

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, June 18, 2019
TOWN HALL CHAMBERS
6:30 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, June 18, 2019. Chair Thornton opened the meeting at 6:33 p.m.

The following were in attendance:

Chair Joseph Thornton
Vice Chair Shawn O'Neill (Left before Executive Sessions)
Councilor Kenneth Blow
Councilor Jay Kelley
Councilor Michael Tousignant
Town Manager Larry Mead
Assistant Town Manager V. Louise Reid

Absent:

CHAIR: I would like a motion to remove from the PUBLIC HEARING – BUSINESS LICENSE - Amy Shara (210-1-10), 17 Smithwheel Road, two year round rentals; and deal with this Business License separately.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to remove from the PUBLIC HEARING – BUSINESS LICENSE - Amy Shara (210-1-10), 17 Smithwheel Road, two year round rentals; and deal with this Business License separately.

VOTE: Unanimous.

PRESENTATION: MS4 STORMWATER PERMIT AWARENESS
Christine Rinehard
Wright Pierce

The presentation this evening is being provided by Christine Rinehart of Wright Pierce and the Public Works Director, Joseph Cooper.

The presentation included background information indicating that the Town is regulated for the direct discharge from their separate storm sewer system to the waters of the State.

What is MS4? It is the Municipal Separate Storm Sewer System. Municipal streets, catch basins, curbs, gutters, drain manholes, outfalls, ditches, storm drains.

The MS4 General Permit is under an unfunded Federal mandate. Stems from the Clean Water Act and the National Pollutant discharge Elimination System (NPDES). It is administered by the Maine DEP and requires a Stormwater Management Plan which has six Minimum Control Measures (MCMs); and Best Management Practices (BMPs) to reduce pollutants to the MS4 and protect waterbodies in OOB.

Permits are issues for five (5) year cycles – 2003 to 2008; 2008-2013; and 2013 to 2018. The current permit (2013-2018) administratively is continued. The seventh preliminary draft is anticipated soon. The date of the formal draft is to be determined; effective date of the final permit may be as soon as July 1, 2020 and participations is required by most Town Departments.

Additional regulations in each permit cycle include Storm Management Plan to include all procedures; to be submitted to the DEP with a Notice of Intent; two target audiences for the Behavior change Campaign for Public Education; a sampling of dry weather flows; Desktop wet weather assessment; and the Ordinance which requires erosion and sediment control BMPs for construction sits – one acre.

Regulated MS4s – there are 30 regulated communities in Maine. It applies to small MS4s located in an urbanized area (urbanized area based pm 2000 + 2010 census). The regulated municipalities are required to obtain stormwater permit coverage to operate their MS4. Permit authorizes discharge of stormwater pursuant to Clean Water Act with the permit allowing the discharge of stormwater pursuant to the Clean Water Act. It is the goal to improve and protect priority waterbodies with heightened scrutiny from the DEP, EPA, and environmental groups.

The Waterbodies in Old Orchard Beach include Goosefare Brook, Little River/Jones Creek, Milliken Mill Pond, Mill Brook, Milliken Pond, and Cascade Brook.

Stormwater Pollutants include heavy metals, chemicals, oil and grease, solvents, paint, detergents, nutrients, bacteria, trash and sediment, sand and salt. It should be noted that vehicle washing/fueling/storage/maintenance where the pollutant is heavy metals, oils and grease, detergents and solvents; Low Maintenance/Landscaping involves pollutants of fertilizers and pesticides and nutrients; Dumpsters contain trash; De-Icing – Salt; Failing Septic Systems/sewer cross connections and pet waste involve bacteria; and Illegal dumping/spills from vehicular accidents involve oil and grease, chemicals and paint, nutrients (from lawn waste and dumping); and swimming pool draining which involves chlorine.

There are minimal control measures that are necessary including public education and outreach (Stormwater Program Manager in cooperation with ISWG); Public Participation (Stormwater Program Manager in coordination with ISWG); Illicit discharge Detection and Elimination (IDDE) – Public Works with support from the GIS, Planning, Code, Public Safety.; Construction Sit Runoff Control (Planning with support of Codes); Post-Construction Stormwater Management (Planning with support from Codes); and Good Housekeeping & Pollution Prevention (Public Works with support from Public Safety).

The Public Education & Outreach – MCM1: - includes Stormwater Program Manager in coordination with ISWG. Educate the public and municipal staff and officials about polluted runoff and how to reduce pollution; and develop awareness plan and a BMP adoption plan. Examples of the efforts including thinkbluemaine.org; Media Campaign (ducky ad); ISWG YardScaping Program; Council/Planning Board presentation; and School outreach.

Public Participation is the responsibility of the Stormwater Program Manager in coordination with ISWG. They will provide to the public an opportunity to participate in OOB's Stormwater Program with events such as Urban Runoff 5K and Town events/cleanups.

MCM – Illicit Discharge Detection and Elimination (IDDE) is the responsibility of Public Works with support from the GIS, Planning, Codes and Public Safety. They will identify and seek to eliminate sources of non-stormwater flows to the storm drain system; map stormwater infrastructure; implement IDDE Program including conducting outfall and ditch inspections; enforce Illicit Discharge Ordinance (Chapter 58 – Article V.) All Town employee are required to report illicit or suspected discharges to DEP and the DEP will track discharges. There will be Household Hazardous Waste (HHW) Collection Days.

MCM – Construction Site Runoff – with the responsible party being Planning with the support of Code. They will ensure that constructions sites – one acre do not impact the Town's MS4; maintain a list of active construction sites; conduct construction site inspections and documentation; address non-compliance; and maintain Development Review Guidelines.

Post Construction Stormwater Management is the responsibility of Planning with support from Codes. They will ensure long-term operation and maintenance of stormwater facilities for new development and redevelopment which will reduce the impact on receiving waters. Also they will implement the Post-Construction Management Ordinance (Chapter 71); track Post Construction BMPS; track Annual Certifications (which will include reminders to owner/operator of annual requirements; and encourage LID/Green Infrastructure.

