



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

Town Council Regular Meeting Minutes
Tuesday, February 15th, 2022

I, Jennifer Hayes, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of twenty-five (25) pages is a copy of the original minutes of the Town Council Regular Meeting held on Tuesday, 02.15.2022.

Prepared by: Jennifer Hayes
Approved by: Old Orchard Beach Town Council
Approval Date: 03.01.2022

Respectfully Submitted,

Jennifer Hayes
Town Council Secretary



Regular Town Council Meeting followed by Council Workshop – Meeting Minutes

Tuesday, February 15th, 2022 @ 6:30pm
Town Council Chambers
1 Portland Avenue

www.oobmaine.com/town-council

There was a meeting of the Old Orchard Beach Town Council on Tuesday, February 15th, 2022. The meeting was called to order at 6:30p by Vice Chair Blow. After the pledge of allegiance, roll was taken, and the following individuals present:

Kenny Blow, Vice-Chair
Michael Tousignant, Councilor
V. Louise Reid, Councilor
Larry Mead, Councilor

Diana Asanza, Town Manager
Jen Hayes, Town Council Secretary

Excused absence: Shawn O'Neill, Chair

ACKNOWLEDGEMENTS: Councilor Reid acknowledged the work of the OOB Community Food Pantry and its Executive Director, Paul Potvin

GOOD & WELFARE:

Mr. Paul Potvin spoke in regards to the history of the OOB Community Food Pantry and the services it provides to families within Town. He graciously thanked Council for providing financial resources upon request each budget year.

PRESENTATION:

Legislative Sentiment – Amanda Marden

Presenter: Senator Donna Bailey

Ms. Marden was recognized for her tremendous service under pressure and assistance as a 911 dispatcher in assisting in the delivery of a newborn.

ACCEPTANCE OF MINUTES

Accept the minutes for the Regular Meeting of Town Council on Tuesday, February 1st, 2022.

Motioned to Accept by: Councilor Mead

Seconded by: Reid

Vote: 4-0

PUBLIC HEARING – ORDINANCE AMENDMENT:

Shall the Old Orchard Beach 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. *{This amendment proposes to allow food trucks for Salvation Army events on Salvation Army property in the R2 Zoning District.}*

Vice - Chair opened the public hearing @ 6:45p

Discussion: Cheryl Pouloupolos, Director of the Seaside Pavilion sent in the following to be read into the minutes:

“The Seaside Pavilion is continually looking for ways to bring people to our great community. We’ve talked about having festival style events in the past, and while a great idea, there are some challenges. We also do everything we can to have our patrons safely experience our events by hiring off duty police officers, posting security personnel on the perimeter, and not allowing people to return to the venue when they leave after being checked in at the security and ticket gates. A festival style event would require that people stay on campus longer than the typical 1-2 ½ hours and food is one of the challenges. We do not have the resources to provide freshly prepared meals for patrons and think that offering food trucks would be a great idea. We will not allow anyone other than Salvation Army and Seaside Pavilion personnel and contractors, artists, support crew, and patrons to have access to the food trucks. We would also not plan an event where food trucks would be the “main event.” The food trucks would only be there to provide a service to our patrons when attending festival style events. We believe this will bring more people to our community who will want to stay and enjoy what Old Orchard Beach has to offer. Thank you for your time and consideration.”

Councilor Tousignant – trucks required to be on Salvation Army property? Allowed on the street? Will generators be used to run these trucks?

Town Planner Jeffrey Hinderliter – required to be on Salvation Army property (this item was written within the ordinance) The ordinance is silent on the generator.

Councilor Mead – charged Town staff with seeking the answer to the question regarding generators for the 03.01.2022 meeting.

Chair closed the public hearing @ 6:49pm

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 February 15th, 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 78, Sections 78-517 and 78-1382, by adding the underscored language as follows:

AMENDMENT TO CHAPTER 78, ARTICLE VI, DIVISION 3, SECTION 78-517

Sec. 78-517. Permitted uses. The following uses are permitted uses in the residential 2 district (R-2):

(7) Food carts, food trucks, and food stands located on property owned by the Salvation Army and serving only event attendees, event staff and performers, guests and employees of the Salvation Army and not the general public.

AMENDMENT TO CHAPTER 78, ARTICLE VIII, DIVISION 2, SECTION 78-1382

Sec. 78-1382. - Temporary structures.

