

**TOWN OF OLD ORCHARD BEACH
TOWN HALL CHAMBERS
TOWN COUNCIL MEETING**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, May 5, 2020. Chair Thornton opened the meeting at 6:32 p.m.

The following were in attendance:

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

Absent:

DUE TO COVID-19, THE PUBLIC WILL NOT BE ABLE TO ATTEND THIS MEETING IN PERSON. PLEASE WATCH THE MEETING ON SPECTRUM 1301, OR GO ON-LINE TO WWW.OOBMAINE.COM AND CLICK ON "MEETING VIDEOS" AND WATCH THE MEETING LIVE, AND IT WILL BE ARCHIVED TO WATCH AT A FUTURE DATE.

To Submit Public Comment for Good and Welfare
and Public Hearings – e-mail your comments to:

Councilcomments@oobmaine.com,
up to and during the meeting
until the time of Good and Welfare
or of the Public Hearing.

GOOD AND WELFARE:

Town Manager and Selectmen,

In response to Covid19, on April 2, 2020 the Town of Old Orchard Beach was declared under a State of Emergency . The State of Maine has issued the Governors Four Stage "Reopen Maine" plan. This plan does not meet the unique needs of Old Orchard Beach putting the town in extreme risk. The Town is capable of delivering a safe, clean, properly disinfected environment for our guests. Our guests are capable of making their own decisions about what level of social distancing meets their own needs.

We business owners can help the Town's Selectman, Fire Chief and Town Manger. Business owners stand ready to work with the town developing economically viable and scientifically safe procedures to effectively manage our business and protect the town and its guests.

The Governors plan will cause Old Orchard Beach to suffer a catastrophic loss of business that will impact the Town's ability to deliver services for years to come. If the towns tax base collapses who will fund the social services that the marginalized and under privileged require to survive? How will we fund schools, police, fire and public works? Failure to act, and a loss of the tourism season, will bring economic devastation to OOB.

This week is critical. Consumers are making travel and vacation decisions now. Businesses are making decisions on opening now. These decisions will impact the town's ability to effectively manage and promote our plan. We must do three things immediately:

- (1) End the State of Emergency and return the town to local control.**
- (2.) Develop meaningful plans to address safety and business needs.**
- (3) Implement and message our plans to the market to be sure our tourist season is not lost.**

Time is of the essence. The Town should schedule an emergency public hearing to discuss the situation and impact of the various options. Residents and business owners must be able to voice our concerns. There must be vote on how the Town proceeds. These decisions should be made with full transparency and a vote of the Selectman. If Pizza and Fries can be open, the Town can hold a public meeting in person.

Respectfully, Peter Guidi

ACCEPTANCE OF MINUTES:

Town Council Minutes of April 21, 2020; Town Council Workshop Minutes of April 21, 2020; Town Council Workshop Minutes of April 23, 2020; Town Council Workshop Minutes of April 28, 2020; and Town Council Workshop Minutes of April 30, 2020.

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

VOTE: Unanimous.

PUBLIC HEARING: Shall We Amend Section 54-114, Milliken Street Parking Lot, and Section 54-115, Memorial Park Parking Lot, to match Section 54-154--no parking between the hours of 2 a.m. and 6 a.m. are in effect?

CHAIR: I open this Public Hearing at 6:39 p.m.

**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 May 5, 2020 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 54-114, Milliken Street parking lot and Section 54-115, Memorial Park parking lot, amending the overnight parking to coincide with Section 54-154, by adopting the underscored language as follows:

Sec. 54-114. - Milliken Street parking lot

- (a) No vehicle shall park in the Milliken Street parking lot without first obtaining a valid parking slip from a pay station or by obtaining a resident or non-resident parking permit from the town clerk. The parking slip shall be displayed on the dashboard of the vehicle for the allotted time that was paid for, and the valid parking slip obtained at the pay station in the Milliken Street parking lot shall be valid only for the Milliken Street parking lot. This section will be enforced between the Friday before Memorial Day and Labor Day, **except for sub-section (b), that is in effect year-round.**
- (b) No parking shall be allowed in this lot between the hours of 2:00 a.m. and 6:00 a.m. unless authorized by Town of OOB Police Department.
- (c) Any vehicle in violation of subsection (a) of this section, the owner or operator shall be subject to a fine as described in section 54-37, Penalty.
- (d) Any vehicle in violation of subsection (b) of this section, the owner or operator shall be subject to a fine as described in section 54-37, Penalty.
- (e) Parking fee to be determined by the chief of police or his/her authorized representative at not more than \$20.00 per day or an hourly rate of \$2.00 per hour.
- (f) The provisions of subsection (a) in this section shall not apply on legal federal holidays to any motor vehicle that has a valid license plate signifying that the vehicle is registered to a veteran of the United States Armed Forces or registered to a Gold Star family member of a veteran.

Sec. 54-115. - Memorial Park parking lot.

- (a) No vehicle shall park in the Memorial Park parking lot without first obtaining a valid parking slip from a pay station or by obtaining a resident parking permit from the town clerk. The parking slip shall be displayed on the dashboard of the vehicle for the allotted time that was paid for, and the valid parking slip obtained at the pay station in the Memorial Park parking lot shall be valid only for the Memorial Park parking lot. This ordinance will be enforced between the Friday before Memorial Day and Labor Day, **except sub-section (d), which is in effect year-round.**
- (b) Memorial Park parking lot will have two designated handicap spaces.
- (c) Memorial Park parking lot will have five free one-hour parking spaces for use of visitors to Memorial Park and the Dog park only.
- (d) No parking shall be allowed between the hours of 2:00 a.m. and 6:00 a.m. unless authorized by Town of OOB Police Department.
- (e) Any vehicle in violation of subsection (a) of this section, the owner or operator shall be subject to a fine as described in section 54-37, Penalty.
- (f) Any vehicle in violation of subsection (d) of this section, the owner or operator shall be subject to a fine as described in section 54-37, Penalty.
- (g) Any vehicle in violation of subsection (c) of this section, the owner or operator shall be subject to a fine as described in section 54-37, Penalty.
- (h) Parking fee to be determined by the chief of police or his/her authorized representative at not more than \$20.00 per day or an hourly rate of \$2.00 per hour.
- (i) The provisions of subsection (a) in this section shall not apply on legal federal holidays to any motor vehicle that has a valid license plate signifying that the vehicle is registered to a veteran of the United States Armed Forces or registered to a Gold Star family member of a veteran.