The subject of Good Housekeeping and Pollution Prevention was discussed with the responsible party being Public Works with the support of Public Safety. The goal is to prevent pollution from municipal operations and facilities following the O&M Procedures; DPW Garage and Sand Salt Facility SWPPP; street sweeping; catch basin cleaning; and maintenance of conveyance system. They will educate municipal staff about practices to reduce polluted runoff.

Additional controls are required for Goosefare Brook Watershed including watershed signage; additional advertising for HHWDays; more construction site inspections (tied to a significant rain event); erosion and sediment control training; investigate development of a CFUP; additional/prioritized sweeping; and additional catch basin cleaning.

Stormwater Statistics are an important item. There are thirteen active construction sites of one acre more or less; five sites with post-construction BMPs that discharge to MS4; 797 catch basins; 117 drain manholes; 47 outfalls; as miles of storm drain pipe; 100 plus or minus lane miles of roads to sweep; 6,955 linear feet of ditches in Goosefare Brook watershed; and all need to be inspected, cleaning and/or maintained.

Reporting and Recordkeeping is important and that there be a keeping of comprehensive records documenting compliance with all permit requirements; interdepartmental coordination is essential to the success of OOB's municipal stormwater program including cooperation between Public Works, Planning, Codes, Public Safety, and the Town Manager.

Compliance versus Non-Compliance – noted that communities in Maine are audited. Nearly all MS4s have been audited by the DEP and/or EPA since 20013; one MS4 gone to enforcement with a Consent Agreement with a stipulated penalty; but most communities/nested MS4 received a Letter of Warning or Notice of Violation. Non-compliance can result in fines up to \$25,000 per day, per violation; and more rigorous CWA requirement.

The OOB Audit was conducted on April 6, 2016. DEP plans to audit each regulated MS4 once during each five year permit cycle. Full compliance audits as well as focused compliance inspection could occur more frequently.

ACCEPTANCE OF MINUTES:

Acceptance of Town Council Minutes of June 4, 2019.

MOTION: Councilor Tousignant motioned and Vice Chair O'Neill seconded to Accept the Minutes as read.

VOTE: Unanimous.

GOOD AND WELFARE:

NEIL WEINSTEIN: He brought the attention of the Council to the fact that there is needed work that should be done on the sidewalks on First and Staples Street – both sides – as they are unsafe and there is a great deal of traffic in this area.

ACKNOWLEDGEMENTS:

ASSISTANT TOWN MANAGER: We welcome to the Town of Old Orchard a Walk In Clinic – SEASIDE FAMILY HEALTH CARE, located at 77 Saco Avenue. Lourie Swimm, is a Family Nurse Practitioner, with nearly a decade of experience in both Family Medicine and Urgent Care. They provide a multitude of services including chronic disease management as well as acute care services. I was privileged to attend the ribbon cutting ceremony last week and it really a wonderful addition to our

community. Stop in and say hello - and pass the word along. I personally am happy not to have to travel to Biddeford monthly for a B12 shot when I can just stop in on my way to work in my own community.

The month of June has been exciting so far with good attendances for the Corvette Car show on Old Orchard Street; the Shriners Parade focusing on the marvelous works of Responders and of course we also want to express our thanks to all who attended the Community Friendly Neighborhood Gathering on Washington Avenue and Atlantic Avenue. There was an excellent attendance and thanks particularly to Pat Brown, Helene Whittaker, Public Works Employee Andy Shupe and Facilities Manager Mike Casasanto for their hard work in making this exciting event happen. Thanks also to the AARP members who joined in to help and attend. We also welcome to Old Orchard Beach a new business on 40 Saco Avenue – OOB NAILS AND SPA and invite you to the ribbon cutting ceremony tomorrow at 3:30 p.m. We wish them much success in their new business opportunity.

PUBLIC HEARING: BUSINESS LICENSES AND APPROVAL

CHAIR: I open this Public Hearing at 7:10 p.m.

Ashley Rand (206-5-1), 7 Bower Lane, one year round rental; James Butler (205-8-2), 13 Wintergreen Street, one year round rental; Paula Pouravelis dba/Tom Eva LLC dba Tom's Parking (307-4-2), 10 West Grand Avenue, ATM Vending Machine; Victor Valdivieso (211-1-9-3), 7 Old Salt Road, Unit 3, one seasonal rental; Lounes & Joan Yacoub (305-6-3), 40 East Grand Avenue, four seasonal rentals; Tamera Ahearn dba/Abellona Inn & Suites (304-3-1), 1 York Street, sixty-seven year round rentals, Vending Machine, Victualers w/preparation, No Alcohol; Real & Linda Marquis (309-6-5), 5 Westland Avenue, one seasonal rental; William & Nancy Holmes (311-25-1), 64 Evergreen Avenue, one year round rental; Dennis & Pamela Couture (208-1-1-7), 180 Saco Avenue, Unit #7, one seasonal rental; Peter & Cynthia Stanton (306-1-2-304), 1 East Grand Avenue, Unit 304, one year round rental; Lafayette Old Orchard LLC dba/The Ocean House & Motel & Inn (310-1-1), 71 West Grand Avenue, seventy-seven seasonal rentals; Le Vo dba/OOBnails & Spa LLC (205-3-6), 40 Old Orchard Street, Personal Services; Amy Shara (210-1-10), 17 Smithwheel Road, two year round rentals; Susan & Paul Martin (325-5-14), 17 New Salt Road, one year round rental; Joseph Salisbury (305-6-4) 42 East Grand Avenue, four year round rentals; Joan S. & David A Baughan (205-17-12), 14 Miles Avenue, one year round rental; and Anna Ayotte dba/Red Door Market (311-2-10), 113 Saco Avenue, Retail, Victualers w/preparation – w/beer & wine, pending State approval of off-premise Liquor License.

