

**TOWN OF OLD ORCHARD BEACH
REGULAR TOWN COUNCIL WORKSHOP
TUESDAY, JULY 28, 2020
TOWN HALL COUNCIL CHAMBERS
6:30 p.m.**

A Town Council Workshop was held on Tuesday, July 28, 2002 to discuss the following items:

Palace Playland – Discuss the conveyance by the Town of Old Orchard Beach to Playland of the Staples Street Extension and the conveyance by Palace Playland to the Town of a portion of property located at the Southwest end of 1 Staples Street Extension.

and

Ocean Ridge Estates – Discuss the Town of Old Orchard granting an easement to Rocky Ledge Capital for location of a sewer line across Town property at 28 Jameson Hill Road.

The following were in attendance:

Chair Shawn O'Neill
Vice Chair Michael Tousignant
Councilor Jay Kelley
Councilor Kenneth Blow
Town Manager Larry Mead
Assistant Town Manager V. Louise Reid
Joel Golder – Owner of Palace Playland
Paul Golzbein – Owner of the Pier

Palace Playland – Discuss the conveyance by the Town of Old Orchard Beach to Playland of the Staples Street Extension and the conveyance by Palace Playland to the Town of a portion of property located at the Southwest end of 1 Staples Street Extension

It should be noted that there was a large attendance for discussion of this item and participation in discussion including Joel Golder, Meagan Achenbach, Attorney David Lourie, Fred Golder, Chief Dana Kelley, Rob and Shari Langlois, Anthony Barbano, Ken Lafayette, George Kerr, Pat Brown, George Pouravelis, Paula Pouravelis, Paul Golzbein, Chris White – Superintendent of Waste Water, Deputy Fire Chief Rob Slaving, Stephanie Hubbard – Wright Pierce.

The Palace Playland Amusement Park on the beach front is located in Old Orchard Beach. The Amusement Park is surrounded by Old Orchard Street, West Grand Avenue, Staples Street and the beach front. Palace Playland along Maine's popular Old Orchard Beach has long entertained tourists and locals alike. The classic Amusement Park opened in 1902 with the nation's first carousel called Noah's Ark. Vintage postcards and photographs show the original Palace Playland in its full glory. It is comforting to see that even back in the earliest days of Old Orchard Beach, fried clams, French fries, and souvenirs were part of the OOB e The original Palace Playland and famous wooden roller coaster was destroyed by fire in 1948. The destructive fire started on the Old Mill ride and spread to the wooden roller coaster and other surrounding rides and buildings. Summer cottages, game stands, bathhouses, and other rides were a total loss after the fire.

Amusement Center at Night, Old Orchard Beach, Maine

79542



MaineMemory.net



Palace Playland has been rebuilt and transformed several times since its earliest years. Another devastating fire followed in the 1970s and Palace Playland was rebuilt yet again for all OOB tourists to enjoy.

Discussion involved possible discontinuance of Staples Street either through a quit claim which would avoid a long title search, owing to the center line. Discussion also involved land exchange without conditions or land exchange with conditions. It is obvious that the discussion tied to use of the Amusement Park. Should there be a change of use it would result in reverting to prior ownership status, change of ownership or restrictions set for so many years.

The term conveyance refers to the act of transferring property from one party to another. The term is commonly used in real estate transactions where buyers and sellers transfer ownership of land, buildings, etc. This is done using an instrument of conveyance – a legal document such as a contract, lease, title or a deed. The document stipulates the agreed-upon purchase price and date of actual transfer, as well as the obligations and responsibilities of both parties. In Finance, the term conveyance represents the act of legally transferring property from one entity to another. So when two parties engage in the sale of a piece of property, they transfer ownership through a conveyance.

One of the main issues raised by everyone was the ability to have access to the beach. The Town Manager encouraged working together with Palace Playland, maintaining access to the beach on West Grand Avenue, discussion of a potential drop off with larger width, continued handicapped parking, a building on the beach with rest rooms on the beach. The question of the width issue would require a survey to be done which could be expensive. It is a win for Palace Playland in that it joins two parcels together; a seamless customer experience, and a single point of entry.