CHAIR: I close this Public Hearing at 6:42 p.m.

MOTION: Councilor Blow motioned and Councilor Tousignant seconded to open the Public Hearing at 6:42 p.m.

VOTE: Unanimous.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 6:42 p.m.

Alison Courtois (211-9-17A), 213 Saco Avenue, one year round rental.

MOTION: Councilor Kelley motioned and Councilor Blow seconded to open the Public Hearing at 6:43 p.m.

VOTE: Unanimous.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to close the Public Hearing at 6:43 p.m.

VOTE: Unanimous.

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

VOTE: Unanimous.

PUBLIC HEARING SPECIAL AMUSEMENT PERMIT AND APPROVAL:

CHAIR: I open this Public Hearing at 6:43 p.m.

David Cluff dba/Duffy's Tavern & Grill OOB (208-1-6), 168 Saco Avenue, Band, DJ for Weddings and Special Events – Inside – Noon to Midnight.

CHAIR: I close this Public Hearing at 6:43 p.m.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Approve the Amusement Permit as read.

VOTE: Unanimous.

TOWN MANAGER'S REPORT:

The Town Manager gave a report on the situation of the Virus within the community and the rules and procedures that have been adopted. He also read into the Minutes a letter received:

COVID-19 UPDATED PUBLIC NOTICE: MAY 4, 2020

Information Line 207-934-0860: The Town is staffing a non-emergency information line to assist you with questions regarding food assistance, housing or Town services during the COVID emergency. Town staff are available between 9:00am and 3:00pm Monday through Friday.

Emergency Declaration Revised and Extended: The Town's Emergency Declaration was revised and extended on May 1. View the revised Emergency Declaration [HERE](#).

Lodging Establishments and Campgrounds: The Town's revised Emergency Declaration does not address rules for lodging establishments, including motels, campgrounds and short-term rentals because Governor Mills this past week issued rules covering lodging establishments and campgrounds that are applicable to all Maine municipalities. Review the rules and guidelines regarding lodging establishments at the State's website [HERE](#).

Walking Beach only May 11 through May 31: The beach remains open for safe and appropriate use while practicing social distancing. However, for the period from May 11 through May 31 the beach will be available for moving activities only, meaning no sitting, sunbathing, or similar uses, with walking, running, swimming, surfing and similar uses allowed. The Town of Scarborough has also adopted this policy for Pine Point Beach. The "walking beach only" policy for a three-week period is being implemented because beaches in the remainder of York County, including Wells, Ogunquit and York remain closed. In addition, beaches in New Hampshire and in Massachusetts north of Boston are closed, as are all coastal state park beaches in Maine. Because Old Orchard Beach and Pine Point remain the only major ocean beaches open to public recreational use north of Boston, the Town is concerned about large crowds arriving if the weather turns warm or unseasonably warm as we get further into May and Memorial Day weekend. It is likely that warmer weather will bring more people to the beach, including people from throughout Southern Maine, New Hampshire and Massachusetts. For people with mobility limitations the Town has a limited supply of beach wheel chairs available for loan. Please contact 934-0860 for more information about use and availability.

To maintain, monitor, and oversee a beach that allows for large numbers of people with umbrellas, blankets, coolers, and chairs while ensuring social distancing and responsible use would require significant staffing resources that the Town does not have.

The Town has kept the beach open for safe recreational use throughout the COVID-19 emergency because it is a welcome haven for Town residents during this stressful time. The Governor's phased plan projects opening the state's coastal beaches in June and it is likely that the York County beaches that are currently closed will open when State beaches do. We ask that people be patient for a few weeks of a "walking beach" with the expectation that this restriction can be lifted once other Maine and New Hampshire beaches open.

Emergency Declaration: Takeout window food service now allowed in the Downtown District.

Takeout window food service is now allowed in the Downtown District, including Old Orchard Street, with a plan of service approved by the Town of Old Orchard Beach. A

business serving food through a take-out window or counter may do so while adhering to an approved plan that provides a means for customers to line up and be served while maintaining social distancing.

Emergency Declaration: Urging seasonal property owners to delay traveling to their OOB homes until at least June 1.

The Town is recommending, in the strongest possible terms, that owners of second homes or seasonal homes who are not currently in OOB, delay coming to visit or stay until at least June 1. If they owners do relocate to OOB prior to June 1 they are required to self-quarantine for at least 14 days.

Town Hall Closed to the Public: While Town Hall is closed to public access staff is continuing to work within the guidelines established by the Governor's executive order and is available to respond by telephone and email to requests for service, including vehicle registrations, building permits, business licenses, voting and vital records. The Town is developing a plan for a phased opening to the public of Town Hall. A list of Town Departments and contact information is available [HERE](#).

