



Town Council Meeting followed by Executive Session - Agenda
Tuesday, November 16th, 2021 @ 6:30pm*
Town Council Chambers
1 Portland Avenue

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PLEDGE OF ALLEGIANCE

ROLL CALL

ACKNOWLEDGEMENTS

GOOD & WELFARE

ACCEPTANCE OF MINUTES

Accept the meeting minutes of the Town Council Workshop and Regular Town Council Meeting with Executive Session from Tuesday, October 19th, 2021 and the Executive Session and Town Council Workshop from Wednesday, October 27th, 2021.

Chair: _____

PRESENTATIONS:

Legislative Sentiment – Old Orchard Beach Fire & Police Departments

Presented by: Senator Donna Bailey and Representative Lori Gramlich

Fire Department Appointments:

Firefighter EMT-P Alex Cirillo

Firefighter Paramedic Christopher Boynton

Firefighter/EMT-P Nicki Fowlie

Firefighter/EMT-A Travis Ramsey – recommendation to Paramedic Program at the United Training Center

PUBLIC HEARINGS

PH1: Shall the Municipal Officers of the Town of Old Orchard Beach amend the Code of Ordinances, Chapter 54, Traffic and Vehicles, Section 37, Penalty, to allow for towing after three violations?

Chair: _____

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Robert & Gisele Pagano, (314-5-1), 24 Central Avenue, 5 year round rentals.

Stephen & Laurie Caiazzo, (323-9-7), 28 Randall Avenue, 2 year round rentals.

Robert & Cynthia Gurry, (205-3-2), 17 Imperial Street, 6 year round rentals (6 units converted from seasonal to year round)

Paul Meade, (316-8-5), 12 Seacliff Avenue, 1 year round rental.

Le T. Vo: Pho OOB, LLC, (205-3-6-A), 40A Old Orchard Street, victualers w/prep w/beer, wine, and/or liquor

Peter Beyeler, (205-19-24-3), 2 Foote Street #3, 1 year round rental **and** (205-196-24-7), 2 Foote Street #7, 1 year round rental.

Marc & Michelle Boucher: MMB Properties, LLC, (318-8-6-54), 146 West Grand Avenue #54, 1 year round rental **and** (318-8-6-56), 146 West Grand Avenue #56, 1 year round rental.

Heather Stoddard, (314-12-2), 8 Somerset Avenue, 1 year round rental.

Michael Johnston, (315-21-7), 54 Union Avenue, 1 year round rental.

Caryl & Mark Sindoni, (318-8-6-30), 146 West Grand Avenue #30, 1 year round rental.

Chair: _____

PUBLIC HEARING – LIQUOR LICENSE & APPROVALS:

Le T. Vo: Pho OOB, LLC, (205-3-6-A), 40A Old Orchard Street, m-s-v in a restaurant/lounge
(Note: new license due to the change in LLC member and to restaurant/lounge)

Chair: _____

PUBLIC HEARING – SPECIAL AMUSEMENT & APPROVALS:

TPR, Inc. d/b/a Tequila Frogs Local Cantina, (306-5-3), 8 East Grand Avenue, inside & outside solo, duets, DJ from 12:00pm to 1:00am.

(Note: State liquor license has been extended to 10/24/2022, inspection will occur next spring upon that renewal.)

TPR, Inc. d/b/a Bull & Brew Winghouse, (306-5-2), 6 East Grand Avenue, inside solo, duets, DJ, bands from 12:00pm to 1:00am.

(Note: State liquor license has been extended to 10/24/2022, inspection will occur next spring upon that renewal.)

Patio Pub, Inc. d/b/a Hooligan’s Landing, (306-6-1-DD), 2 Old Orchard Street, inside solo, duets, DJ, comedy from 12:00pm to 1:00am.

(Note: State liquor license has been extended to 10/25/2022, inspection will occur next spring upon that renewal.)

