

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
Tuesday, June 4, 2019  
TOWN HALL CHAMBERS  
6:30 p.m.**

**A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, June 4, 2019. Chair Thornton opened the meeting at 6:34 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**

**PLEDGE TO THE FLAG:**

**ROLL CALL:**

**ACKNOWLEDGEMENTS:**

**We are saddened to hear of the passing of long-time resident and business owner, Arthur James MacDonald - "Mac", as he was so well known. As a devoted "Dad" to his five children and a loving husband to his wife of 57 years, Leata, our thoughts go out to his family during this difficult time. We also learned of the tragic accident that took the life of Missy (Linda) Shupe, wife of our former Code Officer, Kenneth Shupe. Again, we offer the family their privacy at this time but our thoughts go out to the family as well. It is indeed a reminder to us all that life is precious and every day provides us the opportunity to remind family and friends of our love and encouragement. On Thursday, June 6<sup>th</sup> at 4:00 p.m. there will be a ribbon cutting for the Seaside Family Health Care – your partner for Wellness, located at 77 Saco Avenue. Please join us welcoming this new health facility to our community. On Sunday, June 9<sup>th</sup> from 12:00 to 2:00 there will be a Neighborhood Block Party in the parking lot behind the restaurant on the corner of Washington and Atlantic Avenue for the Washington Avenue neighbors. There will be food, music and an opportunity to meet and greet your neighbors. This is sponsored by the Community Friendly Connection.**

**GOOD AND WELFARE:**

**ACCEPTANCE OF MINUTES:**

**Accept the Town Council Minutes of May 21, 2019; and Town Council Workshop Minutes of May 21, 2019.**

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

**VOTE:** Unanimous.

**PUBLIC HEARING:**

**CHAIR:** I open the Public Hearing at 6:35 p.m.

**Shall We 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 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.

CHAIR: I close this Public Hearing at 6:55 p.m.

PUBLIC HEARING:

CHAIR: I open this Public Hearing at 6:57 p.m.

Shall we 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.~~**

**CHAIR:** The Chair closed the Public Hearing at 6:58 p.m.

**PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:**

**Eidan Bereby dba/Maine Ink (306-1-2), 31 Old Orchard Street, year round Commercial Piercing Establishment; Dana Dunn – Piercer at Maine Ink, (306-1-2), Individual License;**

Daniel Gaqliardi – Tattooiist at Maine Ink, (306-1-2), Individual License; Ayn Hanselmann dba/Beach Properties LLC (315-17-9) 46 Ocean Avenue, seasonal single family rental; Adam Smith - (307-2-1-1C), 1 Old Orchard Street - seasonal retail Ice Cream & Frozen Treat Cart - Palace Playland (by Carousel); Joseph Mokarzel dba/Paddleboard Rental (303-1-9-1), 95 East Grand Avenue, seasonal rental - Atlantis Motel; Jodi Cabral (303-2-1-7), 1 Saunders Avenue, Unit 7, one year round Condo rental; Stacie Smith (303-2-6-1), 7 Saunders Avenue, Unit A, one year round Condo rental; Shanice Doudey (304-2-5), 67 East Grand Avenue, seasonal retail Clothing & Food, Victualers with prep, no alcohol; and Brian & Alyson Robillard dba/Robillard's Garden Center & Landscaping, LLC (103-3-3), 85 Cascade Road, year round retail Garden Center & Landscaping.

CHAIR: I close this Public Hearing at 7:02 p.m.

#### TOWN MANAGER'S REPORT:

The Town is working with MDOT staff and engineers and with the Bicycle Coalition of Maine on a demonstration project at the Half-way 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 Ave, Old Salt Road and Old Orchard Rd. The changes will be put in 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 Ave/Rt. 5 road project in September.