- The RSU 23 Old Orchard Beach public schools are closed. Information regarding RSU 23 is available [here](#).
- The Recreation Department is holding online programs called Distant Reccing. Distant Reccing [Packets](#) are sent home Fridays with the [Free Lunch Program](#) where you can find the upcoming weeks recipes to that you can be prepared with the ingredients.. The weekly schedule is:
 - **Motivational Mondays-** Get inspired to get outside, do some exercise, or practice mindfulness at the start of your busy week.
 - **Tyler Tuesdays (building program)-** build some cool projects with Tyler using Legos and other simple materials. ****If you do not have Legos available, please email us or call us and we will be sure to get you some!**
 - **Webber Time Wednesdays (cooking)-** Follow Jason and his family through a recipe or activity geared toward parents and kids working together
 - **Thursdays Crafty Time with the Dups!-** Nikki and her daughters are ready to host fun craft times each week for your families to try. If you do not have any arts supplies available please email us and we will be sure to get you some!
 - **Find Cerra Fridays-**Cerra is going to go around town, find a landmark, and is going to have you guess where she is!
 - The 50+ Club has [Masks 4 Community](#) for those interested in purchasing a mask for \$3 with the funds used to provide materials for the Distant Reccing program.
 - The Rec Staff are handling the calls coming in to the non-emergency

For ALL children 18 & Under

Free Meals!!

Breakfast & Lunch Provided at all Pick-up Locations!

RSU 23 Food & Nutrition Services is committed to providing the children of Old Orchard Beach meals throughout our closure.

All you need to do is show up- no questions asked!

Pick-Up Times & Locations

Loranger Memorial School
11:30am-12:30pm

Smithwheel Farms
11:30am-11:45am

Pinebrook Terrace Playground
11:50am-12:00pm

Memorial Park
12:00pm-12:15pm

Beaver Creek Condominiums
12:30pm-12:45pm

- Visitors to the Police Department will use the phone in the vestibule to speak with dispatch regarding the purpose of their visit.
- Visitors to the Fire Department will use the call for service button at the entrance.

As the Town Emergency Management team continues its work to respond to the evolving circumstances related to the COVID-19 pandemic we have identified four key priorities with regards to Town operations during this unparalleled situation:

1. The safety of our residents, especially the seniors in our community and those residents with underlying health issues which make them particularly vulnerable to illness.
2. The safety and well-being of our employees,
 - our first responders, so they can continue to serve and protect our community
 - our front-line employees who routinely interact with customers at the counter, in the field, or in program services
 - all employees as they carry out their job responsibilities on a daily basis.
3. Urging everyone to follow and practice at home and at work the healthy practices of regular and thorough hand washing, use of hand sanitizer, and frequent sanitizing of surfaces or objects that are commonly used by different people.
4. Implementing “social distancing” policies and practices as recommended by the U.S. Center for Disease Control (CDC). Social distancing involves limiting mass gatherings, not congregating in large groups, and maintaining distance from others to limit the ability of the virus to spread.

We recognize that this is an unprecedented occurrence that is evolving daily and we ask your patience and understanding as we all respond to this health crisis.

Town Council of OOB:

The state of emergency declared on April 2, 2020, by the town Manager and Fire Chief has and will devastate Old Orchard Beach beyond repair. Many businesses in Southern Maine have already gone bankrupt, due to the harsh, unconstitutional lock-down of the state, including many cities and towns. Our economy cannot and will not survive the extended shutdown that has been ordered. If people don't get back to work and open their businesses, the consequences will be far more devastating than the pandemic officials are fearing. Is this a valid reason for people to go bankrupt, descend into poverty, and abstain from human contact? Fear and policies barren of scientifically accurate data will obliterate the town and the state. Yes, more people coming into the state does pose a risk- however, Maine and OOB business owners are very capable of operating their businesses in a safe and effective manner. Look at all the big businesses that are open and exposed on a daily basis while implementing proper strategies.

In the past couple months we and many out-of-staters attend supermarkets, big retailers, liquor stores, and hard-ware stores- but not small businesses? Restaurants are only allowed curbside pickup- yet anyone can walk into a gas station touch anything and

walk up to the register? People can pull up less than 6 feet to a fast food takeout. Now, you can get your haircut with someone touching you. Federal and state government officials signing government legislation regarding the virus while not wearing masks, or social distancing but demanding everyone else does? Hotels and motels can only rent to essential workers (who are exposed to the general public more than anyone) and people who will be homeless. Some ideas I heard: half occupancy or 24 hours between stay overs? Please explain the science and logic behind this. The virus can be killed with disinfectant and/or soap and water in seconds. Half occupancy? So the wall between rooms is not enough? What about social distancing? Wearing masks? Not being able to sit on the beach, but you can walk or jog? Can you see the flawed logic in all this? Is this for the greater good? Poverty kills 850 thousand people per year. Homicides, suicides, and domestic disputes are on the rise in Maine. By following the Governors orders, FAR more harm will be done than good.

According to the “Emergency Declaration and Order” the state of Civil Emergency was declared by the Town Manager and Fire Chief. Why is there not a meeting held concerning these issues? Resident should be allowed to attend meeting virtually like most other towns. This should be a priority on the budget. Do 1 or 2 people determine the fate of our Town? I have heard of other towns able to rescind the Governors recommendations; Newport beach and Hamden to name a couple. A vast majority of other business owner agree we should establish a committee and have a crucial meeting to further discuss these matters. Can the town Manager, Fire Chief, The Chamber and City council have a meeting with its entrepreneurs to devise a plan that will allow us to open for business while establishing safety measures for our residents, customers, families and friends. Isn't it worth a shot to save businesses, families, and our economy from disaster? We are willing to sit down and develop guidelines for “Hotel Virus Control” and implement our “Bleach the Beach” program! Let's get excited and focus on effective solutions to keep people safe and function as a society once again.

