



**Town of Old Orchard Beach**  
*Office of the Town Manager*

1 Portland Ave, Old Orchard Beach, Maine

Phone: 207.937.5626

Web: [www.oobmaine.com](http://www.oobmaine.com) or

[www.oobmaine.com/town-council](http://www.oobmaine.com/town-council)

## **Town Council Meeting Minutes**

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting is a copy of the original minutes from the meeting of the Old Orchard Beach Town Council.

Prepared By:

Tim Fleury

Approved By:

Old Orchard Beach Town Council

Respectfully  
Submitted,

Tim Fleury  
*Town Council*  
*Secretary*



# TOWN OF OLD ORCHARD BEACH

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# Regular Town Council Meeting Minutes

## *Tuesday, January 18<sup>th</sup>, 2022*

I, Jennifer Hayes, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of ten (10) pages is a copy of the original minutes from the regular meeting of the Old Orchard Beach Town Council held on Tuesday, 01.18.2022.

**Prepared by:** Jennifer Hayes  
**Approved by:** Old Orchard Beach Town Council  
**Approval Date:** 02.01.2022

Respectfully Submitted,

Jennifer Hayes  
*Town Council Secretary*



## **Regular Town Council Meeting Minutes**

**Tuesday, January 18<sup>th</sup>, 2022 @ 6:30pm\***

**Town Council Chambers**

**1 Portland Avenue**

*www.oobmaine.com/town-council*

*\*Members of the public wishing to view the meeting from home may tune into Local Access TV or by logging onto [https://townhallstreams.com/towns/oob\\_maine](https://townhallstreams.com/towns/oob_maine). FMI click on the Communications Tab @ [www.oobmaine.com](http://www.oobmaine.com).*

There was a regular meeting of the Old Orchard Beach Town Council held on Tuesday, January 18<sup>th</sup>, 2022. The Chair opened the meeting at 6:31pm. After the pledge of allegiance, roll was taken, and the following individuals were noted as present:

Shawn O'Neill – Chair

Kenny Blow – Vice Chair

Mike Tousignant – Councilor

V. Louise Reid – Councilor

Larry Mead – Councilor

Jen Hayes – Town Council Secretary

*Excused Absence Diana Asanza – Town Manager*

### **ACKNOWLEDGEMENTS**

Chair O'Neill gave a note of thanks to staff from WasteWater, Public Works, Police Department and Fire Department for their work during the past week's weather event.

### **GOOD & WELFARE**

Councilor Mead posed to Council a subcommittee to deal with appointments to commissions (e.g., Planning, ZBA, etc.) He shared that he would like a better assessment of the candidates prior to making appointments. Traditionally, once on a committee, individuals reapply and are difficult to remove. He suggested a four person review for applications. Furthermore, he suggested two members from Council, Town Manger and a staff member to the department to which the applicant would be impacting.

## **ACCEPTANCE OF MINUTES**

Accept the minutes for the Regular Meeting of Town Council on Tuesday, January 4th, 2022.

**Motioned to accept by:** Councilor Tousignant

**Seconded by:** Councilor Reid

**Vote:** 5-0

## **PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:**

Allan & Tiffany Buotte: Bill's Pizza, Inc. (306-5-1-B), 12 Old Orchard Street, victualers with prep, no alcohol.

Greg Souza, (206-9-7-3), 88 Saco Avenue Unit #3, one year round rental.

Diana Nelson: Black Fly Coastal Property, LLC, (206-27-5-6), 5 Sunset Avenue #6, one year round rental.

*Chair opened the Public Hearing @ 6:36pm*

**Motioned to Approve by:** Vice Chair Blow

**Seconded by:** Councilor Reid

**Vote:** 5-0

*Chair closed the Public Hearing @ 6:37pm*

## **TOWN MANAGER REPORT**

Recognizing the excused absence of Town Manager, Chair O'Neill stated that a Manager's report would be held off until next Council meeting.