(b) *Exemption.* Temporary construction trailers for approved construction projects, temporary structures for events sponsored or otherwise authorized by the town council, temporary structures which are otherwise permitted in the amusement overlay district (AO), and food carts, food trucks, and food stands which are permitted in the amusement overlay district, campground overlay district, Salvation Army events in the Residential 2 (R-2) zoning district, and for events sponsored or otherwise authorized by the town council shall be exempt from subsection (a) of this section.

Per Order of the Municipal Officers this 1st day of February, 2022.

A True Copy
Attest:

Kim M. McLaughlin, Town Clerk

PUBLIC HEARING – BUSINESS LICENSE & APPROVAL:

Dana & Kimberly Violette and Erik Ousback: Fu Yang, LLC, (301-3-1-100) 189 East Grand Avenue #100, one year round rental.

Jason & Heather Stoddard: SDL2020LLC, (208-1-9-34), 18 Trinity Way, one year round rental.

Jin Zhang and Jerry Burch d/b/a Dune Grass Golf Beach Vacations, (105A- 1-J53), 59 Wild Dunes Way, one year round rental.

Jennifer & Elijah Whitehead, (206-3-6), 1 Glenwood Avenue, one year round rental.

Lisa Kidd & Deb Dolan: 4 Kids, LLC, (206-10-7), 64 Saco Avenue, one year round rental.

Jeremy Benn: 78 East Grand, LLC, (304-7-1), 78 East Grand Avenue, twenty-two year round rentals.

Vice- Chair Blow opened the public hearing @ 6:50p

Discussion:

Jeffery Leighton –57 Wild Dunes Way: concerned about an Air B& B (ABB) next door to him. Remarked that it was unfair to the residential community to have an ABB. Biggest concern – what are the rules/regulations in OOB? Encouraged Council to come up with a game plan for ABB. Concerns: noise requirements, people, cars. Mr. Leighton felt he was in a position to spend over 4K to put up a fence to mitigate the disturbance. Encouraged Council to table 59 W. Dunes Way. How are licenses revoked? He noted that he did not move into a hospitality neighborhood. Respectfully, requested a table of the applicants request.

George Kerr – 208 E Grand Ave: took on a project in Dune Grass (developed a 40+ units), 15 single family detached homes. Developed something that was conducive to Dunegrass. The original plan was nicely laid out (back in ‘79). Questioned what has happened to the neighborhood? Would not have a problem with 6 month or yearly rentals. Questioning short term rentals and the rules of the time. Referenced that when people purchased homes in Dunegrass, it was intended as a residential homes and a residential neighborhood. Mechanisms and controls need to be put into place re: ABB. He urged caution in approving these licenses.

Councilor Tousignant – questioned what the intention of the rentals?

Town Manager Asanza – information was requested and under current ordinance does not need to be asked of the applicant. This license met all the requirements with how the ordinance is currently written. Referenced STR (Short Term Rental) workshop on 02.17.2022.

Councilor Mead – stated that not all STRS are bad. In fact, OOB has a heritage of rentals, nothing against that. Does have a concern re: the rapid “creep” of short term rentals. Referenced data from last year in that OOB has the third highest rental units in the state (Portland being #1 and Bar Harbor #2).

Posed to put forward a moratorium re: short term rentals, the decision was made to hold off on the moratorium until the workshop. Councilor Mead stated that he asked staff for contact information – confirmed that the property next to Leighton’s property will be rented on a short term basis some weeks and weekends and the owners will reside within it as well. Moratoriums can be retroactive and wanted Council to consider a retroactive date for the newly approved rentals. Requested that Council table all rental licenses until after workshop/moratorium. Motioned to Table business licenses until next meeting.

Vice Chair Blow – if approved and through workshop the ordinance is made to not be allowed in that area. We are going to have a lot of problems within Town – will items will be grandfathered in Town?

Town Manager Asanza – this will take at least 6 weeks to put a retroactive moratorium in place.

George Kerr – not a fan of moratoriums. Suggested conditions on these licenses.

Town Planner Jeffery Hinderliter – even though a proposal meets the criteria, Planning Board can request the applicant address the concerns made by Council.

Councilor Tousignant – how many licenses are we approving that are short term rentals. Concerned that realtors are selling pretense of ABB and have called Councilor to complain. Concerned about retroactive, what are the date parameters? From now, until next meeting, 50 more individuals can apply for

Vice-Chair Blow – clarified that Councilor Tousignant’s neighborhood is decided to have no ABB’s. There is an HOA in place.

