern Avenue, West Old Orchard Avenue, and the portion of Washington Avenue from West Old Orchard to Union Avenue. Both streets are proposed to become one-way travel. Work will include new sewer and water lines, curbing on both sides, new sidewalks on one side, and road reconstruction. The work may include some tree removal. Town and Wright Pierce Engineering staff will make a presentation on the proposed work and respond to questions, suggestions and concerns. Staff is working with Woodard and Curran on a grant application to DEP for Wastewater facility infrastructure improvements. The intent is to obtain some level of State funding in connection with the intended major facility upgrade that the Council will be putting before voters later this Spring. The Town Manager will be seeing to schedule one or two workshops with the Town Council in late February and/or early March to discuss with staff and our Consultant the scope of improvements at the Wastewater Facility. In a related matter there will be a bid opening on January 16th for the Wastewater Facility Administration Building project. Human Resources and Departmental Staff has begun the process of recruiting for summer seasonal positions in Police, Parking, Lifeguards, Recreation and Public Works. Due to the tight labor market we have ramped up our recruiting efforts, doing more and getting an earlier start. Budget meetings are underway with Department heads for the FY21 capita and operating budgets. The Town Manager reminded residents that with the winter season upon us the Town will institute parking bans as needed during the winter storms. Residents should make a point of looking for announcements on parking bans. Parking bans are publicized on all of the major local television outlets, some radio stations, and on the Town's and Police Department's website. In addition anyone can sign up to receive an e-mail notification from the Town on parking bans. Simply go to the Town's website home page and click on the "Subscribe to News" button to register for these alerts. Off street parking is available during parking bans at Memorial Park and Milliken Street parking lots and at the Ocean Park Square. We encourage residents to keep our neighborhoods safe this winter by adopting a fire hydrant and making a point to clear the snow three feet on all sides of the hydrant after each storm. That is the most efficient way to get hydrants clear as soon as possible following snow storms. No forms needed be filled out so there is no waiting and no red tape involved to adopt your very own hydrant.

NEW BUSINESS:

7608 Discussion with Action: Accept, with regret, the resignation of Kim Verreault from the Biddeford, Saco, Old Orchard Beach Transit Committee and appoint Curtis Koehler III.

MOTION: Councilor Kelley motioned and Councilor Tousignant seconded to Accept, with regret, the resignation of Kim Verreault from the Biddeford, Saco, Old Orchard Beach Transit Committee and appoint Curtis Koehler III.

VOTE: Unanimous.



ALL NEW APPLICANTS MUST HAVE A COVER LETTER AND RESUME ATTACHED. PLEASE RETURN TO: THE TOWN CLERK'S OFFICE.

TOWN OF OLD ORCHARD BEACH
1 PORTLAND AVENUE
OLD ORCHARD BEACH, MAINE 04064

Return: Town Clerk's Office
1 Portland Ave
Old Orchard Bch, ME

The Town Council members are inviting residents interested in serving on various boards/committees to make an application.

NAME A. Curtis Koehler III DATE 12/18/19
ADDRESS 29 Weymouth Ave, 008 HOME PHONE 934-1870
MAILING ADDRESS (if different from above) PO Box 7175, Ocean Park, ME 04063
E-MAIL ADDRESS: akoebler@maine.cc.com FAX NUMBER:
EMPLOYER NAME: Retired WORK PHONE

HOW LONG A RESIDENT 25 yrs ARE YOU A U.S. CITIZEN? Yes

Are you a registered voter in Old Orchard Beach? YES NO

Do you own property in Old Orchard Beach? YES NO

Do you have conflicts with meeting times or group assignments? YES NO

If you have previously served on any Boards/Committees in the Town of Old Orchard Beach, please describe your experience:

no Finance Director 2000-2004

Are there other background experiences or skills that you feel would contribute to this appointment?

Finance Manager of Shuttlebus

Why are you interested in this appointment, and what are your goals for this Board/Committee?