## **NEW BUSINESS**

### **Agenda Item #7604**

**Discussion with Action:** Accept the Byrne Justice Assistance Grant (JAG) in the amount of \$7,419.00 for account #30192-40324 Byrne Justice Grant Revenue.

#### **Background:**

As read by Chair O'Neill: The York County Byrne JAG FY19 subgrant was approved in December, 2021. The Old Orchard Beach Police Department will be managing the subgrant for the surrounding communities listed in the Memorandum of Understanding, along with the award issued to the Town. The monies from the grant will be used to purchase thermal imaging equipment and challenge coins.

**Motioned to accept by:** Vice Chair Blow

**Seconded by:** Councilor Mead

**Vote:** 5-0

### **Agenda Item #7605**

**Discussion with Action:** Set the Public Hearing date of February 1<sup>st</sup>, 2022 to amend the Code of Ordinances, Chapter 54, Traffic and Vehicles, Sections 54-38, Waiver of court action for parking violations; Section 54-114, Milliken Street parking lot; Section 54-115, Memorial Park parking lot; Section 54-142, Parking at expired meters and overtime parking; 54-160, Motorcycles; and Section 54-187, Restrictions and Prohibitions by changing the end date for meters/stations/permits from Indigenous People's Day to September 30<sup>th</sup>, an administrative update to incorporate the State's Statute regarding court action for parking violations, and an administrative update to incorporate the new parking app program.

**Background:**

**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 January 17<sup>th</sup>, 2022 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, Sections 54-38, Waiver of court action for parking violations; Section 54-114, Milliken Street parking lot; Section 54-115, Memorial Park parking lot; Section 54-142, Parking at expired meters and overtime parking; 54-160, Motorcycles; and Section 54-187, Restrictions and prohibitions; by deleting the crossed through language and adopting the underscored language as follows:

**Sec. 54-38. Waiver of court action for parking violations.**

The municipal officers may by resolution establish a method by which persons charged with the violation of parking regulations may waive all court action by payment of specified fees within stated periods of time as provided in 90-A M.R.S.A. § 3(111)(A) 30-A M.R.S.A. §3009.

**Sec. 54-114. Milliken Street parking lot**

- (a) No vehicle shall park in the Milliken Street parking lot without first paying for parking at a paystation, pay by app, ~~obtaining a valid parking slip from a pay station,~~ or by obtaining a resident or non-resident parking permit from the town clerk. If paying by pay station, ~~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. The vehicle license plate number must match the plate number entered on the app or paystation This section will be enforced between May 1<sup>st</sup> through September 30<sup>th</sup> ~~the Friday before Memorial Day and Labor Day,~~ except for subsection (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 shall be an hourly rate of \$2.00 per hour, as per the Schedule of License, Permit and Application Fees.
- (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,~~ paying for parking at a paystation, pay by app, or by obtaining a resident parking permit from the town clerk. If

paying by pay station, tThe 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. The vehicle license plate number must match the plate number entered on the app for the time entered on the app or paystation. This ordinance will be enforced between the Friday before Memorial Day and Labor Day, May 1<sup>st</sup> through September 30<sup>th</sup> except for subsection (d), that 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, as per the Schedule of License, Permit and Application Fees.
- (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.

### **Sec. 54-142. Parking at expired meters and overtime parking.**

- (a) Parking of vehicles in parking spaces; (a) Single space meter. Except as provided herein, where a parking meter has been installed, every person shall park a vehicle, or motorcycle, adjacent to the curb and either immediately in front of or behind a single space meter and shall deposit the required amount of United States money in the meter or obtain and properly display a receipt issued by a multi-space meter, or pay by parking app.. (b) Multi-space meter. Except as provided herein, where a multi-space meter has been installed, every person shall park a vehicle adjacent to the curb and in a space controlled by a multispace meter or in a space controlled by a single meter and shall deposit the required amount of payment for the time the person intends to park, or pay by the parking app, up to the maximum time limit available. The foregoing shall apply from 10:00 a.m. to 11:00 p.m. from May 1<sup>st</sup> through September 30<sup>th</sup> the Friday before Memorial Day to Labor Day of each year.
- (b) No person shall park or stand any vehicle other than a motorcycle at or in a metered parking space which is designated by a sign or by notice posted on or near the parking meter as restricted to parking of motorcycles only.
- (c) It shall be unlawful for any person to cause, allow or permit any vehicle registered in the name of or operated by such person to:
  - (1) Be parked in any parking space where a single space parking meter is installed unless a deposit of the coin or coins indicated by the single space meter is made as herein provided, except that, in the event a single space parking meter indicates that unused time has been left in the meter by a previous occupant of the parking space, any such person shall not be required to deposit any such coin or coins so long as his or her occupancy of the space does not exceed the indicated unused parking time; or
  - (2) Remain in a parking space controlled by a multi-space parking meter or single space meter without displaying a valid receipt while so parked, paying for parking through the parking app beyond the allowed paid

