



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 or

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
Office of the Town Manager

1 Portland Ave, Old Orchard Beach, Maine
Phone: 207.937.5626 Web: www.oobmaine.com

Regular Town Council Meeting Minutes
Tuesday, February 1st, 2022

I, Jennifer Hayes, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of twenty pages (20) pages is a copy of the original Meeting Minutes of the Regular Town Council Meeting Tuesday, 02.01.2022.

Prepared by: Jennifer Hayes
Approved by: Old Orchard Beach Town Council
Approval Date: 02.15.2022

Respectfully Submitted,

Jennifer Hayes
Town Council Secretary



Regular Town Council Meeting Minutes
Tuesday, February 1st, 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. FMI click on the Communications Tab @ www.oobmaine.com.*

There was a regular meeting of the Old Orchard Beach Town Council on Tuesday, February 1st, 2022. After the pledge of allegiance, roll call was taken, and the following individuals present:

ROLL CALL

Shawn O'Neill – Chair
V. Louise Reid – Councilor
Larry Mead – Councilor

Diana Asanza -Town Manager
Jen Hayes - Council Secretary

Excused Absence: Kenny Blow – Vice Chair
Excused Absence: Mike Tousignant - Councilor

ACKNOWLEDGEMENTS

GOOD & WELFARE

PRESENTATIONS:

Fire Department – Promotional Ceremony

ACCEPTANCE OF MINUTES

Accept the minutes for the Regular Meeting of Town Council on Tuesday, January 18th, 2022.

Motioned to Accept by: Councilor Mead

Seconded by: Councilor Reid

Vote: 3-0



Old Orchard Beach Fire Department
Office of the Chief

COMMUNICATION

Effective on January 9, 2022 Lieutenant Zachary Apgar is promoted to the rank of Fire Captain.

Captain Zachary Apgar will be assigned to B shift.

Issued by:

By: Fred LaMontagne, Fire Chief

Issued: January 7, 2022



Old Orchard Beach Fire Department
Office of the Chief

COMMUNICATION

Effective on January 9, 2022 Fire Fighter EMT-P Corey Pelletier is promoted to the rank of Lieutenant EMT-P.

Lieutenant Corey Pelletier will be assigned to C shift.

Issued by:

By: Fred LaMontagne, Fire Chief
Issued: January 7, 2022



Old Orchard Beach Fire Department
Office of the Chief

COMMUNICATION

Effective on January 9, 2022 Fire Fighter EMT-P Mario Byram is promoted to the rank of Lieutenant EMT-P.

Lieutenant Mario Byram will be assigned to A shift.

Issued by:

By: Fred LaMontagne, Fire Chief
Issued: January 7, 2022

PUBLIC HEARING – ORDINANCE AMENDMENT:

Shall the Old Orchard Beach Town Council 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 30th, 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:

See attached Public Hearing Notice

Chair opened the Public Hearing @ 6:46pm

No comments offered by members of the public or Council.

Chair closed the Public Hearing @ 6:49pm

PUBLIC HEARING – BUSINESS LICENSE & APPROVAL:

Mary Ann & Kevin Beaulieu, (208-1-9-17), T&T Leasing, LLC, 5 Trinity Way, one year round rental.

Corey McDonald, (211-14-6), 188 Saco Avenue, 3 year round rentals.

Michele Trahan: Trahan Apartments-Biddeford, LLC, (315-8-1), 3-5 Seaview Avenue, 4 year round rentals.

Tien DoBui, (403-3-11), 21 Garden Street, one year round rental.

Chair opened the meeting @ 6:49pm

Discussion:

Councilor Mead – requested tabling all four business applications due to the intent of Council to consider a moratorium of short term rentals. Questioned if these four rentals would be doing short term rentals; the discovery is that the Town business application does not ask if these are intended for short term

rentals.

Chair O'Neill- questioned (and was confirmed) that these four licenses were new applicants.