Mike Rioux

Sandpiper Motel

I am a resident on 146 Ross Rd, and want to voice my concerns regarding this matter. First of all I am very disappointed a letter was never sent to me regarding this proposal. I found out from a neighbor who received it one day before the meeting. Is this standard procedure to have 24 hours' notice? Seems very unfair. Also, I am appalled that tax paying residents of this town are restricted from participating in a “public” meeting. Emailing messages prior and reading our comments is in no way a discussion, or the same as being in attendance whether virtually or in person. Residents are unable to respond appropriately to the evolving conversation concerning the subject matter of the various agendas and cannot comment or follow up with questions. Residing across the street from the proposed easement I will be directly impacted in various ways. Traffic, already heavy and traveled at high speeds, will vastly increase. This proposed intersection appears to be very dangerous, as it is already pulling out from our driveways. Headlights will be shining into my windows most of the year, with approximately 100 vehicles traveling in and out. Much of the trails and serene nature that I grew up hiking, exploring and picking blueberries will be destroyed, along with the beautiful wildlife. I moved here to enjoy the peaceful nature and wrongfully assumed the conservation land was protected. Most of the land to be gifted to the town appears to be un-developable swampland, and was also used as an illegal dump for many years. How is this of benefit to the town when most of the trails and nature/blueberries will be leveled? Obviously I am

opposed to any easement that will increase the size of this development. By declining the granting of this easement, we may be able to cut the amount of subdivisions in half. Please take our grievances seriously and consider the public good vs the developers profits. Increased residential development invariably leads to a higher student population. Studies have shown that residential development does not pay for itself. Tax revenue generated by the development will be outweighed by the additional cost required to educate the increased student population.

Sincerely,

Michael Rioux

The Town Manager also read a letter into the Minutes from the Town Attorney as it relates to the Governor's authority to declare a State of Emergency and the authority of the letter.

Attorney's Letter – Bernstein & Shur – Phil Saucier

I agree the Town cannot ignore the Governor's emergency orders. Under 37-B M.R.S. ch. 13 and 22 M.R.S. ch. 250 the Governor has authority to declare a state of emergency and issue any orders necessary to respond to the emergency. The authority is fairly broad and includes the authority to assume direct operational control over all or any party of the emergency management and public safety functions within the State, suspend the enforcement of any statute prescribing the procedures for conduct of state business, and take whatever action is necessary to abate, clean up or mitigate whatever danger may exist. Local emergency management agencies also have the duty to execute and enforce the orders and rules issued by the Governor under a state of emergency - and any laws, rules, and regulations that are inconsistent with an emergency order are suspended. 37-B M.R.S. §§ 829 & 834.

As a general matter Maine municipalities do have home rule power over local matters - unless denied expressly or by clear preemption. In my view the emergency management statutes and orders issued under that authority preempt municipal home rule to the extent a municipality has a charter, ordinance or proclamation that is inconsistent with a Governor's order.

I hope this is helpful, and please let me know if you have any other questions

NEW BUSINESS:

7209 Discussion with Action: Act on Warrant and Notice of Election calling a Regional School Unit No. 23 – Budget Validation Referendum on July 14, 2020.

MOTION: Councilor Blow motioned and Vice Chair Shawn O'Neill seconded to Act on Warrant and Notice of Election calling a Regional School Unit No. 23 – Budget Validation Referendum on July 14, 2020.

VOTE: Unanimous.

**WARRANT AND NOTICE OF ELECTION
CALLING REGIONAL SCHOOL UNIT NO. 23
BUDGET VALIDATION REFERENDUM
(20-A M.R.S. §1486)**

TO: Jamie Turcotte, a resident of Regional School Unit No. 23 composed of the Town of Old Orchard Beach, State of Maine.

In the name of the State of Maine, you are hereby ordered to serve upon the municipal clerk of Town of Old Orchard Beach, an attested copy of this warrant and notice of election. Service shall be in hand within three (3) days of the date of this warrant and notice of election. The municipal clerk of the Town of Old Orchard Beach shall immediately notify the municipal officers. The municipal officers shall meet forthwith and countersign this warrant and notice of election. The municipal officers shall provide below for the municipal clerk to post or have posted this warrant and notice of election.

**TOWN OF OLD ORCHARD BEACH
REGIONAL SCHOOL UNIT BUDGET VALIDATION REFERENDUM
WARRANT AND NOTICE OF ELECTION**

York County, ss.

State of Maine

TO: Kim McLaughlin, Town Clerk of Old Orchard Beach: You are hereby required in the name of the State of Maine to notify the voters of this municipality of the election described in this warrant and notice of election.

TO THE VOTERS OF OLD ORCHARD BEACH:

You are hereby notified that the Regional School Unit budget validation referendum election will be held at the Old Orchard Beach High School, 40 E. Emerson Cummings Blvd. in the Town of Old Orchard Beach on Tuesday, July 14, 2020. Only registered voters of the Town of Old Orchard Beach may vote at the budget validation referendum. The election will be held for the purpose of determining the following referendum question:

Question 1: Do you favor approving the Regional School Unit No. 23 budget for the upcoming school year that was adopted at the latest Regional School Unit budget meeting?

The polls must be opened at 8:00 a.m. and closed at 8:00 p.m.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

Given under our hand this day, April 16, 2020 at Old Orchard Beach, Maine.

John L. Flaherty
Lally W. Brantley
Walter D. Violette

[Signature]

A majority of the School Board of Regional School Unit No. 23

A true copy of the Warrant and Notice of Election, attest:

Jamie Turcotte
Jamie Turcotte, Resident
of Regional School Unit No. 23

Countersigned this _____ day of _____, 2020 at Old Orchard Beach, Maine.

A majority of the municipal officers of the Town of Old Orchard Beach

A true copy of the Warrant and Notice of Election, attest:

Kim McLaughlin, Town Clerk
Town of Old Orchard Beach

7210 Discussion with Action: Approve the conveyance to Mezoian Development LLC of a 50' wide easement on Town property located on Ross Road, Assessor's Map 107, Block 2, Lot 18, for the purpose of providing access from Ross Road to a proposed 34 lot subdivision, and accept from Mezoian Development LLC the conveyance to the Town of a 27+/- acre parcel of land, contiguous to the existing Town property; and to authorize the Town Manager to develop and execute the necessary deeds and documents associated with the same.