Keep transit moving forward

A. Curtis Koehler III
Signature

PLEASE CHECK AREA OF INTEREST

- Finance Committee
Ordinance Revision Committee
Conservation Commission
Recycling Committee
Planning Board
Board of Assessment Review
Zoning Board of Appeals
Recreation Committee
Design Review Committee
Community Development Block Grant Committee
Registration Appeals Board
Business License Administrative Board
Community Animal Watch
Ballpark Commission
Comprehensive Plan Committee

Any other committee—Name of Committee: BSOB Transit Committee

Rec'd
12-18-19

**# 7609 Discussion with Action: Discussion with Action: Consider abatement of FY13
Personal Property Taxes on 439 Pinehirst – Rodney Anderson, in the amount of
\$187.62.**

**MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Consider abatement
of FY13 Personal Property Taxes on 439 Pinehirst – Rodney Anderson, in the amount of \$187.62.**

VOTE: Unanimous.



Town of Old Orchard Beach

Treasurer - Finance Director
OOB Town Hall
1 Portland Avenue
OOB, ME 04064

Diana H. Asanza
Telephone: (207) 937-5622
Fax: (207) 937-5722
Email: dasanza@oobmaine.com

November 22, 2019

TO: Larry S. Mead, Town Manager
FROM: Diana H. Asanza, Treasurer – Finance Director
RE: Property Site 439 Pinehurst #59853 & #56149

Larry,

I am respectfully requesting Council to abate the FY 13 personal property taxes for property ID #59853 of \$187.62 for the following reason:

- 1) A Munis issue occurred for the FY 13 tax bills where new property IDs were created for all personal property tax bills, however, in FY 14 the property IDs reverted to the ID before FY 13.
- 2) When the property was sold in September 2012, the two property IDs may not have been cross-referenced when obtaining the total taxes due at the time of the sale, which is why FY 13 taxes remain unpaid.

Mr. Rodney Anderson (now deceased) owner of the property until September 2012 always paid the taxes when due.

Since the Assessor can only go back four years for abatements, I am requesting an abatement for FY 13 in the amount of \$187.62. Sincerely,

Diana H. Asanza



11/26/2019 09:11
dasanza

TOWN OF OLD ORCHARD BEACH
Personal Property Tax Statement

P 1
txtaxstm

PROPERTY : 56149

LOCATION: 439 PINEHIRST

OWNER:
ANDERSON RODNEY
ANDERSON RODNEY
7A WALTER ST
WORCESTER MA 01609

STATUS:

TAXABLE VALUATION: 11,650
INTEREST PER DIEM .00

INTEREST DATE: 11/26/2019

YEAR	TYPE	BILL	BILLED	PRIN DUE	INT DUE	TOTAL DUE
INST	CHARGE					
2012	PP-R	1130076				
1	PP TAX		216.68	.00	.00	PAID
			216.68	.00	.00	.00
2011	PP-R	20117076				
1	PP TAX		247.63	.00	.00	PAID
			247.63	.00	.00	.00
2010	PP-R	20107061				
1	PP TAX		269.02	.00	.00	PAID
			269.02	.00	.00	.00
2009	PP-R	20090058				
1	PP TAX		292.44	.00	.00	PAID
			292.44	.00	.00	.00
2008	PP-R	20080055				
1	PP TAX		341.63	.00	.00	PAID
			341.63	.00	.00	.00
2007	PP-R	20070054				
1	PP TAX		51.28	.00	.00	PAID
2	PP TAX		51.28	.00	.00	PAID
			102.56	.00	.00	.00



11/26/2019 09:11
dasanza

TOWN OF OLD ORCHARD BEACH
Personal Property Tax Statement

P 2
txtaxstm

YEAR	TYPE	BILL	BILLED	PRIN DUE	INT DUE	TOTAL DUE
INST	CHARGE					
2006	PP-R	20060043				
1	PP TAX		41.85	.00	.00	PAID
			41.85	.00	.00	.00
2005	PP-R	20050042				
1	PP TAX AMT		40.20	.00	.00	PAID
			40.20	.00	.00	.00
2004	PP-R	43				
1	PP TAX AMT		40.20	.00	.00	PAID
			40.20	.00	.00	.00
2003	PP-R	37				
1	PP TAX AMT		30.15	.00	.00	PAID
			30.15	.00	.00	.00
2002	PP-R	33				
1	PP TAX AMT		42.70	.00	.00	PAID
			42.70	.00	.00	.00
GRAND TOTALS			1,665.06	.00	.00	.00