MOTION: Vice Chair O'Neill motioned and Councilor Tousignant seconded to Approve the business licenses approved as read but to have the business license for Amy Shara (210-1-10), 17 Smithwheel Road, two year round rentals – addressed separately.

VOTE: Unanimous.

The Town Manager in addressing the business license for business license for Amy Shara (210-1-10), 17 Smithwheel Road, two year round rentals – addressed separately reported that there have been continuous violations of this business including the renting of units without a permit. It is intended that at the Administrative Review Board meeting to be held prior to the July 16th Council Meeting that a suggested Consent Agreement be recommended. It was noted that there are already \$25,000 in fines on this business for lack of adherence to regulations. The Vice Chair indicated that he would concur the need to Remove this Item Without Prejudice and hold off additional fines pending the meeting of the Administrative Board of Review and addressed at the July 16th Council Meeting.

Attorney Neil Weinstein representing the business owner indicated his client had not filled out the business license correctly but had been corrected and that there was no need in the future for a Consent Agreement nor for the fines.

The Chair indicated that he did not agree with the removal of the fine.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Approve the Business Licenses as read but to address the Business License - Amy Shara (210-1-10), 17 Smithwheel Road, two year round rentals separately.

VOTE: Unanimous.

CHAIR: The Chair close the Public Hearing at 7:15 p.m.

MOTION: Vice Chair O'Neill motioned and Councilor Tousignant seconded to Remove without Prejudice the Business License - Amy Shara (210-1-10), 17 Smithwheel Road, two year round rentals to be considered at the July 16th agenda but to waive the subsequent fines until addressed at the Administrative Review Board prior to the next Council meeting.

VOTE: Yea: Councilors Blow, Kelley and Tousignant.
Nea: Chair Thornton and Vice Chair O'Neill

PUBLIC HEARINGS: AMUSEMENT PERMITS AND APPROVAL:

CHAIR: I open this Public Hearing at 7:16 p.m.

Royal Anchor Inc./Mark Bureau dba/Royal Anchor/Water Edge (202-1-5), 203 East Grand Avenue, Solo, Duets – Outside – Noon to 8:00 p.m. (7:00 p.m. – last year.)

CHAIR: I close this Public Hearing at 7:16 p.m.

MOTION: Councilor Blow motioned and Councilor Tousignant seconded to Approve the Business Licenses as read.

VOTE: Unanimous.

TOWN MANAGER'S REPORT:

The Town Manager reported that the Town is hosting a Welcome and Orientation for the Student Work and Travel Program participants tomorrow, Wednesday afternoon at 2:00 at the Salvation Army Center on 6th Street. We encourage all of the newly arrived student workers to come to the welcoming event. There will be fun, food and prizes and loads of important information about living and working in the United States and in particular Old Orchard Beach. We ask that employers make a point of allowing their visiting workers to participate tomorrow at the Salvation Army at 2:00 p.m. Housing continued to be a significant need for our guest workers. There are many student workers who are arriving without having secured housing. If there are residents who know of housing opportunities out there please call my office at 207-9347-5626. Our Student Work and Travel Coordinator, Megan Poirier, is an excellent resource for student workers, employers and housing providers. Washington Avenue Block Party was a big success on the 9th of June with over 200 people participating and real enthusiasm towards re-vitalizing this area. There was a "Bakery for a Day" at the corner of Central Park Avenue with tables for dining on the sidewalk. Friendly's Market provided free pizza. It was a lot of fun. Be sure to drive by and see first-hand the jazzed up crosswalks and sidewalk at Atlantic and Central Park Avenue. Kudos to Community Friendly Connection and Maine AARP. Pat Brown, Helene Whittaker and Louise Reid worked many hours on this. Department of Public Works staff, particularly Andy Chute, came up big with the painting of crosswalks. This is a beginning, not an end. Next up is a push to renovate the Basketball Court at Atlantic Avenue. The chamber of Commerce held its annual awards banquet this past week. Our Town Clerk, Kim McLaughlin, received the award for Excellence in Municipal Leadership for her outstanding service to our residents and community. Human Resources Manager, Fran Beaulieu, was also a nominee for this award in recognition of her continuing leadership and initiative in personnel management. Congratulations to both Kim and Fran. Appreciation is also due to Chamber Director Kim Verrault and her staff for an extremely well run awards event and their success in bringing attention and recognition to deserving community members and businesses. The Town is working with the MDOT staff and engineers and with the Bicycle Coalition of Maine on a demonstration project at Halfway intersection to introduce temporary changes to the traffic lanes and pedestrian crossings with the goal of slowing speeds of traffic at this challenging Rt. 5 intersection with Temple Avenue, Old Salt Road and Old Orchard Road. The changes will be put into place beginning next week using bollards and road striping so that should the new configuration prove successful it can be incorporated into MDOT's Saco Avenue/Rt. 5 road project in September. The State Legislature completed its work on the bi-annual State budget including some very welcome property tax relief for Old Orchard Beach residents. Most significantly municipal revenue sharing is increased by 50% for FY20 and by an additional 25% in FY21. This equals to an \$185,000 increase from FY18 and an estimated additional \$130,000 in FY21. That represents 25 cents on the tax rate. In addition to increased revenue sharing the budget increases the Homestead Exemption of just under \$400. This is real property tax relief and those Legislators who supported the budget are to be congratulated for this important help to our property taxpayers.

NEW BUSINESS:

7400 Discussion with Action: Amend the Town of Old Orchard Beach Code of Ordinances as follows: Amendment to Chapter 78 - Zoning, Article VII – Conditional Uses, Division 2 – Conditions, and Section 78-1272 – Accessory Dwelling Unit.