Town Manager Asanza – the applicants have met the standards currently in place thru the Town's ordinances. The workshop is scheduled for February 17th in terms of seasonal licenses.

Chair O'Neill – stated he did not want to hold up applicants because of no current ask on the Town's application.

Councilor Mead – would be fine to take action for these applicants at the Council Workshop. It may be that these properties engaged in short term rentals with previous owners, of which, would not have an issue with continuing with rentals. Councilor Mead's biggest concern was the unit situated on Garden Street, due to it being a single family residence.

Chair O'Neill shared that he would be comfortable to approve with conditions.

Chief Lamontagne – raised the notion that currently the Town licenses seasonal or year rounds. Our ordinance does not define short term rentals. What is the definition to quantify? There is also the missing parameter of how the Town would enforce. Chief Lamontagne requested that more guidance for staff be given to define what a short term rental is as the ordinance does not define this opportunity. The ordinance does not restrict year round rentals in how the owner prefers to use the rental opportunity – there is total flexibility.

Councilor Mead – appreciated what Chief LaMontagne and the Chair stated. Councilor Mead reinforced that he would be willing to approve with conditions of no approval of less than 30 days.

Code Enforcement Officer Jim Butler – provided history of the properties; 5 Trinity Way – new development, intention to rent yearly. 3-5 Seaview are long term apartment rentals. Unsure of Garden Street intention of rental. Concerned with conditions. CEO Butler stated it would be difficult to enforce at present with what is currently within the ordinance. Would caution how these applicants would approach these licenses.

Chair O'Neill – stated he felt the discussion was very immature. Definitions and regulations needed for short term rentals are not in the ordinance. Chair stated he would like to entertain a 90 day rental with nothing less than 30 day.

CEO Jim Butler – acknowledged the offer of conditions. CEO Butler went on to explain that in standing in the shoes of the tenant the ripple effect could include legal action from the tenants, seeing as all the steps that were clearly defined were originally signed off.

Chief Lamontagne – proposed an inverse solution. He suggested issuing a long term license that expires in 60 or 90 days; with the exception of, if the applicants can provide a long term rental document (i.e., lease) to Code Enforcement.

Chair O'Neill – requested Council approve the four licenses and acknowledged what Councilor Mead had offered.

There was a withdraw of motion on the floor to approve licenses with conditions by Councilor Mead.

Councilor Mead worked through the process of approving three of the licenses with the request that the Chair consider Garden Street be taken out and tabled.

Motioned to separate out Garden Street and approve the other three licenses as year round with no conditions by: Councilor Mead

Seconded by: Councilor Reid

Vote: 3-0

Chair O'Neill called for a motion to table the Garden Street rental.

Motioned by: Councilor Mead

Seconded by: Councilor Read

Vote: 3-0

Chair O'Neill charged Code Enforcement Officer Butler to make contact with the owner of Garden Street to define the intent of the year round rental.

Chair closed the Public Hearing @ 7:10pm



Town of Old Orchard Beach

Town Manager
OOB Town Hall
1 Portland Avenue
OOB, ME 04064

Diana H. Asanza
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Fax: (207) 937-5728
Email: dasanza@oobmaine.com

February 1, 2022

Town Manager's Report February 1, 2022

FY 2023 Budget Development: I have been working with Jordan Miles, Finance Director on the FY 23 operating budget and capital improvements plan. We have a lot of work ahead of us to prepare for the presentation scheduled for March 15, 2022. We will also begin Finance Committee meetings next week at the Police Department Community Room.

Fire Department: I would like to also congratulate the well-deserved promotions of our firefighters tonight and I wish them the best of luck in their new positions. They will continue to make a positive impact to the Fire department and the community. I also wanted to provide an update on the new ambulance that was purchased last year and currently being built. The estimated delivery date is May and hope to have it in service before the busy summer season. I also received word from USDA on the \$50,000 grant which we should receive very soon. As you recall this grant will offset the cost of the new equipment for the ambulance like the power lift, and stretcher. Again, congratulations to the Fire Department and their effort.