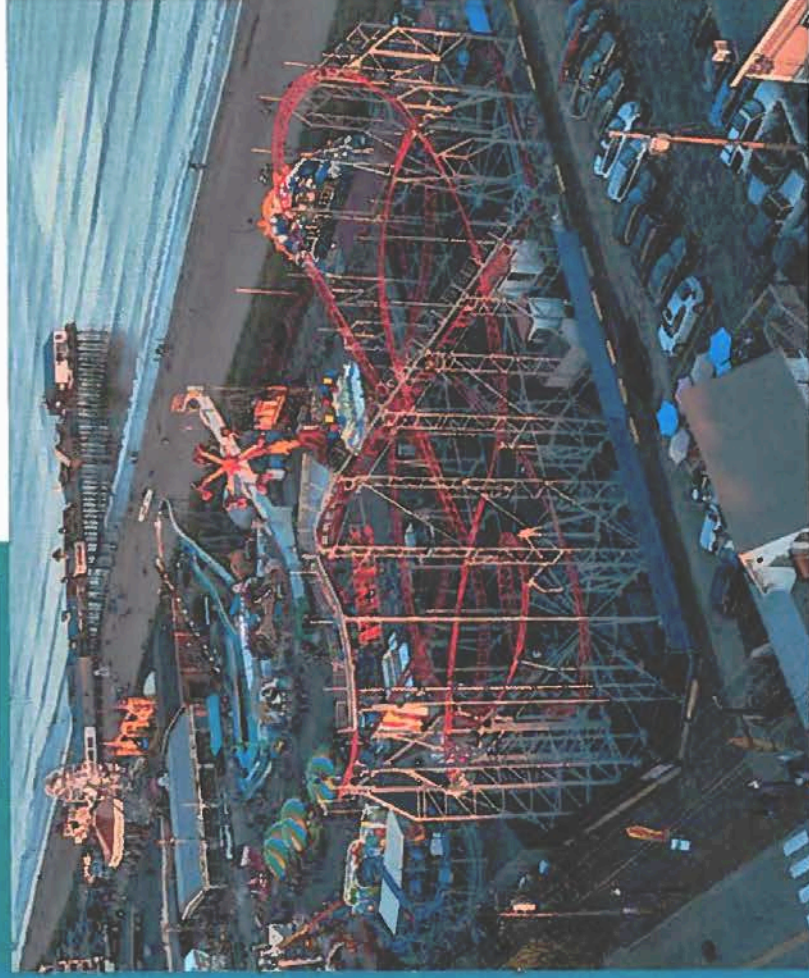
In discussion it was noted that the road was created in Saco in 1880. Staples Street was adopted by the City of Saco in 1880. When the Town of Old Orchard Beach was incorporated in 1883, the City of Saco gave all the streets to the Town.

It should also be noted that there is a legal presumption that any road acceptance or taking prior to January 1, 2977 resulted in an easement to the Town and not the fee interest, unless the acceptance document stated otherwise. Since Staples Street was accepted by Saco in 1880, it is thus likely that the Town's interest is in easement only, although we would need to review this further that the actual acceptance documents can confirm. Thus upon discontinuance the Town can simply give a quitclaim deed to Palace Playland for any interest it has, if any, in the underlying land. That should suffice for Palace Playland's purposes, given the length of time since the road was accepted, that the Town is giving any interest it may have, and since Palace Playland abuts the road on both sides, and given the value of the discontinuance itself. In terms of the parcel that the Town would be accepting on the south side of Palace Playland as part of the land swap, we would want to make ensure there is good and clean title to ensure public access to the beach

This is an item that will move on to consideration by the Town Council.

Staples Street Ext Relocation

New relocation of Staples Street
Extension with available facilities.



*Discontinue Staples St. / Renwick Street.
Abutters on both Sides.*

PROJECT NO. 1901		DATE	12/15/10
DRAWN BY		CHECKED BY	12/15/10
SCALE		DATE	12/15/10
JOB NO.		DATE	12/15/10
JOB NAME		DATE	12/15/10
JOB ADDRESS		DATE	12/15/10
JOB CITY		DATE	12/15/10
JOB STATE		DATE	12/15/10
JOB COUNTY		DATE	12/15/10
JOB ZIP		DATE	12/15/10
JOB CLIENT		DATE	12/15/10
JOB PROJECT		DATE	12/15/10
JOB DRAWING		DATE	12/15/10
JOB SHEET		DATE	12/15/10
JOB TOTAL		DATE	12/15/10