Patio Pub, Inc. d/b/a Pier Patio Pub, (306-6-1-J), 2 Old Orchard Street, inside & outside solo, duets, DJ, comedy, bands, amp from 11:00am to 1:00am.

(Note: State liquor license has been extended to 10/24/2022, inspection will occur next spring upon that renewal. Business is under minor renovations.)

Dominator Golf, LLC d/b/a Dunegrass Golf Club, (105A-1-200), 65 Wild Dunes Way, inside & outside for weddings and golf tournaments from 4:00pm to 10:00pm.

(Note: this is a change from last year renewal of 2:00pm to 11:00pm.)

Chair: _____

TOWN MANAGER REPORT

NEW BUSINESS

#7548 Discussion with Action: Accept a grant award from the Firehouse Subs Public Safety Foundation Board of Directors for a John Deere Gator with Kimtek-Medlite Skid Unit with a value up to \$23,790.00.

#7549 Discussion with Action: Appoint Dimitri Baumann as Deputy Code Enforcement Officer/Field Inspector, term to expire 07/01/22.

#7550 Discussion with Action: Approve the liquor license renewals for the following:

Dominator Golf, LLC d/b/a Dunegrass Golf Club, (105A-1-200), 65 Wild Dunes Way, m-s-v in a restaurant & golf course and for the auxiliary license m-s-v golf course with a mobile service bar.

- #7551 Discussion with Action:** Approve the ratification of the Old Orchard Beach Wastewater Employees Association Contract, effective July 1, 2021 to June 30, 2024.
- #7552 Discussion with Action:** Approve the transfer of the forfeitable items of the Defendant in Rem, or any portion thereof, pursuant to 15 M.R.S.A., Section 5724(3) and Section 5826(6); and accept the seizure money (\$3,793.70 U.S. Currency) should it be awarded by the courts.
- #7553 Discussion with Action:** Amend the Code of Ordinances, Chapter 14, Animals, Section 14-1, Definitions and Section 14-6 -Animals on beach, public streets and sidewalks.
- #7554 Discussion with Action:** Amend the Town of Old Orchard Beach Code of Ordinances, Ch. 78, Art. VII, Div. 2, Sec. 78-1279. *This amendment proposes to adopt conditional use standards for Adult Use Marijuana Businesses.*
- #7555 Discussion with Action:** Amend the Town of Old Orchard Beach Code of Ordinances, Ch. 78, Art. VI, Div. 8, Sec. 78-803. *This amendment proposes to allow Adult Use Marijuana Stores on lots in the GB-1 Zoning District that have street frontage on Saco Ave and Ocean Park Rd.*
- #7556 Discussion with Action:** Amend the Town of Old Orchard Beach Code of Ordinances, Ch. 18, Art. XII, Secs. 18-604-608. *This amendment proposes to repeal the Retail Marijuana Establishments Ordinance.*
- #7557 Discussion with Action:** Amend the Town of Old Orchard Beach Code of Ordinances, Ch. 18, Art. XII, Secs. 18-604-622. *This amendment proposes to adopt an Adult Use Marijuana Business Licensing Ordinance.*
- #7558 Discussion with Action:** Amend the Town of Old Orchard Beach Code of Ordinances, Appendix A – Schedule of License, Permit and Application Fees, to adopt an Adult Use Marijuana Business License Application Fee and a Store Licensing Fee.
- #7559 Discussion with Action:** Consider a proposed Charter amendment to Article IV Town Council, Section 401-Qualifications; to be placed on the June 14th, 2022 ballot.