BACKGROUND:

Due to the recent influx in Accessory Dwelling Unit (ADU) proposals the Planning Board asked that Staff look into ADU ordinance amendments. The primary concern is ADU's created a loophole in ordinances that allowed what would normally be considered a two-family to be permitted where it may not normally be permissible. The advantage of ADU's over two-family's is ADU's are not considered a unit for density purposes (lot square footage/unit) while each unit of a two-family must use the lot square footage/ unit calculation.

For example, someone has a lot size of 7,500 sq. ft. and they want to create a second unit attached to their single-family home. Their lot is located in a district that requires 5,000 sq. ft./ unit. To create a two-family their lot size would require a minimum of 10,000 sq. ft. (two units at 5,000 sq. ft./unit = 10,000 sq. ft.). With a density of 5,000/unit, a two-family would not be allowed because their lot size is 7,500 sq. ft. Knowing a two-family is not allowed because of the sq. ft./unit requirement, the person can propose an ADU because ADU's are not considered a unit for density purposes and the 5,000/unit does not apply. Now that density is no longer an issue, the ADU essentially turns something that was not permissible into an allowed use.

ADU's do have some limitations that two-families do not; although, one of the most common ADU limitations does not exist- use of the ADU by family members only. Because an ADU's use is not restricted to family member occupancy the second unit can be rented to anyone. And it is that, along with the lack of a density calculation, which makes the ADU an attractive use to get a higher density on marginalized lots where it would not normally be allowed.

Amendment Highlights:

Performance Standard (a) – This is a new standard that requires the lot owner to live in either the principal structure or the ADU and that neither the principal structure nor the ADU can be rented.

Performance Standard (b) – This is a new standard that requires the ADU occupant be a relative.

Performance Standard (c) – This is a new standard that requires the Applicant to provide and record in the Registry a Covenant that the ADU will comply with the standards in the ordinance. Planning Staff will provide the applicant with a

standard “Declaration of Accessory Dwelling Unit Covenant” form to complete and record.

Performance Standard (d) – This standard already existed, however, we changed the language regarding the primary and “subordinate” entrances into the ADU.

Performance Standard (e) – This is a new standard that briefly touches upon the aesthetics of the ADU. This language was already in the existing ordinance in some capacity but we thought it could be its own standalone standard.

Performance Standard (f) – This standard already existed, however, we added in the piece about the ADU’s being a maximum of 1,000SF and that they cannot have more than two bedrooms.

Performance Standard (g) – This is a new standard that requires off-street parking and language regarding curb cuts or wider driveway width.

Performance Standard (h) – This standard already existed, however, we added language about a single water service as well.

Performance Standard (i) – This is a new standard regarding septic systems. The PB already requires septic system designs and this provides the regulatory support.

Performance Standard (j) – This standard already existed, we changed “main residence” to primary dwelling to be consistent.

Performance Standard (k) – This standard already existed, however, we made the 7 standard clearer by removing the second part that discusses nonconforming uses.

This is a new section which includes definitions that apply strictly to the ADU ordinance.

Current ADU Ordinance:

78-1272 – Accessory Dwelling Unit

The purpose of the sections concerning accessory dwelling units is to provide a diversity of housing for residents while protecting the single-family character of residential neighborhoods. Accessory dwelling units are allowed as conditional uses in all residential districts and shall comply with the following conditions:

(1) The accessory dwelling unit shall be accessed via the living area of the primary structure, and all other entrances to the accessory dwelling unit shall appear subordinate to the main entrance. Any proposed additions to the main structure or accessory structures shall be designed to be subordinate in scale and mass to that of the main structure and compatible with the architectural style and quality of the main structure.

(2)The accessory dwelling unit shall have at least 500 square feet of floor area but shall not exceed 50 percent of the floor area of the main dwelling unit. Floor area measurements shall not include unfinished attic, basement or cellar spaces nor public hallways or other common areas.

(3)The dwelling shall be served by a single electrical service.

(4)Only one accessory apartment shall be permitted per lot. It shall be made part of the main residence.

(5)Accessory apartments shall not be permitted for any nonconforming structure or use, where nonconformity is due to the use of the premises, as opposed to nonconforming dimensional requirements.

Where ADU's Are Allowed:

- Residential 1
- Residential 3
- Residential 5
- Neighborhood Commercial 1
- Neighborhood Commercial 2
- Neighborhood Commercial 3
- Neighborhood Commercial 4
- Rural District
- Beachfront Resort District
- Residential Beachfront District

Planning Board Action:

The PB considered ADU's during several meetings earlier this year. PB consideration included several draft ordinances and a public hearing. During the April meeting the PB voted 5-0 to recommend the Council adopt the proposed amendments to the ADU ordinance.

**AMENDMENT TO CHAPTER 78, SEC. 78-1272 (ACCESSORY DWELLING UNIT)
Town Council - 21 May 2019**

New language is blue underscore. Ordinance deletions are ~~struck~~.
Sec. 78-1272. – Accessory Dwelling Unit

(1) Purpose. The purpose of the sections concerning Accessory Dwelling Units is to provide a diversity of housing for residents while protecting the single-family character of residential neighborhoods. Accessory Dwelling Units are permissible as conditional uses in all residential districts and shall comply with the following conditions: provided they meet the performance standards described in this section.

(2) Performance Standards.

(a) The Owner of the lot on which the principal structure is located must reside in the principal structure or the Accessory Dwelling Unit, either of which residence may be seasonal. An Accessory Dwelling Unit may be located on a lot which the owner occupies as a seasonal residence, however, neither the Accessory Dwelling Unit nor the single-family dwelling shall be rented.

(b) The person occupying the Accessory Dwelling Unit shall be a first, second, or third degree relation (parent, child, stepchild, sibling, aunt, uncle, niece, nephew, or grandparent) of the principal occupant of the single family dwelling by blood or by marriage and the burden of proof of this relationship shall be on the homeowner.