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ADJURY SURVEY
 DE PLAYLAND PROPERTY
 DE PLAYLAND ASSOCIATES, LLC

GENERAL NOTES

1. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT OF 1978, AS AMENDED, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, STATE OF COLORADO.
2. THE SURVEY WAS MADE BY MEASUREMENTS OF DISTANCES AND ANGLES, AND BY THE USE OF A TOTAL STATION.
3. THE SURVEY WAS MADE ON THE BASIS OF THE ASSUMPTION THAT THE EXISTING RECORD SURVEYS AND PLATS ARE CORRECT.
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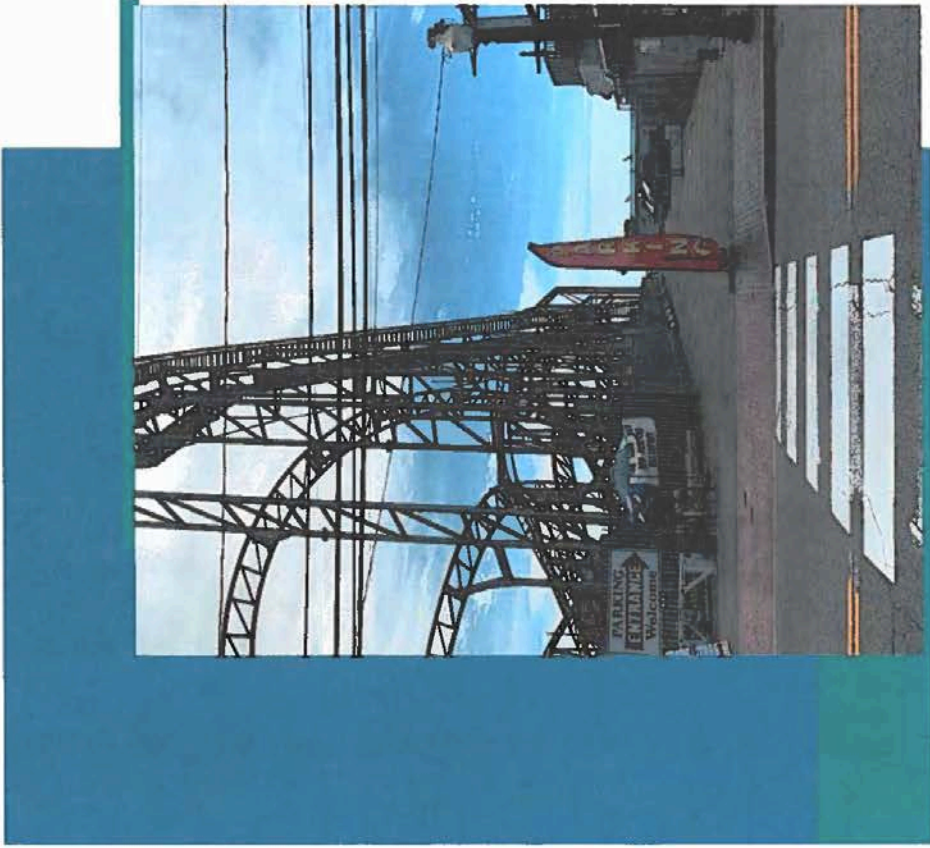