- #7560 Discussion with Action:** Consideration of a request from Dirigo Associates to accept title in fee simple and to accept and establish town ways those portions of Trudy Circle, Mason Way, and Pepsi Street, together with any storm water runoff systems, drainage easement areas and sewer pipes located therein or appurtenant thereto, sidewalks, electrical and gas utility infrastructure, lights, lighting facilities, and lampposts, together with the responsibility for trash removal, plowing, lighting and all responsibilities of a public road or way, as described in the Warranty Deed from Dirigo Associates, Inc. to the Town of Old Orchard Beach, Maine, dated _____, 2021.
- #7561 Discussion with Action:** Accept the quote from TK Equipment, LLC for the purchase of a Gravely Pro-Turn 672 35hp zero turn lawn mower with bagging system & mulch kit in the amount of \$17,089.75 from account # 51002-50912 Ballpark Equipment Expense with a balance of \$20,000.00.
- #7562 Discussion with Action:** Approve the Special Event Permit application for the Chamber of Commerce to hold their Celebration-by-the-Sea winter event, co-sponsored by the Town of Old Orchard Beach, within the community. Set-up and takedown from 12pm to 7pm and the event from 3pm-6pm in Memorial Park on Sunday, December 5th, 2021 to include a tree lighting in Memorial Park to also be held virtually. In addition, there will be a scavenger hunt during the two weeks prior to the event. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk at least two weeks prior to the event.
- #7563 Discussion with Action:** Approve the Special Event Permit application for Special Olympics to hold their annual Lobster Dip on Saturday, January 1st, 2022 from 9am to when the “Dip” takes place at noon; clean up by 2pm. Parking allowed on one side of West Grand Avenue; two police officers required. Applicant must confirm and coordinate with the OOB Fire Department the following: that the Major Medical Emergency Response Team will be available; Maine State Police Dive Team available; and availability of on duty crews transport-incident dependent. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided one month prior to the event.
- #7564 Discussion with Action:** Appoint Charles Backus as an alternate member of the Conservation Commission, term to expire 12/31/22.

- #7565 Discussion with Action:** Appoint Brian Perro as a regular member of the Zoning Board of Appeals, term to expire 12/31/2023.
- #7566 Discussion with Action:** Accept, with regret, the resignation of Linda Mailhot from the Planning Board; move Christopher Hitchcock from an alternate member to a regular member of the Planning Board, term to expire 12/31/22.
- #7567 Discussion with Action:** Award a one year contract to Passport, Inc. in the amount of \$5,200.00, from account # 20118-50350 Annual Appropriations & Subsidy Expense with a balance of \$150,000.00, for the purchase of the Passport Portal Operating System including Mobile Pay, Enforcement & Permitting
- #7568 Discussion with Action:** Approve the line-item transfer in the amount of \$25,000.00 from account # 20151-50108 Public Works Seasonal Labor Expense, with a balance of \$52,981.90, to account # 20151-50511 Grounds Maintenance & Improvement Expense, with a balance of (\$5,793.54).
- #7569 Discussion with Action:** Convey foreclosed property identified as Parcel Number 0105A-00001-00500 to owners of record BIRCH RIDGE LAND PARTNERS LLC, for the total amount of **\$8,018.50** in outstanding taxes and accumulated interest, due on the effective date of conveyance, including FY18, FY19, FY20, FY21 & FY22 taxes, plus any legal costs incurred by the Town of Old Orchard Beach.
- #7570 Discussion with Action:** Award the West Grand Reclaim Project contract to Shaw Brothers, in the amount of \$227,613.00 from account # 50002-50506 Road Maintenance & Improvement Expense with a balance of \$418,611.91, for the PACTS project between Pavia Avenue and Union Ave with an anticipated project completion date of June 10th, 2022.
- #7571 Discussion with Action:** Adopt the written policy to permit the disbursement of state fees when a disbursement warrant has been signed by one or more Town Councilors. This policy allows a designated Town Councilor acting on behalf of the full board of municipal officers to review, approve, and sign Municipal Treasurer's disbursement warrants for payment of State Fees only.

Chair: _____

ADJOURNMENT

EXECUTIVE SESSION

Executive Session pursuant to 1 M.R.S.A. Section 405 (6) (E), meeting with the Town's attorney concerning the Town's rights, duties and responsibilities related to pending or contemplated litigation matter.