Community Resiliency Program: The Town has a grant opportunity that I am looking into where we will partner with SMPDC for a Community Resiliency Partnership that will greatly help to understand, identify, and prioritize projects that will increase Old Orchard Beach's resilience to natural hazards and climate change impacts. If the grant is received the objectives that we will work together on are enrollment in the Community Resilience Program which then allow the Town to apply for other grants for future climate and energy projects. As I learn more on this opportunity I will follow up with Council.

Seasonal workforce recruitment: The Human Resources Director, Fran Beaulieu has started recruitment efforts for seasonal workforce including

Police Reserves, Parking Enforcement, Lifeguards, Fire Per Diem employees, Public Works, Wastewater, and beach maintenance seasonal labor. We anticipate another difficult year attracting seasonal labor which is why we start in January. There are a lot of great opportunities for a summer job to gain useful municipal experience and if anyone is interested, please go to the Town website for more information or you may contact Fran Beaulieu at 937-5632.

Tax Office Schedule: The Tax Office will remain on a limited schedule of opening at noon Monday, Wednesday, Thursday and Friday and Tuesday it will be open for normal business hours of 8 am – 6 pm, however we continue to look for temporary help to offset the staffing shortage. I thank the public for their patience and appreciate their understanding as we work through the staffing shortage.

Biddeford Saco Old Orchard Beach Transit Service Route Update: We received notice today that there are route changes coming to the Biddeford Saco Old Orchard Beach Transit service routes starting February 6th. They are making these adjustments to improve route and stop consistency and reliability. These changes will involve #54 Saco-Biddeford Circulator route and select UNE trips, and #60 Saco – Old Orchard Beach – Portland Route. Please visit the BSOOB website at BSOOB Transit. Org for more details as well as the Town’s website and social media pages.

Sincerely,

Diana H. Asanza

TABLED ITEMS:

#7607 Discussion with Action: Appoint Sam Dupuis as an alternate member of the Planning Board, term to expire 12/31/22.

Background:

This item was brought forth to Council at the January 4th & January 18th, 2022 meetings. Initially, Mr. Dupuis applied for the Zoning Board of Appeals but requested a change in application to the Planning Board. Council removed the Zoning Board of Appeals application without prejudice at the January 4th meeting. At the January 18th meeting, Council tabled the item for future discussion until a decision regarding a subcommittee to review applications could be established.

Motioned to Appoint by: Councilor Mead

Seconded by: Councilor Reid

Vote: 3-0

#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).

Background:

This item was tabled at the January 18th, 2022 Council Meeting for additional review.

Discussion:

Chair O'Neill entertained a motion to table as applicant is not available this evening.

Motioned to Table by: Councilor Mead

Seconded by: Councilor Reid

Vote: 3-0

NEW BUSINESS:

Agenda Item #7611

Discussion with Action: Approve the Special Event Permit application for the Town of Old Orchard Beach to hold the annual Memorial Day Parade to honor our country's veterans. The parade will be on Monday, May 30th, 2022 from 1:00p.m. to approximately 3:00p.m with an anticipated parade start at the Ball Park, traveling down Saco Ave, to Old Orchard Street, followed by First Street with an end at Memorial Park. Organizers will be expected to meet any health guidelines in effect at the time of the event as it relates to COVID-19.

Background:

The application is on file at Town Clerk's Office.

Motioned to Approve by: Councilor Reid

Seconded by: Councilor Mead

Vote: 3-0

Agenda Item #7612

Discussion with Action: Set the date of February 15, 2022 for a Public Hearing to Consider an Amendment to the Town of Old Orchard Beach Code of Ordinances, Ch. 78, Art. VI, Sec. 78-517 and Ch. 78, Art. VIII, Sec. 78-1382.