LEGEND

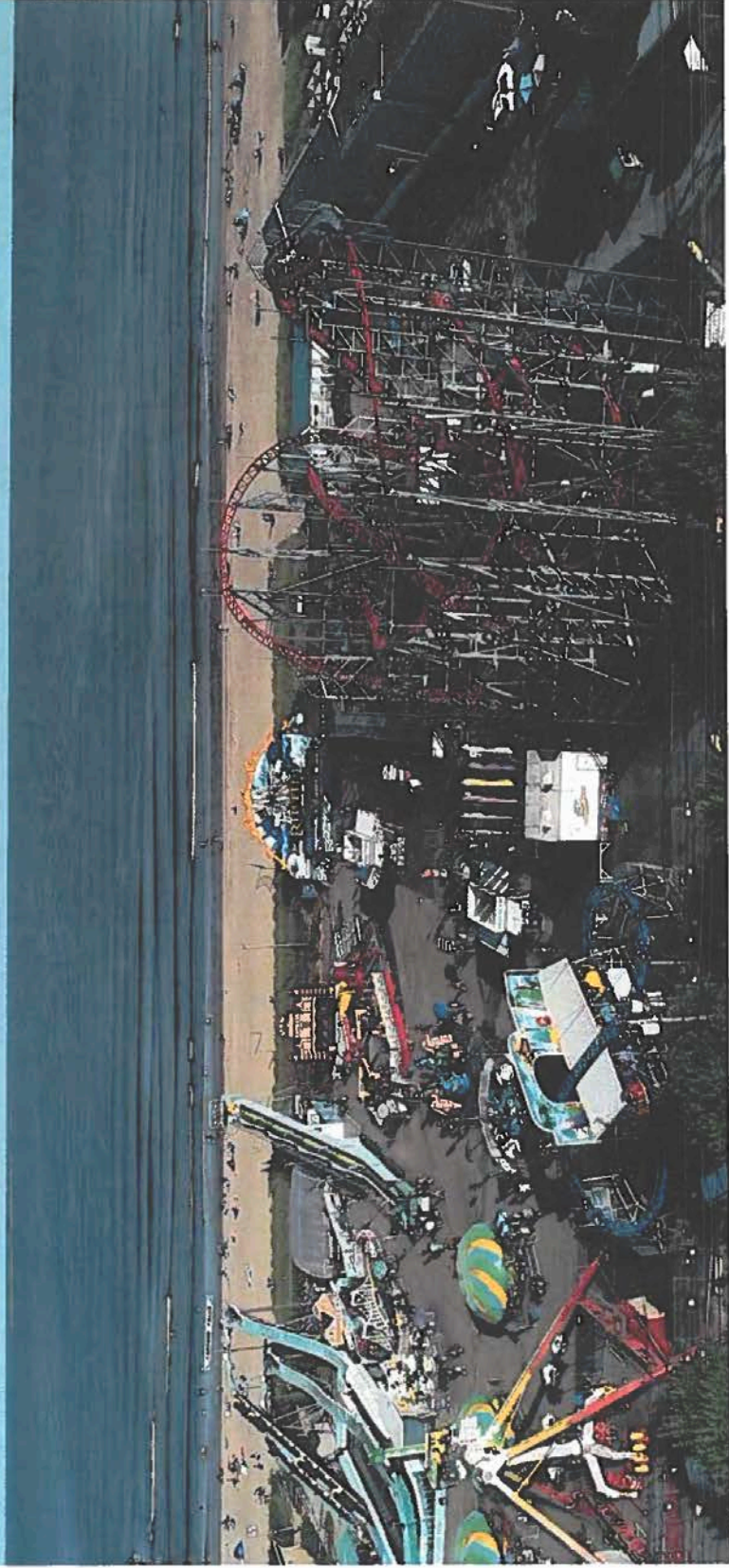
SYMBOL	DESCRIPTION	PROVISION
—	EXISTING	AS SHOWN
- - -	PROPOSED	AS SHOWN
· · ·	ADJURY	AS SHOWN
—>—	EASEMENT	AS SHOWN

Staples Street Ext. Exchange Benefits

- Pre-Existing Building directly on the beach with restrooms and shower for public use.
- Potential usage for police substation, second deck, tower for beach, etc.
- Larger number of Handicap parking spaces can be added.
- Town/Public Works Access to Beach.
- Additional 3000 Square feet of space.
- Room for U-Turns (3 point turns only on existing Staples Street Ext)



Arial View / Parking Lot



Relocated Staples St Ext. Entrance
With potential for double the amount of handicap parking
that is currently available on the existing Staples Street Ext.



Public Beach Access?

We recognize we will need to put a large amount of work into Staples Street Ext to repair the current conditions.



Street Repair



Sidewalk Repairs



Sidewalk Repairs



Sidewalk Obstructions

Safety & Security Benefits



Pedestrian and Vehicle Safety Benefits

- Remove potential pedestrian injuries by vehicle by 100%
- Limit and control traffic of reckless motorcycles, bicycles, skateboards and vehicles.
- Eliminate the need for 3-Point turns of vehicles attempting to exit back to W. Grand Avenue



Amusement Park Safety Benefits

- Creating an enclosed perimeter for the park.
- Enclosed perimeter allows for security personnel, bag checks at entry, and potential gate closure for safety in the event of hostile person(s) in the area.
- Controlled and enforceable rules and regulations of the park; use of regulated substances, smoking, indecent attire, profanity, reckless behavior, inebriation, etc.