BACKGROUND: Background: Item 7210. Sumter Landing

Mezoian Development is proposing a 34 lot cluster subdivision of single family houses. The proposed development is located on Ross Road, adjacent to Town land. The area is generally known as Blueberry Plains. Although most of this area has been privately owned, public access for hiking and other passive recreational use has been allowed for many years. The Town owns an 8 acre parcel and a 4 acre parcel in this area that were acquired for non-payment of property taxes and are currently managed by the Conservation Commission.

A development of this size requires two connections to public streets. In order to achieve this the developer will need to obtain from the Town a 50' wide easement over Town property that would serve as an entrance to the subdivision. In consideration for the easement the developer is proposing to gift the Town approximately 27 acres of land that would be contiguous to the 8 acre Town property. This would significantly expand the size of the Town owned property available for public recreational use. In addition the property proposed to be gifted to the Town includes direct access to a portion of the Goosefare Brook, and also access to a stream that feeds into Goosefare Brook. There are existing walking trails on both the Town owned land and the 27 acre property that would be gifted to the Town.

The proposal is currently before the Planning Board for review.

We did receive indications of concerns from Daniel Nelson. "Based on the preliminary review I strongly object to this plan exchange. The right of way to be given is located on an extremely busy portion of Ross Road and an area known for excessive speed and will create an extremely dangerous intersection. Also the right-of-wy will create extreme nuisance for my property with the vast amount of headlights that will now shine in my front windows. This reduces the value of my property considerably. The "gift" to the Town of 27 acres is basically unbuildable swamp land and has no value to the Developer so they are not offering anything in fair exchange. Also most of that land has had many years of history of illegal dump activity so is probably contaminated soil as well. The Town property in this location was established as a Conservation Property by the Town with the intent to prevent this type of development and protect the Blueberry Fields. This owner of this property has known about these development issues for many years and the Town should not be giving away its precious resource to make the Developer rich and the Town poorer."

The following letter was sent to Shareholders:

Dear Property Owner:

The Town Council will be considering on Tuesday evening, May 5, whether to grant an easement to Mazoian Development to provide access from Ross Road to a 34 lot cluster

subdivision of single family houses. The proposed development is located on Ross Road, adjacent to existing Town land. The area is generally known as Blueberry Plains. While most of this area has been privately owned public access for hiking and other passive recreational use has been allowed for many the years. The Town owns an 8 acre parcel and a 4 acre parcel in this area that are managed by the Conservation Commission.

As proposed the development requires two connections to public streets. In order to achieve this the developer will need to obtain from the Town a 50' wide easement over Town property that would serve as an entrance to the subdivision. In consideration for the easement the developer is proposing to gift the Town approximately 27 acres of land that would be contiguous to the 8 acre Town property. This would significantly expand the size of the Town owned property available for public recreational use. In addition the property proposed to be gifted to the Town includes direct access to a portion of the Goosefare Brook, and also access to a stream that feeds into Goosefare Brook. There are existing walking trails on both the Town owned land and the 27 acre property that would be gifted to the Town.

The Council meeting will be a virtual meeting conducted on line. Starting time is 6:30, Tuesday, May 5. You can watch the meeting either on cable channel 1301 or by live stream on line at www.oobmaine.com. Click on Meeting Videos. To submit comments regarding this proposal please send an email to:

councilcomments@oobmaine.com

prior to or during the meeting. The proposed plan for the development, easement and land that would be transferred to the Town is enclosed. If the Council supports granting and easement the question must be approved by Town voters at a general election, probably in November.

Sincerely,

Larry S. Mead
Town Manager

There were a number of letters received from property owners including Durant & Janis Cole; huck10@maine.rr.com; Rob Rowell, Paul Zamjohn, and Dan and Irene Nelson.

“As residents of 136 Ross Road we oppose the proposed development for the Ford property on Road Road (MBL: 105-2-7) based on the following issues: Some of their comments including the fact that Ross Road is a narrow two-lane side road which is poorly maintained and has no shoulders or sidewalks. The Road is currently posted at the Cascade Road end with a five ton weight limit. This is not enforced by the Town. The overburdened Road cannot support increased traffic from new residents along with the current through traffic. The Road is already damaged with broken pavement and is being used as a cut-through by commercial trucks. The lack of sidewalks or shoulders makes it dangerous to walk on. The speed limit is also not being observed or enforced. The amount of development already occurring in the Town is in excess of demand. An example of this is the Eastern Trail Estates. At two years out only 10% have been sold. The market is peaking and demand will decline. Water mains will need to be brought in which will further damage the road. The Town needs to address the infrastructure issues before allowing this development to proceed. You are degrading the environment which draws people to the area. No one buys here wanting to live in a crowded suburb. Open space needs are being ignored. Building out every acre of land benefits no one but

developers. Please consider long term quality of life and the needs of taxpaying residents.” Durant and Janis Cole.

I recently purchased a house in Eastern Trail Estates and have a question regarding access between the 2 town parcels on the map. Could there be access between the 2 town areas that does not include Ross Rd or private property? would like to be able cross Ross Rd to town area(s) and have access to all trails. Paul Zamjohn

Needless to say I was quite dismayed to receive in the mail today notice of a Town Council meeting considering granting an easement to Mazolan Development to provide access to and from Ross Road to a 34 lot cluster subdivision of single family houses. One days notice does not seem like a lot of time to be apprised of this give away of unusable land. If this is due notice, and without public input at a hearing, does not give those affected much chance to ask questions. Therefore, I pose the following:

Question 1 - At what price point will these homes be marketed? Are they going to be cookie cutter homes? Will they all look alike?

Question 2 - How will water and sewer be obtained?

Question 3- How is the existing road going to be maintained while construction is going on as well as after?

Question 4 - The road is extremely narrow with no sidewalks - heavily travelled during the summer time. Will traffic be monitored for speeding? I foresee many accidents happening as one can hear car/trucks roaring up/down the road all the time.

Question 5- The proposed Solar Facility - where is that proposed "field" be in relation to this housing development?