Background:

This amendment proposes to allow food trucks for Salvation Army events on Salvation Army property in the R2 Zoning District.

Motioned to Set the Date of February 15th, 2022 by: Councilor Mead

Seconded by: Councilor Read w/ note that she is a member of the Salvation Army

Vote: 3-0

Agenda Item #7613

Discussion with Action: Approve the extension of an emergency ordinance establishing a moratorium on medical marijuana registered dispensaries, pursuant to Charter Section 410.1; set to expire June 7th, 2022.

Background:

See attached Memorandum to Council and Moratorium.

Motioned to Approve the Moratorium Extension by: Councilor Reid

Seconded by: Councilor Mead

Vote: 3-0



**TO: Old Orchard Beach Town Council
Diana Asanza, Town Manager
Jennifer Hayes, Executive Assistant**

FROM: Planning Staff

SUBJECT: Medical Marijuana Registered Dispensary Moratorium

DATE: 1 February 2022

Town staff is requesting the Council renew the Medical Marijuana Registered Dispensary Mortarium by an additional 120 days. As the Council may recall, the moratorium was enacted on 7 December 2021. The moratorium length is 60-days and is due to expire on 7 February 2022.

Moratoriums may be extended by up to 180 additional days if the Council finds:

1. The problem giving rise to the need for the moratorium still exists; and
2. Reasonable progress is being made to alleviate the problem giving rise to the need for the moratorium.

The reason why we are requesting an extension is because the ordinance amendments associated with addressing the problem identified in the moratorium are moving through the Planning Board and Council review process. This process takes time because the amendments must be created and then reviewed during regularly scheduled meetings.

Regarding reasonable progress being made, as of 1 Feb, the ordinance amendments have been created and are being reviewed by the Planning Board. We are requesting the Board conclude review at their 10 February meeting. Assuming the Board concludes on 10 February, the Council will likely begin review at their 1 March meeting and issue a decision at one of the April meetings.

Regarding the existence of the problem giving rise to moratorium, nothing has changed to indicate the Council concerns are no longer valid.

**TOWN OF OLD ORCHARD BEACH
ORDINANCE EXTENDING THE EMERGENCY MORATORIUM
ON MEDICAL MARIJUANA REGISTERED DISPENSARIES**

WHEREAS, on **December 7, 2021**, the Town Council adopted a 60-day emergency ordinance moratorium on the acceptance, processing or acting upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, or any other approval, relating to the establishment, operation, or expansion of a business or operation for a medical marijuana registered dispensary; and

WHEREAS, the Town is currently in the process of revising and developing appropriate land use regulations concerning medical marijuana registered dispensaries; and

WHEREAS, the Emergency Moratorium will expire on **February 7, 2022** under the emergency ordinance provisions in Section 410.1 of the Old Orchard Beach Town Charter;

WHEREAS, State law allows a moratorium to be of a definite term of not more than 180 days, which may be extended for additional 180 day periods, upon a finding that:

- A. The problem giving rise to the need for the moratorium still exists; and
- B. Reasonable progress is being made to alleviate the problem giving rise to the need for the moratorium;

WHEREAS, the Town Council finds that the problem giving rise to the need for the moratorium still exists; and

WHEREAS, during the term of the moratorium the Town has made reasonable progress to alleviate the problem giving rise to the need for the moratorium but requires an additional amount of time to develop regulations governing the location and operation of medical marijuana registered dispensaries; and

WHEREAS during the period of this extension of the Moratorium, the Town will continue to diligently work to develop and adopt appropriate land use regulations concerning medical marijuana registered dispensaries; and

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S. § 4356, be it hereby ordained by the Old Orchard Beach Town Council, as follows:

The Emergency Moratorium on Medical Marijuana Registered Dispensaries adopted by the Town Council on **December 7, 2021** is hereby extended for an additional 120 days for a total of 180 days, unless earlier extended, repealed or modified by the Town Council.