What is plan for the open space.

Ocean Ridge Estates – Discuss the Town of Old Orchard granting an easement to Rocky Ledge Capital for location of a sewer line across Town property at 28 Jameson Hill Road.

Bob Metcalf with Mitchell Associates presented the conceptual plan of the project with specific discussion focused on the sewer connection. The development is looking to establish a 20-foot sewer easement thru the Town Owned property from the southeast corner of their parcel to Jameson Hill Road. The proposed easement is proposed to be located along the setback with parcel 208-1-11.

The Town Council and the Applicant discussed the location of the sewer service along the property line (within setback lines for the Town Owned parcel) and whether the location would encumber the Town parcel for future development.

It was noted that the own and Applicant would need to review process for establishing the easement and whether the easement would need to go to voters. Decision on this would be required in early September to get on the November ballot.

Required upgrades/condition assessment of existing sewer infrastructure downstream of the project area was discussed. There are current condition issues with the existing line (8-inch along Saco Ave) reported by OOB DPW based on CCTV completed.

The Applicant was aware that the sewer line in Saco Ave to Temple Ave would need to be replaced. They have worked with Shaw Brothers to develop an estimate of the costs for this work (cost assumed a 10-inch sewer and SMH every 250-feet) and have spoken with MaineDOT on pavement restoration given the overlay of the road recently completed. MaineDOT reported they would need to overwinter the pavement repairs and grind/overlay from centerline to the edge of the roadway the following spring based on current moratorium requirements.

There is a need for upgrades to the sewer line which was discussed with the Town Council, Mitchell Associates and Wright-Pierce. The replacement of the 8-inch sewer main in Saco Ave was generally related to the condition of the existing line (AC pipe, sags/holes reported by DPW, general slope adjustments). Sewer flow monitoring completed did not show a significant issue with capacity, although we would recommend upgrade to the Spring Street sewer line (currently a 12-inch sewer). The Applicant was aware they would need to contribute to this upgrade. Further discussion on the level of contribution/shared costs would be needed. Further discussion on the limits of the upgrades would also be needed.

Also discussed previously with Public Works the fact that the DPW completed a CCTV inspection of Saco Avenue line this past year. The line was observed to be in a deteriorated condition. GIS data notes a substantial portion of this line to be ACP and some segments PVC; likely indicating repairs have been completed. As part of the original discussion, there was discussion about upgrades being required due to the condition of the line along Saco Avenue. It is recommended the upgrade be designed to ensure the capacity of the main remains at/above current conditions and the line is installed in accordance with general engineering/industry standards. The location of the line will be somewhat dictated based on

the recent repaving of Saco Avenue. The Applicant has discussed utility upgrades with the Maine DOT. Sewer metering of the mains along Saco Avenue (Goodwin Avenue), Spring Street and Old Salt Road were completed. The average daily flow was reviewed in the context of the reduce flow levels noted at the Waste Water Plant. Under dry weather conditions the results of the flow metering noted the existing 8 inch sewer has capacity. One small rain event was observed (0.5 inches) was observed during the metering period. Peak flows in the Saco Avenue were reported within capacity of the 8-inche sewer. Sewer easement extending from southwest corner to Jameson Hill Road, a distance of 290 feet, is being considered. It is also noted that the construction of the sewer line will require the removal of trees along the property line with the adjacent 208-1-11 and these cannot be reestablished due to the proposed utility line. Typically, the Town's ownership begins at the sewer main. The Town may want to consider ownership of infrastructure from a long-term ownership/operation/ maintenance standpoint.

Councilor Blow asked if Wastewater had any issues with this development and the Superintendent responded that his jurisdiction was with the Halfway Pump Station and it is believe that there is capacity for this development. Concern initially was the sewer lines between their connection and the Halfway Pump Station which needed to be addressed by Public Works and Wright Pierce.

The Workshop ended at 8:05 p.m.

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 thirteen (13) pages is a copy of the original Minutes of the Town Council Workshop of July 28, 2020.