Question 6 - Will the street be maintained by the town or is it private?

Question 7 - How long does the developer feel it will take to build these homes, sell the lots?

Question 8 - Will the land be clear cut like the earlier subdivision down the street on Ross Road? Eastern Trail Estates subdivision? This area does not have any curb appeal.

Question 9 - How much taxes is expected from these homes versus what the community will have to provide in protection, schools, infrastructure, police and fire, etc?

i

Question 10 - Whose idea was it to come up with 27 unusable acres and offset it with an access road?

Question 11 - Why did it take so long to notify neighbors of this - a one day notice is not sufficient for landowners to come up with concerns. As far as I know, most landowners received their notice today. I realize the envelope was postmarked on 5/1 and today is 5/4. Delivered to homeowners on 5/4 with a meeting scheduled on 5/5. No access in person by "neighbors".

I realize many of these questions are not relevant to the "giveaway" but I would like an answer to these questions. Thank you. Rob Rowell, 148 Ross Road

Dear OOB Town Council,

I just received notice this morning of your meeting tomorrow concerning the development on the Ross Road. As one of the landowners to be mostly impacted by this I am surprised by the lack of notice to this meeting.

Based on the preliminary review I strongly object to this plan exchange. The right of way to be given is located on an extremely busy portion of the Ross Road and an area known for excessive speed and will create an extremely dangerous intersection. Also the right of way will create extreme nuisance for my property with the vast amount of headlights that will now shine in my front windows. This reduces the value of my property considerably. The "gift" to the town of 27 acres is basically unbuildable swamp land and has no value to the developer so they are not offering anything in fair exchange. Also most of that land has had many years history of illegal dump activity so is probably contaminated soil as well. The town property in this location was established as a conservation property by the town with the intent to prevent this type of development and protect the Blueberry fields. The owner of this property has known about these development issues for many years and the town should not be giving away its precious resource to make the developer rich and the town much poorer.

Regards

Dan & Irene Nelson
144 Ross Road
OOB

Town councilors and town Manager:

Out of concern for the health and safety of the people of the State of Maine, Governor Mills issued an emergency declaration with all the protective measures that we have all been living with the past one month plus. These precautions were understandable in view of what was happening in New York and other hot spots around the country. However Maine, with our sparse population and our general adherence to the social distancing and stay at home directives, have been spared compared to other states. However we must strike a balance between health concerns and the devastating economic impacts the restrictions have had on individual workers and small businesses.

We, OOB business owners who depend on the very short summer tourist season for our living are facing an unprecedented challenge with restrictions as they now stand. Lodging owners must wait until June 1 to rent out our rooms, and then only to Maine residents, (approximately 5% of our business).

Out of state visitors will only be able to rent our rooms in July and August after a 14 day quarantine !! Might as well cancel the whole Summer ! A typical stay is 3 to 5 days and vary seldom over a week. The impact on our businesses will be severe. I doubt the town will reduce our property taxes nor the insurance companies adjust our premiums to reflect the financial hit we will take.

I will suggest to you that in the same spirit that we have adopted the restrictions in our daily lives so far, that we as responsible business owners, out of concern for ourselves, our employees and our guests health and safety can develop procedures to operate our establishments in a manner that will minimize risks to our health.

I therefore urge that the Town of OOB engage Governor Mills through our elected state officials and town management to ease the restrictive guidelines as presently constructed

adopt reasonable measures that will allow us to have a profitable summer. Thank you for your consideration,

Denis Rioux
Sandpiper Motel
Representatives

Town Council of OOB:

The state of emergency declared on April 2, 2020, by the town Manager and Fire Chief has and will devastate Old Orchard Beach beyond repair. Many businesses in Southern Maine have already gone bankrupt, due to the harsh, unconstitutional lock-down of the state, including many cities and towns. Our economy cannot and will not survive the extended shutdown that has been ordered. If people don't get back to work and open their businesses, the consequences will be far more devastating than the pandemic officials are fearing. Is this a valid reason for people to go bankrupt, descend into poverty, and abstain from human contact? Fear and policies barren of scientifically accurate data will obliterate the town and the state. Yes, more people coming into the state does pose a risk- however, Maine and OOB business owners are very capable of operating their businesses in a safe and effective manner. Look at all the big businesses that are open and exposed on a daily basis while implementing proper strategies. In the past couple months we and many out-of-staters attend supermarkets, big retailers, liquor stores, and hard-ware stores- but not small businesses? Restaurants are only allowed curbside pickup- yet anyone can walk into a gas station touch anything and walk up to the register? People can pull up less than 6 feet to a fast food takeout. Now, you can get your haircut with someone touching you. Federal and state government officials signing government legislation regarding the virus while not wearing masks, or social distancing but demanding everyone else does? Hotels and motels can only rent to essential workers (who are exposed to the general public more than anyone) and people who will be homeless. Some ideas I heard: half occupancy or 24 hours between stay overs? Please explain the science and logic behind this. The virus can be killed with disinfectant and/or soap and water in seconds. Half occupancy? So the wall between rooms is not enough? What about social distancing? Wearing masks? Not being able to sit on the beach, but you can walk or jog? Can you see the flawed logic in all this? Is this for the greater good? Poverty kills 850 thousand people per year. Homicides, suicides, and domestic disputes are on the rise in Maine. By following the Governors orders, FAR more harm will be done than good. According to the "Emergency Declaration and Order" the state of Civil Emergency was declared by the Town Manager and Fire Chief. Why is there not a meeting held concerning these issues? Resident should be allowed to attend meeting virtually like most other towns. This should be a priority on the budget. Do 1 or 2 people determine the fate of our Town? I have heard of other towns able to rescind the Governors recommendations; Newport beach and Hamden to name a couple. A vast majority of other business owner agree we should establish a committee and have a crucial meeting to further discuss these matters. Can the town Manager, Fire Chief, The Chamber and City council have a meeting with its entrepreneurs to devise a plan that will allow us to open for business while establishing safety measures for our residents, customers, families and friends. Isn't it worth a shot to save businesses, families, and our economy from disaster? We are willing to sit down and develop guidelines for "Hotel Virus Control" and implement our "Bleach the Beach" program! Let's get excited and focus on effective solutions to keep people safe and function as a society once again.