(c) To ensure continued compliance by current and subsequent owners, the applicant shall provide and record in the York County Registry of Deeds a covenant in a form acceptable to the Town that the existence of the Accessory Dwelling Unit is predicated upon the occupancy of either the Accessory Dwelling Unit or principal dwelling by a person who owns the property. It is also required that any owner of the property must notify a prospective buyer of the limitations of this section. Violations of the terms of this covenant shall result in the loss of the Accessory Dwelling Unit permit. Said covenant shall be provided to the Town prior to the issuance of an occupancy permit for the Accessory Dwelling Unit.

(d) ~~The primary entrance into the accessory dwelling unit shall be accessed via the living area of the primary structure. and all other entrances to the accessory dwelling unit shall appear subordinate to the main entrance. Any proposed additions to the main structure or accessory structures shall be designed to be subordinate in scale and mass to that of the main structure and compatible with the architectural style and quality of the main structure.~~ A secondary entrance may be permitted to the Accessory Dwelling Unit provided it is not visible from the street view of the principal or accessory dwelling. The Accessory Dwelling Units stairways shall not be constructed on the front or side of the principal or accessory dwelling unit.

(e) To improve compatibility with single-family neighborhoods, new Accessory Dwelling Units shall be built with an orientation, scale, and architectural style that reflects the predominant pattern existing in the neighborhood, preserves privacy for neighbors and for the occupants of the primary and accessory dwelling units.

(f) The accessory dwelling unit shall have at least 500 square feet of floor area but shall not exceed 50 percent of the floor area of the main dwelling unit. Floor area measurements shall not include unfinished attic, basement or cellar spaces nor public hallways or other common areas. The floor area of the Accessory Dwelling Unit shall not exceed 1,000 square feet and the unit shall

not contain more than two bedrooms. Total floor area of an Accessory Dwelling Unit shall be measured from the interior faces of the inside walls.

(g) Provisions for one additional off-street parking space shall be made, however, no additional curb cuts or driveways may be created to facilitate the creation of the Accessory Dwelling Unit. Any expanded driveway entrance curb cut on the property shall not exceed 24 feet in width.

(h) The dwelling shall be served by a single electrical and water service meter, if served by public water.

(i) All Accessory Dwelling Units on properties with private sewer shall comply with the State of Maine Subsurface Wastewater Disposal Rules for new or expanded systems, as applicable.

(j) Only one ~~a~~ Accessory ~~apartment~~ Dwelling Unit shall be permitted per lot. It shall be made part of the ~~main residence~~ primary dwelling.

(k) Accessory ~~apartments~~ Dwelling Units shall not be permitted for any nonconforming ~~structure or use. where nonconformity is due to the use of the premises, as opposed to nonconforming dimensional requirements.~~

(3) Definitions. As used in this Section, the terms listed below have meanings set forth below, whether or not such terms are otherwise defined elsewhere in this chapter. Terms not listed below have the same meanings as Section 78-1 of this chapter.

(a) Accessory Dwelling Unit means a separate dwelling unit which is contained entirely within the confines of a building which otherwise retains the design and appearance of a detached, single-family home. The Accessory Dwelling unit shall have separate living, sleeping, sanitary and kitchen facilities for the exclusive use of the unit occupants. The Accessory Dwelling Unit shall not be rented.

(b) Living Area means the interior habitable area of a dwelling unit including finished basements but does not include a garage or any accessory structure.

(c) Owner-Occupied means that either the principal dwelling unit or the Accessory Dwelling Unit is occupied by a person who has the primary or residuary title to property.

(d) Seasonal use means any three consecutive months during a twelve month period.

There was discussion on this Accessory Units but the Council moved forward with the motion.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Amend the Town of Old Orchard Beach Code of Ordinances as follows: Amendment to Chapter 78 - Zoning, Article VII – Conditional Uses, Division 2 – Conditions, and Section 78-1272 – Accessory Dwelling Unit.

VOTE: Unanimous.

#7401 Discussion with Action: Amend the Town of Old Orchard Beach Code of Ordinances as follows: Amendment to Chapter 78 – Zoning, Article VI – Districts, Division 10 – Neighborhood Commercial Districts (NCD), Section 78-869 – Conditional Uses, (b) (2) – Multifamily Dwellings.

BACKGROUND:

SUBJECT: NC3 District Ordinance Amendments

This ordinance amendment proposal was submitted to the PB by the owner of 20 Washington Avenue, DEC Investments LLC. This amendment was brought to the PB after the owners found they could not place a dwelling unit at the sidewalk level of their multifamily building.

20 Washington Ave. is located in the NC3 zoning district. The NC3 is a small “Neighborhood Commercial” zoning district that includes properties with frontage along Washington Ave between Evergreen and Central Park (total of nine lots). This district does not allow multifamily uses to have dwelling units on the sidewalk level. It was probably written this way several years ago when the Washington Ave neighborhood was a more active commercial area and the Town wanted to ensure commercial space remained available.

Amendment Highlights:

Currently, Sec. 78-869 (2) states multifamily dwellings on any floor except at sidewalk level are allowed as Conditional Uses in the NC3 zoning district. The proposed amendment removes the restriction that does not allow sidewalk level dwelling units for multifamily buildings. If this amendment is approved, sidewalk level dwelling units will be allowed in multifamily buildings as a Conditional Use (Planning Board approval).

It is important to note that multifamily dwellings are still required to be reviewed by the PB as a Conditional Use so the PB will continue to have control over them. Also, this amendment will not change permitted and Conditional Uses- the NC3 district will continue to allow the same commercial uses as it does now. The only change is this will allow is multifamily dwelling units to exist on the sidewalk level.

Planning Board Action:

The PB considered the applicants proposal during the first few months of this year. PB consideration included review of a brief study discussing viability of the

commercial space and how land uses in the NC3 are primarily residential. During the April meeting the PB voted 4-1 to recommend the Council adopt the proposed amendments. The reason for the dissenting was the PB member thought parking ordinance standards should be amended too.