~~time, without displaying the receipt on the dashboard in such a manner as to be clearly visible and face up, showing the date and time available to park on the receipt;~~

- (3) Remain in a parking space beyond the period of legal parking time established for such parking space as provided in the traffic ordinance, or to deposit in the adjacent single-space parking meter or a multi-space meter any payment for the purpose of parking beyond the maximum legal parking time designated by the parking meter or multi-space meter ("prolonged parking" or "feeding the meter");
- (4) Remain in any parking space adjacent to any single-space parking meter or multi-space meter while the meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the maximum legal parking time designated for such parking space. ~~or the receipt has expired;~~
- ~~(5) Remain or be placed in any parking space controlled by a multi-space meter while failing to display a valid multi-space meter timed receipt for such parking, or displaying a receipt indicating that the vehicle occupying such parking space has already been parked beyond the maximum legal parking time designated for such parking space;~~
- ~~(6) (5) Be parked across any line or marking of a parking space or in such position that the vehicle shall not be entirely within the limits of the parking space or such that the parked vehicle otherwise impedes or obstructs the flow of traffic; the minimum fine for a violation of this section shall be \$50.00;~~
- ~~(7) (6) Deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions herein; to deposit or cause to be deposited in any parking meter any slug, device, metallic substance or any other substitute for a coin of the United States.~~

In the event of a violation of the provisions of subsections (c)(1)—(7) above, the fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered, and the fact that a vehicle is in a metered parking space when the time signal on the parking meter for such space indicates no parking permitted without the deposit of United States money or when the vehicle is parked longer than the parking app is approved for. ~~a coin or coins, or when the receipt from a multi-space meter has expired or no receipt is properly displayed, shall also be prima facie evidence that the vehicle has been parked in the parking space longer than the lawfully permitted period.~~

The provisions of subsection (a) and (c)(1)—(5) 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. 54-160. Motorcycles.**

- (a) Spaces shall be designated by suitable signs and marked for motorcycle parking.
- (b) This section shall be effective from ~~May 15 to October 15~~ May 1<sup>st</sup> through September 30<sup>th</sup>.

### **Sec. 54-187. Restrictions and prohibitions.**

*Town Hall.* Upper lot and lower lot parking areas shall be limited to Town Hall business, Monday, Wednesday, Thursday and Friday from 8:00 a.m. to 4:00 p.m. and Tuesdays until 6:00 p.m. After Town Hall business hours, the lower lot parking area, the adjacent town-owned parking lot located at Veteran's Square (19 Imperial St. MBL: 205-3-3) and the upper lot parking area shall be limited to Town Hall business only, paid parking or by town-issued permit. The lower lot parking area, and the adjacent town-owned parking lot located at Veteran's Square (19 Imperial St. MBL: 205-3-3) will also be for paid parking after hours. The police chief or his designee has the right to reserve spaces for meetings being held at Town Hall. Parking restrictions during Town Hall business hours are in effect year round. Parking restrictions after Town Hall business hours are in effect ~~the Friday before Memorial Day until Labor Day~~ May 1<sup>st</sup> through September 30<sup>th</sup>. For paid parking, the parking fee ~~shall be an hourly rate as per the Schedule of License, Permit and Application Fees. is 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.~~