11/26/2019 09:09
dasanza

TOWN OF OLD ORCHARD BEACH
Personal Property Tax Statement

P 1
txtaxstm

PROPERTY : 59853

LOCATION: 439 PINEHIRST

OWNER:
ANDERSON RODNEY
ANDERSON RODNEY
7A WALTER ST
WORCESTER MA 01609

STATUS:

TAXABLE VALUATION: 13,960
INTEREST PER DIEM .04

INTEREST DATE: 11/26/2019

YEAR	TYPE	BILL	BILLED	PRIN DUE	INT DUE	TOTAL DUE
INST	CHARGE					
2013	PP-R	20137070	187.62	187.62	94.42	282.04
1	PP TAX		187.62	187.62	94.42	282.04
GRAND TOTALS			187.62	187.62	94.42	282.04

7610 Discussion with Action: Authorize the Treasurer, per 36 M.R.S.A., Subsection 944, to record a waiver of foreclosure in the Registry of Deeds for the property at 5 Nason Drive, assessor's Record T2021, Sherrie Girard, Owner.

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Authorize the Treasurer, per 36 M.R.S.A., Subsection 944, to record a waiver of foreclosure in the Registry of Deeds for the property at 5 Nason Drive, assessor's Record T2021, Sherrie Girard, Owner.

VOTE: Unanimous.



12/31/2019 15:58
gledoux

TOWN OF OLD ORCHARD BEACH
Real Estate Tax Statement

P 1
txtaxstm

PARCEL: T2021-00000-00000

LOCATION: 5 NASON DR OOV

OWNER:
GIRARD SHERRIE A
5 NASON DR
OLD ORCHARD BEACH ME 04064

STATUS:
SQUARE FEET 0
LAND VALUATION 0
BUILDING VALUATION 38,900
EXEMPTIONS 20,000
TAXABLE VALUATION 18,900
INTEREST PER DIEM .13

LEGAL DESCRIPTION:

DEED DATE: 04/01/2012 BOOK/PAGE: BILL/F SA

INTEREST DATE: 12/31/2019

YEAR	TYPE	BILL	BILLED	PRIN DUE	INT DUE	TOTAL DUE
2020	RE-R	1902411				
1	RE TAX AMT		146.48	146.48	2.92	149.40
2	RE TAX AMT		146.47	146.47	.00	146.47
			292.95	292.95	2.92	295.87
2019	LIEN	65				
1	REAL ESTAT		298.35	298.35	10.14	308.49
	MAIL		7.23	7.23	.00	7.23
	30 DAY FEE		3.00	3.00	.00	3.00
	LIEN COST		51.00	51.00	.00	51.00
	INT.AT LIE		13.11	13.11	.00	13.11
			372.69	372.69	10.14	382.83
			372.69	372.69	10.14	382.83
2018	LIEN	61				
1	REAL ESTAT		273.18	180.70	.03	180.73
	MAIL		7.23	.00	.00	PAID
	30 DAY FEE		3.00	.00	.00	PAID
	LIEN COST		51.00	.00	.00	PAID
	INT.AT LIE		11.24	.00	.00	PAID
	LIEN CERT		7.23	.00	.00	PAID
			352.88	180.70	.03	180.73
			352.88	180.70	.03	180.73