- **Lifeguard Shortage:** On a separate topic we are having a very difficult time filling lifeguard positions this summer. At this time we expect to have towers and coverage at 6 locations, which is two fewer than last year. The following locations will be staffed:

Walnut  
Cortland Ave/Surf 6  
Old Orchard St/Pier  
Fourth Ave/Brunswick  
Union Ave  
Temple Ave/Ocean Park

If we are able to hire additional staff in the next month we will add towers at Atlantic Ave and/or Reggio Ave. these locations will not be staffed:

Atlantic Ave  
Reggio Ave  
Tioga Ave (also not staffed in 2018)  
Parcher Ave/Grand Beach Inn (also not staffed in 2017)  
Friendship (also not staffed in 2017)  
Mullen St/Alouette (also not staffed in 2017)



**Boisvert St/Casablanca (also not staffed in 2017)**

**We are continuing efforts to recruit additional staffing. Adjustments (up or down) will be made if we are able to add more staff, or if we lose staff due to illness or resignations.**

- **Plovers are active on the beach. There are nesting pairs in several locations, including the Walnut Street area, 4<sup>th</sup> Street near the Brunswick, and Tunis Ave. I want to remind dog owners that dogs are not allowed to be within 100' of nesting areas. These are marked with stakes and twine, as well as signage. In addition the Town strongly advises owners to keep dogs leashed at all times on the beach during the summer season in order to ensure that your dog does not inadvertently harm or disturb these federally protected birds. Although this is not required by Town ordinance dog owners are responsible under federal law for the actions of their dogs as it pertains to plovers.**
- **On a related topic once again this year the Town will need to curtail the cleaning of many areas of the beach because of the presence of piping plovers. The Town will work closely with state IFW officials with regard to what areas we will be permitted to use our beach cleaning equipment on and how close we may work in proximity to nesting areas. I want to remind our residents and visitors that there will be parts of the beach that will have seaweed or other debris present because of limits place on the Town's cleaning personnel to operate motorized equipment. We ask your patience and understanding.**

**Vote on the School Department budget is set for June 11, 8am to 8pm at the high school. Absentee ballots available now. I understand that there was \$200,000 added to the school budget at the regional budget meeting held last week. This money was not requested by the Superintendent who specifically stated that the administrative staff did not support adding these funds to the school budget this year. This would add 11 cents to the tax rate in FY20. I encourage all town residents to turn out and vote next Tuesday. A yes vote would add \$200,000 and 11 cents to the tax rate. A no vote would support the budget that the Superintendent and School Committee had agreed on for FY20.**

**The Legislature passed a bill that will allow OOB voters if they so choose to dissolve the RSU and restore in its place a municipal school district, the same structure that existed ten years ago before the RSU was created.**

**NEW BUSINESS:**

- # 7391 Discussion with Action: CONVEY foreclosed property identified as 215 EAST GRAND AVE UNIT #306, Parcel Number 00201-00001-10306 to owners of record (REPUCCI JENNIFER A & BURKE ANDREW TRS ) for the total amount of \$16,256.86 in outstanding taxes and accumulated interest INCLUDING TAX YEARS FY 2017, 2018, 2019, AND ESTIMATED FULL YEAR FY 2020, due on the effective date of CONVEYANCE plus any legal costs incurred by the Town of Old Orchard Beach.**

**MOTION:** Councilor Kelley motioned and Councilor Tousignant seconded to approve as read.

**VOTE:** Unanimous.

The Realtor, Nancy Morehead, representing the Andrew family indicated that the payments were made in the amount of \$11,158 through Tax year of 2019 and that the estimated FY2020 will be paid in a timely manner.

**MOTION:** Councilor Kelley motioned and Councilor Tousignant seconded to Amend the previous motion without prejudice.

**VOTE:** Unanimous.

**MOTION:** Councilor Kelley motioned and Councilor Tousignant seconded to CONVEY foreclosed property identified as 215 EASTGRAND AVE UNIT #306, Parcel Number 00201-00001-10306 to owners of record (REPUCCI JENNIFER A & BURKE ANDREW TRS ) for the total amount of \$11,156/96 in outstanding taxes and accumulated interest INCLUDING TAX YEARS FY 2017, 2018, 2019, due on the effective date of CONVEYANCE plus any legal costs incurred by the Town of Old Orchard Beach.