**AMENDMENT TO CHAPTER 78,
SEC. 78-869 (b) (2) NC3 (Sidewalk Level Dwelling Units)
Town Council – 21 May 2019
Ordinance deletions are struck.**

Sec. 78-869. – Conditional uses

NC-3 district conditional uses. The planning board may authorize the following conditional uses within the NC-3 district:

(2) Multifamily dwellings. ~~on any floor except at sidewalk level.~~

The Council had discussion relative to this particular Agenda Item and particular interest in future business growth within the Community and the desire to perhaps workshop this particular issue in light of the importance of it. It was suggested that perhaps this would be better tabled until a future Workshop could be held on the issue.

MOTION: Vice Chair O'Neill motioned and Councilor Blow seconded to Remove Without Prejudice to Amend the Town of Old Orchard Beach Code of Ordinances as follows: Amendment to Chapter 78 – Zoning, Article VI – Districts, Division 10 – Neighborhood Commercial Districts (NCD), Section 78-869 – Conditional Uses, (b) (2) – Multifamily Dwellings with the possible Workshop being held to discuss this issue.

VOTE: Unanimous.

#7402 Discussion with Action: Appoint Frederick J. LaMontagne, Jr. as Fire Chief, Forest Fire Warden, and Emergency Management Director for the Town of Old Orchard Beach.

BACKGROUND:

MOTION: Councilor Tousignant motioned and Councilor Appoint Frederick J. LaMontagne, Jr. as Fire Chief, Forest Fire Warden, and Emergency Management Director for the Town of Old Orchard Beach.

VOTE: Unanimous.

POSITION DESCRIPTION

Class Title: Fire Chief

FLSA: Exempt

Salary Range: \$82,000 to \$92,000

Posting will be from April 5, 2019 through 2pm, May 6, 2019

Fire Chief/ Emergency Management Director

GENERAL

This is a responsible administrative, supervisory and technical position focusing on firefighting, fire prevention and rescue activities of the Old Orchard Beach Fire Department.

Supervision Received: Works under the general direction of the Town Manager.

Supervision Exercised: Responsible for the direct and indirect supervision of all members of the municipal and call fire departments, in all facets of fire prevention, suppression and enforcement activities.

ESSENTIAL DUTIES & RESPONSIBILITIES

1. Responds to and takes command at major fires and hazardous incidents.
2. Sets and implements standard operating procedures and policies of the department.
3. Coordinates and oversees:
 - a. Department training in firefighting and life-saving methods
 - b. Hazardous material control and clean-up
 - c. The use of equipment and all other property of the department
 - d. The assignment and discipline of personnel
4. Directs:
 - a. Maintenance and replacement of firefighting and rescue equipment
 - b. Fire prevention activities including inspections, fire permits, alarm maintenance and fire investigations in cooperation with State and local authorities
 - c. EMS quality assurance program.
5. Supervises the administrative details of the department, including the requisition of materials, supplies and equipment and the maintenance of department records and reports.
6. Prepares and administers:
 - a. Department budget including the approval of all expenditures
 - b. Commentary on fire and rescue related matters and presents to the City Council.
7. Participates In:
 - a. Collective bargaining negotiations with fire union personnel and administrative staff.
8. Serves as:
 - a. Town Fire Investigator with regard to arson investigations
 - b. Town Infectious Control Officer with regard to blood borne pathogens and other infectious diseases to ensure compliance with OSHA standards
 - c. Emergency Management Director
9. Reviews fire and ambulance reports prepared by subordinates for filing with State and Federal authorities.

EDUCATION

Bachelor's Degree from an accredited four year institution preferred and a minimum of ten (10) years' experience in firefighting positions, including 2 to 3 years as a Chief Officer, and at least 5 years as an EMT; or equivalent combination of experience and training required.

SPECIAL REQUIREMENTS

Fire Officer II, Hazardous Materials Technician, Hazardous Materials Incident Command, Incident Safety Officer, Minimum EMT Basic, Paramedic preferred, State of Maine Class C driver's license.

NECESSARY KNOWLEDGE, SKILLS & ABILITIES

1. Extensive knowledge and experience in:

- a. Firefighting equipment**
- b. Firefighting methods and techniques**
- c. Hydraulics and fire prevention**
- d. Emergency first aid and life saving techniques**
- e. Rules and regulations of department**
- f. Fire prevention laws and ordinances**
- g. Hazardous materials control**
- h. Geography – Town street system, water supply and hydrant system**

2. Ability to:

- a. Make sound decisions in the effective direction of fire and rescue personnel and equipment under emergency conditions**
 - b. Review, analyze and forecast the departmental budget**
 - c. Exercise significant character and leadership in extreme disasters**
 - d. Plan, assign and oversee the work of several subordinate operating units**
- 3. Strong communication skills both orally and in writing.**
- 4. Strong interpersonal skills and the ability to establish and maintain effective working relationships with outside agencies, municipal officials, employees and the general public.**

TOOLS & EQUIPMENT USED

Personal computer, including word processing and spreadsheet software; computer network system; calculator, phone; copy machine; fax machine, and all fire and rescue related equipment.

PHYSICAL DEMANDS

The physical demands described herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, the employee is frequently required to sit or stand and talk or hear, use hands to finger, handle or feel objects, tools or controls, and reach with hands and arms. Employee is frequently required to lift heavy objects, move large equipment, walk, run, climb stairs and perform all other physical actions necessary in a fire or rescue operation. The employee must occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described herein are representative of those an employee encounters while performing the essential functions of this job.

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The noise level in the work environment is usually normal for business conditions to extremely loud, dangerous and stressful conditions. Employee is occasionally exposed to extremes in weather conditions.