*Veteran's Square.* This refers to the area which runs from Old Orchard Street to Imperial Street. There shall be no entrance onto Veteran's Square from Old Orchard Street, and a right-hand turn only shall be permitted from



Veteran's Square onto Old Orchard Street. Parking shall be limited to Town Hall business only, Monday, Wednesday, Thursday and Friday from 8:00 a.m. to 4:00 p.m. and Tuesdays until 6:00 p.m. All other times shall be limited to Town Hall business, paid parking or by town-issued permit. The police chief or his designee has the right to reserve spaces for meetings being held at Town Hall. Parking restrictions during Town Hall business hours are in effect year round. Parking restrictions after Town Hall business hours are in effect ~~the Friday before Memorial Day until Labor Day, May 1<sup>st</sup> through September 30<sup>th</sup>~~. For paid parking, the parking fee shall be an hourly rate as per ~~the Schedule of License, Permit and Application Fees, is 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.~~

Per Order of the Municipal Officers this 18<sup>th</sup> of January, 2022.

A True Copy

Attest:

Kim M. McLaughlin, Town Clerk

**Motioned to set the date of February 1<sup>st</sup>, 2022:** Councilor Mead

**Seconded by:** Councilor Reid

**Vote:** 5-0

#### **Agenda Item #7606**

**Discussion with Action:** Grant Blanket Letter of Approval for Beano/Bingo to the C. Fayette Staples Post 57, American Legion, 14 Imperial Street, to expire 12/31/2023.

#### **Background:**

Application is on file at Town Clerk's Office

**Motioned to grant blanket letter of approval:** Councilor Blow

**Seconded by:** Councilor Tousignant

**Vote:** 5-0

### **Agenda Item #7607**

**Discussion with Action:** Appoint Sam Dupuis as an alternate member of the Planning Board, term to expire 12/31/22.

**Background:**

Application on file with Town Clerk's Office. Councilor Mead requested that Council table until next scheduled meeting so consideration regarding the subcommittee, requested during Good&Welfare, will be given to the application.

**Motioned to Table Agenda Item:** Councilor Mead

**Seconded by:** Vice-Chair Blow

**Vote:** 5-0

### **Agenda Item #7608**

**Discussion with Action:** Re-appoint Donald Comoletti as a regular member of the Design Review Committee, term to expire 12/31/23; re-appoint Kimbark Smith as a regular member of the Conservation Commission, term to expire 12/31/2024; re-appoint Jean Leclerc and Winthrop Winch as regular members of the Comprehensive Plan Committee, terms to expire 12/31/23.

**Background:**

Applications are on file with Town Clerk's Office.

**Motioned to Re-Appoint by:** Councilor Tousignant

**Seconded by:** Councilor Mead

**Vote:** 5-0

### **Agenda Item #7609**

**Discussion with Action:** Consider the amendment of the previous consent agreement between the Town of Old Orchard Beach and the Harrisburg Group, LLC granting a revocable license to continue locating the structures and equipment owned by Harrisburg Group, LLC on the Town's property (Map 307, Block 3, Lot 4).

**Motioned to Table Agenda Item:** Councilor Blow

**Seconded by:** Councilor Tousignant

**Vote:** 5-0

### **Agenda Item #7610**

**Discussion with Action:** Approve the repairs by IRA Ford Saco to the Department of Public Work's 2017 Ford F-550 (Truck 5) in the amount of \$9,069.21 from account #50501-50452 Public Works Vehicle Repair Expense, with a balance of \$64,554.12, for two new exhaust manifolds, all gaskets, studs, & one front pinion seal, including labor.

**Motioned to Approve by:** Councilor Mead

**Seconded by:** Vice-Chair Blow

**Vote:** 5-0

### **ADJOURNMENT**

**Motioned to Adjourn by:** Councilor Tousignant

**Seconded by:** Vice-Chair Blow

**Vote:** 5-0

*The regular meeting of the Old Orchard Beach Town Council adjourned @ 6:41 pm on Tuesday, January 18<sup>th</sup>, 2022.*