Agenda Item #7614

Discussion with Action: Authorize the Treasurer, per 36 M.R.S.A., subsection 944, to record a waiver of foreclosure in the Registry of Deeds for the property at 3 Stagecoach Drive Assessor's record T3195, Shirley Breton, Owner.

Motioned to Authorize by: Councilor Mead

Seconded by: Councilor Reid

Vote: 3-0

Agenda Item #7615

Discussion with Action: Authorize the Treasurer, per 36 M.R.S.A., subsection 944, to record a waiver of foreclosure in the Registry of Deeds for the property at 10 Castine Drive Assessor's record T0390, Estate of Gail Card, Owner.

Motioned to Authorize by: Councilor Reid

Seconded by: Councilor Mead

Vote: 3-0

Agenda Item #7616

Discussion with Action: Authorize the Treasurer, per 36 M.R.S.A., subsection 944, to record a waiver of foreclosure in the Registry of Deeds for the property at 44 Ryefield Drive Assessor's record T1935, Gary & Sharon Dalrymple, Owner.

Motioned to Authorize by: Councilor Mead

Seconded by: Councilor Reid

Vote: 3-0

Agenda Item #7617

Discussion with Action: Authorize the Treasurer, per 36 M.R.S.A., subsection 944, to record a waiver of foreclosure in the Registry of Deeds for the property at 19 St. John Street Assessor's record T0730, Casey Marquis, Owner.

Motioned to Authorize by: Councilor Reid

Seconded by: Councilor Mead

Vote: 3-0



Town of Old Orchard Beach

Town Manager
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1 Portland Avenue
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Diana H. Asanza
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January 27, 2022

To: Town Council Members
From: Diana H. Asanza, Town Manager
Re: Waiver of Foreclosure – February 1, 2022 Agenda Item

The FY 2020 tax liens will automatically mature on February 7, 2022, for those parcels with outstanding balances, and the Town will become the legal owners of the property. Council has the authority pursuant to M.R.S.A. Chapter 36, Section 944 to waive foreclosure on specific properties where it would be in the Town's best interest not to take ownership of the property.

In this instance, the properties are mobile homes, and if foreclosure takes place, the Town would then be liable for all fees or rents due to the mobile home park owners. I recommend Town Council authorize the Treasurer to file a waiver of foreclosure at the Registry of Deeds for four mobile homes to avoid a financial burden to the Town.

Sincerely,

Diana H. Asanza

Agenda Item #7618

Discussion with Action: Accept, with regret, the resignation of Jennifer Hayes as Deputy Warden of Elections.

Motioned to Authorize by: Councilor Mead

Seconded by: Councilor Reid

Vote: 3-0

ADJOURNMENT

Motioned to Adjourn by: Councilor Reid

Seconded by: Councilor Mead

Vote: 3-0

The regular meeting of the Old Orchard Beach Town Council adjourned @ 7:22pm on Tuesday, February 1st, 2022

January 24th, 2022

Old Orchard Beach Town Council
1 Portland Avenue
Old Orchard Beach, ME 04064

To the Members of Town Council:

I graciously and respectfully request to be 'un'appointed as Deputy Warden of Elections, effective February 1st, 2022.

This appointment has provided me with a wealth of knowledge and an even greater appreciation for what our Town Clerks, ballot clerks, poll workers and volunteers for elections provide to our municipality; as well as the greater democratic process. However, the additional time away from my primary responsibilities impacts the systems in place within the Office of Town Manager.

Elections during 2022 will prove to be busy with a primary election in June followed by the general election in November. The role of Deputy Warden needs fulfillment by an individual who can concentrate solely on the responsibilities of this position.

I thank you for considering me for this appointment, which has afforded me the opportunity to learn and grow professionally.

Respectfully,

Jennifer A. Hayes

Jennifer A. Hayes
Executive Assistant | Office of the Town Manager