Mike Rioux - Sandpiper Motel

Louise Berthiaume <louiseaberthiaume@hotmail.com> sent an e-mail requesting that the Development not be approved. This is supposed to a conservation land why are you giving it to a developer. Do not do this our taxes are high enough. Bad enough nobody in town will be able to afford taxes with the pandemic.

To whom this may concern,

I would like to have a few questions answered about the easement deal you are discussing at tonight's meeting.

My wife and I bought a house last summer at 152 Ross road. We love every bit of it especially the privacy appeal. From the letter I received from another neighbor. "YOU, our town counsel left us out for some reason" shows that the town is going to gain significant land for right or a small easement. This is concerning, what's the catch? Who's really making out on this deal? What happens to the blue berry fields, what happens to the land directly across the street from us. Will you sell it off? Will you build housing? Develop it?

James and Kerri Crone
152 Ross Road

The Planner, Jeffery Hinderliter has also responded to the concerns. The concern was access between two town areas that does not include Ross Road or private property and would people be able to cross Ross Road to Town areas and have access to all the trails. The Planner responded that in regards to direct public road access and the location of the proposed subdivision the options are limited for the second access. For new subdivision, the Town subdivision ordinance requires a second access to a public road once the lot numbers meet or exceed 15. No matter where they propose the second access it would need to include a connection to a public road and the only feasible way to do this is to connect to Ross Road. Right now a majority of the land across the Ross Road from there is privately owned. One good thing with this proposal is it includes a gift of land to the Town, approximately 27 acres, that would free some of the large parcel up for the legal public access.

I just received notice this morning of your meeting tomorrow concerning the development on the Ross Road. As one of the landowners to be mostly impacted by this I am surprised by the lack of notice to this meeting. Based on the preliminary review I strongly object to this plan exchange. The right of way to be given is located on an extremely busy portion of the Ross Road and an area known for excessive speed and will create an extremely dangerous intersection. Also the right of way will create extreme nuisance for my property with the vast amount of headlights that will now shine in my front windows. This reduces the value of my property considerably. The "gift" to the town of 27 acres is basically unbuildable swamp land and has no value to the developer so they are not offering anything in fair exchange. Also most of that land has had many years history of illegal dump activity so is probably contaminated soil as well. The town property in this location was established as a conservation property by the town with the intent to prevent this type of development and protect the Blueberry fields. The owner of this property has known about these development issues for many years and the town should not be giving away its precious resource to make the developer rich and the town much poorer.

Regards
Dan & Irene Nelson 144 Ross Road OOB

I have just received my notice of the planned development and land giveaway on Ross Rd. Twenty four hours notice of a meeting that the citizens cannot even attend is totally inappropriate. I am wondering why I am being sold on the idea that the town should be giving away land in return other land that it does not appear that the developer could build on anyway due to wetlands and terrain. Sounds like a win for them but I fail to see any benefits to us residents of Ross Rd other than a vast increase in traffic on a road that is already too well traveled and falling apart. I also cannot comprehend on why the council would want to put additional burdens on our schools and facilities because you know they will just need to increase taxes to update existing infrastructure. I want to unequivocally voice my opposition to this plan. Unless the council themselves are benefiting in some manner there is no reason that this matter needs to be fast tracked. It would be appropriate to table it until such time a the residents can attends a proper meeting. Please excuse any misspelling and grammatical goofs. Not really enough time for a proof read. Regards

Rob Rowell
148 Ross Rd

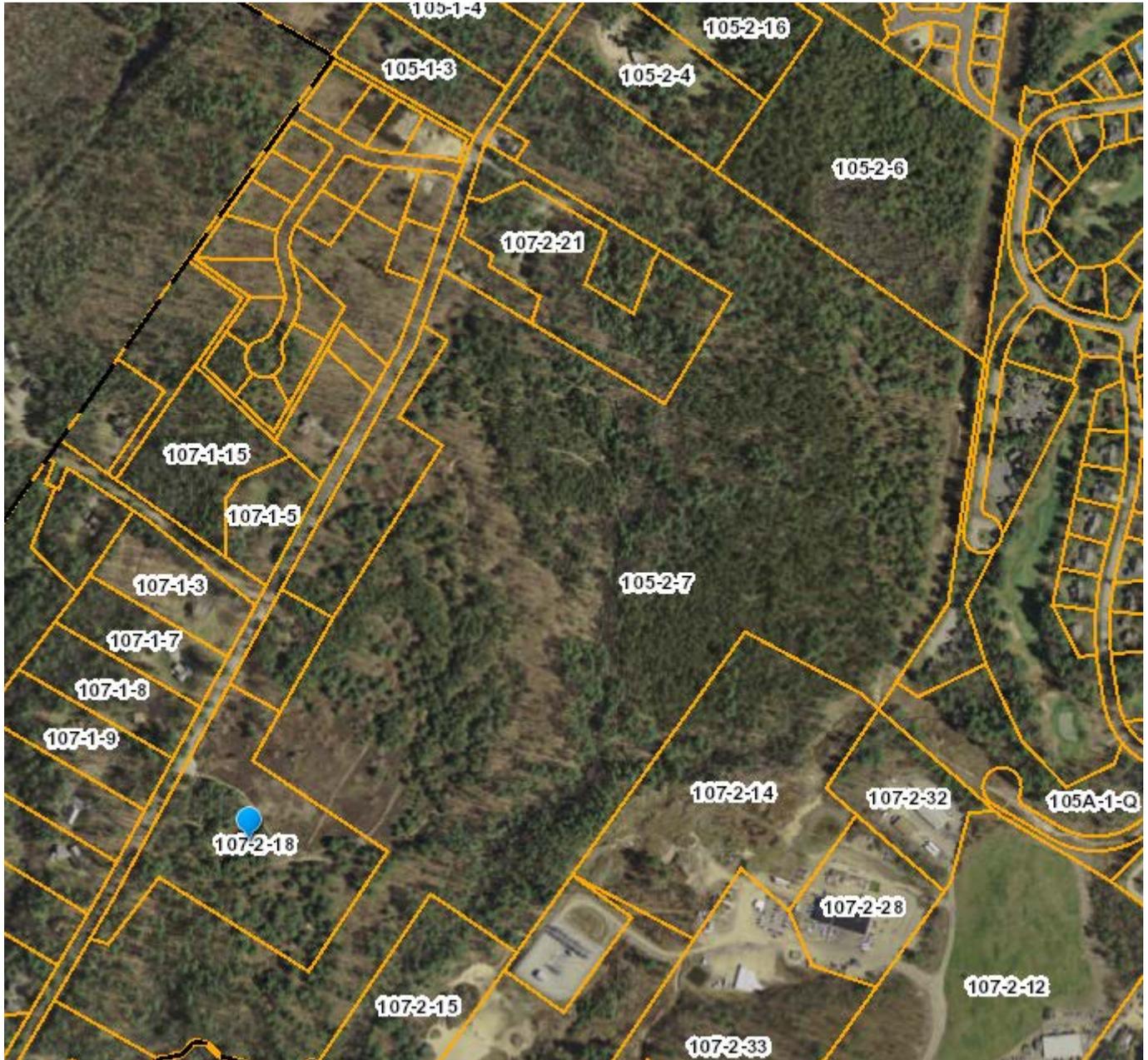
We received the following from you via the councilcomments email: "I recently purchased a house in Eastern Trail Estates and have a question regarding access between the 2 town parcels on the map. Could there be access between the 2 town areas that does not include Ross Rd or private property? would like to be able cross Ross Rd to town area(s) and have access to all trails."