SELECTION GUIDELINES

Formal application, rating of education and experience; oral interview and reference check; job related tests may be required. The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position. The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

The Town of Old Orchard Beach is an equal employment opportunity employer.

7403 Discussion with Action: Approve the line item transfer for the Fire Department in the amount of \$10,000 from Account Number 20137-50108 Seasonal Employee Wages with a balance of \$42,045.00 to account number 20137-50111 - Lifeguard Overtime Expense with a balance of (\$8,986.50).

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Approve the line item transfer for the Fire Department as read.

VOTE: Unanimous.

7404 Discussion with Action: Approve the line item transfer for Town Hall Maintenance in the amount of \$3,500 from Account Number 20115-50450 - Building Repair Maintenance Expense, with a balance of \$13,208.57; to Account Number 20115-50501- Town Hall Maintenance Operating Supplies Expense, with a balance of (\$2,387.73).

MOTION: Vice Chair O'Neill motioned and Councilor Blow seconded to Approve the Line Item transfer for Town Hall Maintenance as read.

VOTE: Unanimous.

7405 Discussion with Action: Approve the line item transfer for the Police Department in the amount of \$27,650 from Account Number 20118-50350 – Contingency, with a balance of \$145,494.99; to Account Number 20131-50101 – Department Head Salary, with a balance of (\$22,393.67); and in the amount of \$24,000 from Account Number 20131- 50104 – Seasonal Reserves Wage Expense, with a balance of \$62,427; to Account Number 20131- 50109 - Seasonal Overtime Wage Expense, with a balance of (\$19,213.25).

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Approve the Line Item transfer for the Police Department as read.

VOTE: Unanimous.

7406 Discussion with Action: Discussion with Action: Set the Public Hearing date of Tuesday, July 16th, 2019 to Amend the Town of Old Orchard Beach Code of Ordinances, Section 54-187, Restrictions and Prohibitions, amending parking on Durocher Avenue by allowing parking on the right side of the street facing the ocean.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Remove without Prejudice the Item to Set the Public Hearing date of Tuesday, July 16th, 2019 to Amend the Town of Old Orchard Beach Code of Ordinances, Section 54-187, Restrictions and Prohibitions, amending parking on Durocher Avenue by allowing parking on the right side of the street facing the ocean until further discussion and a possible Workshop is held.

VOTE: Unanimous.

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

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on July 16, 2019 at 6:30 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the Code of Ordinances, Chapter 54, Traffic and Vehicles, amending Section 54-187, Restrictions and Prohibitions, amending Durocher Avenue, by adopting the underscored language as follows:

***Durocher Avenue.* No vehicle shall be parked on the left side of Durocher Avenue, facing the ocean.**

Per Order of the Municipal Officers this 18th day of June, 2019.

**A True Copy
Attest:**

**_____
Kim M. McLaughlin, Town Clerk**

7407 Discussion with Action: Approve the Special Event Permit Application for the OOB Recreation Department to host a Band of Old Orchard Beach High School students playing music through amps and a PA in the Square on Wednesday, July 24th, and Wednesday, August 28th, 2019 from 4:00 p.m. to 9 p.m., including set up and takedown.

MOTION: Councilor Kelley motioned and Vice Chair O'Neill seconded to Approve the Special Event Permit Application as read.

VOTE: Unanimous.

7408 Discussion with Action: To Award the Proposal from T. Buck Construction, Inc. for the Odor Control System Cover Installation for the Waste Water Treatment Plant, in the amount of \$63,518.00 from Account Number 30181- 50551 - Sewer Reserve Fund Operating Equipment Capital Expense Account, with a balance of \$1,082,079.27.

Background Odor Mitigation Cover Installation

Council has previously approved purchasing a cover and odor control equipment for the primary sludge holding tank at the wastewater facility for the purpose of mitigating odors that affect the surrounding residential neighborhood, with the intent of having the cover in place by this summer season. Delivery of the cover is anticipated within the next two weeks.

This order seeks Council approval for the installation of the cover. Wastewater staff has been working with the Town's consulting engineers to identify qualified firms available to complete the installation.

The Town received two proposals:

Penta Corp: \$48,050

T-Buck Construction: \$63,518

Although Penta Corp's price is lower it cannot do the installation until mid-September at the earliest. T-Buck can do the installation in July and it should take 3-4 weeks.

The original estimate of cost for cover, odor control equipment and installation was \$220,000. If T-Buck were to do the installation the total cost for the project would be \$170,000.

Staff recommends accepting the T-Buck proposal so that the odor mitigation cover is in place by the end of July.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Award the Proposal from T. Buck Construction, Inc. for the Odor Control System Cover Installation for the Waste Water Treatment Plant, in the amount of \$63,518.00 from Account Number 30181- 50551 – Sewer Reserve Fund Operating Equipment Capital Expense Account, with a balance of \$1,082,079.27.

VOTE: Unanimous.

T. Buck Construction, Inc.249 Merrow Rd Auburn, ME 04210
207-783-6223 * FAX 207-783-3970**PROPOSAL****1**

Proposal Submitted to: Town of Old Orchard Beach Wastewater Department	Phone: 207 934-4416 Fax: _____	Date 6/11/2018
Street: 24 Manor Street	Job Name Sludge tank odor control system	
City, State & Zip Code: Ocean Park, ME 04063	Job Location: Ocean Park	
Engineer:		Job Phone:

We hereby submit specifications and estimate for:

Provide labor, material and equipment to install covers on sludge tank and odor control system supplied by the Town of Old Orchard Beach T Buck will excavate 2' below grade install 1' of gravel and pour a 2' high concrete pad for the scrubber to set on. Odor control pipe will be 12" schedule 40 PVC pipe socket weld all hardware/pipe supports will be either stainless steel or aluminum.