**VOTE:** Unanimous.

# 7392 Discussion with Action: Confirm the appointment and two year contract for Diana Asanza, Town Treasurer/Finance Director, effective July 1, 2019 to June 30, 2021, at a current salary of \$87,052.

**MOTION:** Councilor Tousignant motioned and Councilor Kelley seconded to Confirm the appointment and two year contract for Diana Asanza, Town Treasurer/Finance Director, effective July 1, 2019 to June 30, 2021, at a current salary of \$87,052.

**VOTE:** Unanimous.

# 7393 Discussion with Action: Approve the Liquor License Renewals for 27 West Grand LLC dba/The Shack 43N 70W, (307-1-3), 27 West Grand Avenue, m-s-v in a Restaurant; and KTD Inc. dba/Bell Buoy Restaurant (205-4-5-B), 24 Old Orchard Street, m-s-v in a Restaurant.

Councilor Tousignant indicated that a representative of the agenda item is a family member but did not recuse himself from the vote.

**MOTION:** Councilor Kelley motioned and Chair Joseph Thornton seconded to Approve the Liquor License Renewals for 27 West Grand LLC dba/The Shack 43N 70W, (307-1-3), 27 West Grand Avenue, m-s-v in a Restaurant; and KTD Inc. dba/Bell Buoy Restaurant (205-4-5-B), 24 Old Orchard Street, m-s-v in a Restaurant.

**VOTE:** Unanimous.

- # 7394 Discussion with Action: Approve the Line Item Transfer for the Police Department in the amount of \$12,500 from Account Number 20131-50106 - Full Time Wages - with a balance of \$150,568.53; to Account Number 20131-50551 - Operating Equipment – Capital with a balance of \$0.00;**
- and in the amount of \$5,600 from Account Number 20131-50510 - Vehicle Fuel Expense with a balance of \$14,606.09; to Account Number 20131-50108 - Seasonal Wages with a balance of (\$3,631.30);**
- and in the amount of \$2,800 from Account Number 20131-50128 - Physical Fitness Expense with a balance of \$8,000; to Account Number 20131-50404 - Networking Expense with a balance of \$239.54;**
- and in the amount of \$2,200 from Account Number 20131-50128 - Physical Fitness Expense with a balance of \$8,000; to Account Number 20131-50405 - Heating Fuel Expense with a balance of (\$1,442.59);**
- and in the amount of \$3,000 from Account Number 20131-50251 - Conferences and Training Expense with a balance of \$15,650.26; and \$3,000 from Account Number 20131-50501 - Operating Supplies and Equipment with a balance of \$4,681.04; to 20131-50453 - Vehicle Repair with a balance of (\$981.52).**

**MOTION: Councilor Kelley motioned and Councilor Tousignant seconded to Approve the Line Transfer Items as read.**

**VOTE: Unanimous.**

- # 7395 Discussion with Action: Approve the purchase from CCE Golf Carts of a Street Legal Gem E-4 door cart for the Police Department Parking Enforcement in the amount of \$11,495 from Account Number 20131-50551 - Operating Equipment – Capital, with a balance of \$12,500.**

**MOTION: Councilor Kelley motioned and Councilor Tousignant seconded to Approve the purchase from CCE Golf Carts of a Street Legal Gem E-4 door cart for the Police Department Parking Enforcement in the amount of \$11,495 from Account Number 20131-50551 - Operating Equipment – Capital, with a balance of \$12,500.**

**VOTE: Unanimous.**

- # 7396 Discussion with Action: Approve the Special Event Permit application for the Veteran’s Memorial Park Flag Raising Committee to hold their annual “Veterans Flag Raising” at 6 p.m. night, seven days a week, retroactive from May 25<sup>th</sup>, 2019 to September 1<sup>st</sup>, 2019; and at 11 a.m. on November 11<sup>th</sup> and 7:50 a.m. on December 7<sup>th</sup>, 2019.**

**MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Approve the Special Event Permit as read.**

**VOTE: Unanimous.**

**# 7397 Discussion with Action: Approve the Special Event Permit application from Hyde Park Elementary School to hold a bonfire on the beach in front of the Waves Motel on Friday, June 7<sup>th</sup>, 2019 from 6 p.m. to 10 p.m.; rain date Saturday, June 8<sup>th</sup>, 2019, same times. Applicant must obtain a State open burning permit from the Fire Department on the day of the event.**

**MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Approve the Special Event Permit as read.**

**VOTE: Unanimous.**

**#7398 Discussion with Action: Cancel the regular Town Council Meeting of Tuesday, July 2<sup>nd</sup>, 2019.**

**MOTION: Councilor Tousignant motioned and Councilor Kelley seconded to Cancel the Regular Town Council Meeting of Tuesday, July 2, 2019.**

**VOTE: Unanimous.**

**# 7399 Discussion with Action: Adoption of the FY2020 Municipal Budget.**

**Consider FY2020 Municipal Operating Budget Appropriation in the amount of \$17,104,138.**

**Consider FY2020 Capital Improvement Budget Appropriation in the amount of \$1,700,000.**

**Consider FY2020 Non-Property Tax Revenue Appropriation in the amount of \$4,069,505.**

**Consider FY2020 Appropriation of \$500,000 from the Unassigned Fund Balance; and \$500,000 from the Rescue Fees Revenue Billing Fund; for the purpose of reducing the FY2020 Property Tax Commitment.**

**Consider Authorizing the Finance Director to Set the Percentage Rate for the FY2020 tax bill to be used for the operation and maintenance of the Waste Water Treatment Plant and sewer infrastructure, after approval of the FY2020 Budget.**

**Consider Authorizing and Directing the Assessor to prepare a Perfect List of all taxes of the Municipality and to commit the same to the Tax Collector.**

**Consider Authorizing and Directing the Tax Collector and Treasurer, pursuant**

to 36 M.R.S.A., Section 906, to apply any tax payment received from an individual as payment for any Property Tax against outstanding or delinquent taxes due on said Property in chronological order beginning with the oldest unpaid tax bill provided, however, that no such payment may be applied to any tax for which an Abatement Application or Appeal is pending unless approved in writing by the Taxpayer.

Consider setting due dates of September 18, 2019 and March 18, 2020 for the FY2020 Property Taxes.

Consider setting interest rate of 9% for delinquent property taxes.

Consider Authorizing the Tax Collector and Treasurer to accept prepayments of taxes before commitment at an interest rate of 0%, pursuant to 36 M.R.S.A., Section 506.

The Town Manager gave a very detailed description of the budget appropriations as indicated above. Changes included appropriation for a Swing to be purchased for the Memorial Park as part of the efforts of the Memorial Park Committee and the Community Friendly Connection. The amount appropriated for the Memorial Park was \$20,000 into the CIP account. The Food Pantry was allocated \$3,600 and the Vietnam Project allocated \$2,400. The additional \$30,000 increase was a result of the hiring of a part time Fire Inspector (approximately \$25,000 to \$30,000; and consideration of the salary of the Fire Chief in the amount of \$5,000. The Budget for the year is \$17,134,138. The Capital Budget is \$1,712,650. It was also noted that Councilor Tousignant made it clear that the part time Fire Inspector position was not to be a Union position. The Chair thanks the Town Manager and the Finance Director and the staff for their successful and fiscally responsible work done on this year's budget. It was indicated that the mil rate would be around \$15.30. That is a 2.2% in the tax rate.

There was also discussion during the meeting about the issues relative to the recycling program.

The Chair of the Memorial Park Committee also made the Council aware of the great need for an update to the irrigation system at the Memorial Park. It is obvious that the present irrigation system is a residential one and an industrial one is really necessary. That may be a consideration for next year.

**ADJOURNMENT:**

**MOTION:** Councilor Kelley motioned and Councilor Tousignant seconded to Adjourn the meeting at 8:35 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 thirteen (13) pages is a copy of the original Minutes of the Town Council Meeting of June 4, 2019.**

**V. Louise Reid**