Paul Zamjohn
Ross Road

A response from the Planner, Jeffrey Hinderliter:

In regards to direct public road access and the location of the proposed subdivision, the options are limited for the second access. For new subdivisions, the Town subdivision ordinance requires a second access to a public road once the lot numbers meet or exceed 15. No matter where they propose the second access it would need to include a connection to a public road and the only feasible way to do this is to connect to Ross Rd.

Right now a majority of the land across the Ross Rd from your home is privately owned. The large parcel identified as 105-2-7 on the map below where some of the trails are located is private property. One good thing with this proposal is it includes a gift of land to the town, approx. 27 acres, that would free some of the large parcel up for legal public access
MOTION: Councilor Kelley motioned and Vice Chair O'Neill seconded to Table to the May 19th meeting the conveyance to Mezoian Development LLC of a 50' wide easement on Town property located on Ross Road, Assessor's Map 107, Block 2, Lot 18, for the purpose of providing access from Ross Road to a proposed 34 lot subdivision, and accept from Mezoian Development LLC the conveyance to the Town of a 27+/- acre parcel of land, contiguous to the existing Town property; and to authorize the Town Manager to develop and execute the necessary deeds and documents associated with the same.



To whom this may concern,

I would like to have a few questions answered about the easement deal you are discussing at tonight's meeting.

My wife and I bought a house last summer at 152 Ross road. We love every bit of it especially the privacy appeal. From the letter I received from another neighbor. "YOU, our town counsel left us out for some reason" shows that the town is going to gain significant land for right or a small easement. This is concerning, what's the catch? Who's really making out on this deal? What happens to the blue berry fields, what happens to the land directly across the street from us. Will you sell it off? Will you build housing? Develop it?
James and Kerri Crone 152 Ross Road

MOTION: Councilor Blow motioned and Vice Chair O'Neill seconded to Table to the Town Council Meeting of May 19, 2020 the consideration of the conveyance to Mezoian Development LLC of a 50' wide easement on Town property located on Ross Road, Assessor's Map 107, Block 2, Lot 18, for the purpose of providing access from Ross Road to a proposed 34 lot subdivision, and accept from Mezoian Development LLC the conveyance to the Town of a 27+/- acre parcel of land, contiguous to the existing Town property; and to authorize the Town Manager to develop and execute the necessary deeds and documents associated with the same.

VOTE: Unanimous.

7211 Discussion with Action: Vote to Amend Council Order 2020-1B for the appropriation of CDBG funds previously approved on March 3, 2020, to change the Public Hearing and election dates.

BACKGROUND:

The purpose of Amended Council Order 2020-1B is because the June 9, 2020 Election has been postponed. The new date of the Election is July 14, 2020, and for this reason the dates listed in the original Council Order 2020-1B for the Public Hearing and Election will need to be Amended.

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Amend Council Order 2020-1B for the appropriation of CDBG funds previously approved on March 3, 2020, to change the Public Hearing and election dates.

VOTE: Unanimous.

7212 Discussion with Action: Approve the Liquor License Renewal for David Cluff dba/Duffy's Tavern & Grill OOB (208-1-6), 168 Saco Avenue, m-s-v in a Restaurant.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Approve the Liquor License Renewal for David Cluff dba/Duffy's Tavern & Grill OOB (208-1-6), 168 Saco Avenue, m-s-v in a Restaurant.

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Councilor Tousignant motioned and Councilor Blow seconded to Adjourn the Town Council Meeting at 7:24 p.m.

VOTE: Unanimous.

Respectfully Submitted,

**V. Louise Reid
Town Council Secretary**

I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of twenty-one (21) pages is a copy of the original Minutes of the Town Council Meeting of May 5, 2020.

V. Louise Reid

A Budget Workshop will follow the Town Council Meeting addressing Budget considerations for the Ballpark, Ballpark CIP and revisits.