TOTAL \$ 63,518.00

NOTE:

- 1) Owner will Let T Buck use there loader for moving and unloading equipment
- 2) Price does not include any Town required permits
- 3) Price does not include any electrical work or mounting of control panel
- 4) Price does not include factory rep for start up
- 5) Price does not include heat trace

We Propose hereby to furnish material and labor complete in accordance with above specifications, for the sum of:
SIXTY THREE THOUSAND FIVE HUNDRED AND EIGHTEEN DOLLARS

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized
Signature _____

Bruce Kenney

Note: This proposal may be withdrawn
by us if not accepted within 5 days.

Acceptance of Proposal- The above prices, specifications and the work as specified. Payment will be made as outlined above.

Date of acceptance _____

Signature _____

Louise Reid

From: Chris White
Sent: Thursday, June 13, 2019 11:28 AM
To: Louise Reid
Subject: FW: odor control

Second quote.

Christopher White
Old Orchard Beach Wastewater Superintendent
(207) 934-4416

Mail to:
Town of Old Orchard Beach Wastewater Department
1 Portland Avenue
Old Orchard Beach Maine 04064

Ship to:
Town of Old Orchard Beach Wastewater Department
24 Manor Street
Ocean Park Maine 04063

From: Scott Shuman <smshuman@roadrunner.com>
Sent: Friday, May 31, 2019 8:49 AM
To: Chris White <cwhite@oobmaine.com>
Subject: RE: odor control

Chris,

I have been out of the office quite a bit this week. I apologize for the delay in getting this to you.

Our proposed cost for the Odor Scrubber and Aluminum Cover provided by OOB WWTF is \$48,050.00. This includes:

Concrete pad for Scrubber tower (per ECS detail)
Installation of Scrubber tower, carbon media, instruments, fan, silencer
Provide and install 12 SCH40 PVC odor duct from fitting on SHT cover to the scrubber inlet
Concrete bases and stainless steel supports for odor duct (2 locations with new concrete supports)
Restoration of disturbed lawn areas

Removal of remnants of old SHT wood structure
Removal of existing steel pedestal on SHT wall
Removal of existing ultrasonic level instrument and supports
Provide and install 5"x5" aluminum shelf angle as shown in CST drawing
Install aluminum tank cover system per CST plans

This proposal includes no electrical work or painting work.

As I indicated in our conversation, due to our current work load and available resources we could not start the work mid-September at the earliest. If that schedule is unacceptable I, at least, wanted to provide you with this proposal guideline for you to use.

Thanks,

Scott M. Shuman
Project Manager
Penta Corporation

From: Chris White [<mailto:cwhite@oobmaine.com>]
Sent: Wednesday, May 22, 2019 1:33 PM
To: Scott Shuman (smshuman@roadrunner.com)
Cc: Larry Mead
Subject: odor control
Importance: High

Scott,

I spoke with the town manager and he would like to get your lump sum proposal on the June 4th council meeting agenda. This means I would need your proposal by May 29th. If you are declining to submit a proposal or have further questions then please let me know.

Thanks

Christopher White
Old Orchard Beach Wastewater Superintendent

Mail to:
OOB Wastewater
1 Portland Avenue
OOB Maine 04063

Ship to:
OOB Wastewater
24 Manor Street
OOB Maine 04064

7409 Discussion with Action: Approve the Liquor License Renewal for Mark Bureau dba/The Royal Anchor/Waters Edge (202-1-5), 203 East Grand Avenue, m-s-v in a Restaurant.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to Approve the Liquor License Renewal as read.

VOTE: Unanimous.

7410 Executive Session: Discuss Labor Negotiations: (Note: This item discusses Labor Contract issues related to the Old Orchard Beach Patrolmen's Association –Maine Association of Police Union Contract, as defined under Title 1 M.R.S.A., Section 405 (6) (D), and the Council anticipates that the discussion portion will be held in Executive Session.)

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Enter into Executive Session to Discuss Labor Negotiations: (Note: This item discusses Labor Contract issues related to the Old Orchard Beach Patrolmen's Association – Maine Association of Police Union Contract, as defined under Title 1 M.R.S.A., Section 405 (6)(D), and the Council anticipates that the discussion portion will be held in Executive Session.)

VOTE: Unanimous.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Exit the Executive Session to Discuss Labor Negotiations: (Note: This item discusses Labor Contract issues related to the Old Orchard Beach Patrolmen's Association – Maine Association of Police Union Contract, as defined under Title 1 M.R.S.A., Section 405 (6)(D), and the Council anticipates that the discussion portion will be held in Executive Session.)

VOTE: Unanimous.

7411 Executive Session: Discuss Labor Contracts: (Note: This item discusses Labor Contract issues related to Old Orchard Beach Local 2247 International Association of Firefighters AFL-CIO-CLO Union Contract; as defined under Title 1 M.R.S.A., Section 405, 6(d), and the Council anticipates that the discussion portion will occur in Executive Session).

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Executive Session: Discuss Labor Contracts: (Note: This item discusses Labor Contract issues related to Old Orchard Beach Local 2247 International Association of Firefighters AFL-CIO-CLO Union Contract; as defined under Title 1 M.R.S.A., Section 405, 6(d), and the Council anticipates that the discussion portion will occur in Executive Session).

VOTE: Unanimous.

MOTION: Councilor Blow motioned and Councilor Tousignant seconded to Exit the Executive Session to Discuss Labor Contracts: (Note: This item discusses Labor Contract issues related to Old Orchard Beach Local 2247 International Association of Firefighters AFL-CIO-CLO Union Contract; as defined under Title 1 M.R.S.A., Section 405, 6(d), and the Council anticipates that the discussion portion will occur in Executive Session).

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Councilor Blow motioned and Councilor Tousignant seconded to adjourn the Town Council Meeting.

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-four (24) pages is a copy of the original Minutes of the Town Council Meeting of June 18, 2019 , 2019.

V. Louise Reid