TOWN OF OLD ORCHARD BEACH
TAX BILLING RECEIPT 486844

12/30/19 09:40 2018 BILL DESC

CLERK : reg2

PROPERTY: T2021000000000

LOCATION: 5 NASON DR OOV

CUST #: 33173

	PRINCIPAL	INTEREST
GIRARD SHERRIE A		
REAL ESTAT	92.48	27.82
MAIL	7.23	0.00
OTHERS	72.47	0.00

Paid by/Ref: GIRARD SHERRIE A

Check Amount:	0.00
Cash Amount :	200.00
Total Amount:	200.00
Change Due :	0.00
New Balance	180.70

7611 Discussion with Action: Cancel the November 3, 2020 Regular Town Council Meeting as it falls on Election Day; and authorize the closing of Town Hall on Thursday, December 24, 2020 with Town Hall employees taking either 1/2 vacation day or 1/2 personal day.

MOTION: Councilor Kelley motioned and Councilor Tousignant seconded to Cancel the November 3, 2020 Regular Town Council Meeting as it falls on Election Day; and authorize the closing of Town Hall on Thursday, December 24, 2020 with Town Hall employees taking either 1/2 vacation day or 1/2 personal day.

VOTE: Unanimous.

7612 Discussion with Action: Approve the FY21 Municipal Budget Schedule and provide general budgetary guidance to the Town Manager for the FY21 Budget.

FY21 TOWN COUNCIL WORKSHOP SCHEDULE

All Meetings start at 6:30 p.m.
Confirmed – 1/2/20

Tuesday, March 17, 2020	Budget Presentation and CIP Presentation Part of Council Meeting
Tuesday, March 31, 2020	Police Department, Parking Enforcement and CIP
Tuesday, April 7, 2020	Fire Department, Life Guards & CIP (following Town Council Meeting)
Tuesday, April 14, 2020	Public Works, Conservation, Memorial Park, and CIP, Recreation and CIP, York County Tax Assessment, Contingency Expense, Street Lights Expense, Solid Waste Expense, and CIP.
Tuesday, April 21, 2020	Waste Water Treatment Plant (following Town Council Meeting)
Thursday, April 23, 2020	Transit District Subsidy Expense (Shuttlebus), Town Council, Town Manager, Town Hall Maintenance, Finance, Tax, General Assistance, Insurance Expense and Employee Benefits, Revenue and Fees, , Debt Service, and CIP.
Thursday, April 30, 2020	Harmon Museum, Edith Belle Memorial Library, Assessing, Town Clerk, Planning and Code, Tax Abatement Expense, Service Agencies, and CIP.
Tuesday, May 5, 2020	Ballpark and CIP and Revisits (following Town Council Meeting.)
Tuesday, May 12, 2020	Revisits if necessary.
Tuesday, June 2, 2020	Adoption of the 2021 Budget.

The Chair indicated that he and the other Councilors have expressed complete confidence in the planning by the Town Manager and his staff and look forward to a smooth working budget process as has been the case in past years.

MOTION: Councilor Kelley motioned and Councilor Tousignant seconded to Approve the FY21 Municipal Budget Schedule and provide general budgetary guidance to the Town Manager for the FY21 Budget.

VOTE: Unanimous.

7613 Discussion with Action: Set a Public Hearing date of January 21, 2020 to Amend the Town of Old Orchard Beach Code of Ordinances, Section 54-187, Restrictions and Prohibitions, amending flow of traffic on West Old Orchard Avenue making traffic one-way from First Street to Washington Avenue and on Fern Avenue making traffic one-way from Washington Avenue to First Street.

MOTION: Councilor Kelley motioned and Councilor Tousignant seconded to Set a Public Hearing date of January 21, 2020 to Amend the Town of Old Orchard Beach Code of Ordinances, Section 54-187, Restrictions and Prohibitions, amending flow of traffic on West Old Orchard Avenue making traffic one-way from First Street to Washington Avenue and on Fern Avenue making traffic one-way from Washington Avenue to First Street.

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Adjourn the meeting at 7:48 p.m.

VOTE: Unanimous

Respectfully Submitted,

V. Louise Reid
Town Council Secretary

I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of twenty-nine (29) pages is a copy of the original Minutes of the Town Council Meeting of January 7, 2020.

V. Louise Reid