Councilor Mead – agreed that retroactivity will be a “sticky” issue. Any action has nothing to do with ABB this evening. Referenced Jeffrey Hinderliter’s suggestion and thanked him. Withdrew original motion. He made a motion to remove the application for (Dunegrass Beach Vacations) and delay for consideration until next meeting. Questioning Biarritz (22 rentals) - do they have license to operate a motel?

Code Enforcement Director Jim Butler – this item is to operate the motel. It is unclear if name is remaining. Confirmed the real estate there.

Vice Chair Blow – condo or hotel units?

Code Enforcement Director Jim Butler - the discussion for condo conversions has begun internally with staff. Currently the request is not for condos. What is challenging is the Town does not have the ordinance language at the present time.

Town Manager Asanza– consider a moratorium for condo versions.

Councilor Mead - Amended first motions and request to **move forward for approval Violette, Useback, Whitehead, Kidd, Stoddard for license approvals.**

Seconded by Reid w/ discussion

Councilor Tousignant- Struggling with the motion and “spot zoning” Troublesome, in terms of the licenses we have given out in the past. Town is on very weak ground, having met the criteria, making it subjectable to challenge.

Roll call: unanimous

Vote: 4-0

Chair closed the public hearing @ 7:25p

TOWN MANAGER REPORT

(see attached)



Town of Old Orchard Beach

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

Diana H. Asanza
Telephone: (207) 937-5628
Fax: (207) 937-5728
Email: dasanza@oobmaine.com

February 15, 2022

Town Manager's Report February 15, 2022

Finance Committee Meetings:

We held our first Finance Committee meeting last week to begin the FY 23 capital improvements budgeting process, and tonight on the agenda Council will look to confirm a new member, Tim Bollea. This year, we will do it a little differently and hold meetings at each of the facilities so that the Finance Committee and our new Finance Director Jordan Miles can have a firsthand view of the department and their capital requests. The meetings will start on February 24th and tentatively run through the end of March.

Town Hall Cabling: At the next Council meeting on March 1st, I will be requesting approval to complete the Town Hall network cabling project approved with the FY 22 capital budget. This work will address the issues of aging network cabling, which is over 35 years old, and provide proper mapping and inventory of all network cables in Town Hall for each workstation, copier, printer, and desk phone. Plus, it will relocate all equipment into one location – in the server room and out of the Code Enforcement office.

Last year phase 1 of the project was completed, which included the new network cabling in the server room.

The subsequent phases will take care of the remaining cables on each floor. It will be critical to work closely with each department to coordinate operations because computers will be offline during this time. We will work closely with each department to coordinate the transition and provide ample notice to residents if office hours change during work.

Seasonal workforce recruitment: There are positions available for those looking for summer employment in several seasonal functions, including Police Reserves, Parking Enforcement, Lifeguards, Fire Per Diem employees, Public Works, Wastewater, and beach maintenance seasonal labor. There are great opportunities for a summer job to gain valuable municipal experience while earning a competitive wage. If you are interested, please go to the Town website for more information at www.oobmaine.com, and there is a link on the front page, or you may contact Human Resources at 937-5632.

The Community Friendly Connection is looking for volunteers to promote their Action Plan for 2022, such as:

- Volunteer Drivers for an on-demand transportation program for residents.
- Volunteers for the Helping Hands program to help OOB residents with yard work, shoveling snow, and light maintenance.
- Volunteers to help plan for the CFC Summer Festival where local business and organizations can showcase their products or services.
- They are always looking for program committee volunteers. This is a great way to provide your time and talents and if you are interested, please contact the CFC at director@ooblibrary.org, or visit the Town website and the Community Friendly Connection page.

Diana H. Asanza

TABLED ITEMS:

PUBLIC HEARING – BUSINESS LICENSE & APPROVAL:

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

Background:

This item was tabled at the February 1st, 2022 regular Council Meeting in order to define the intent of the year round rental.

Chair opened the Public Hearing @ 7:30p

Discussion:

Councilor Mead – questioned if STR

Town Manager – confirmed long term rental.

Councilor Tousignant – table until next meeting? This one meets all criteria but no answer if this will be ABB. Either determine answer or go under moratorium.

Town Manager – confirmed it is a long term rental.

Motioned to Approve by: Tousignant

Seconded by: Councilor Mead

Vote: 4-0

Chair closed the Public Hearing @ 7:32p

Tabled Items *contin'd*

#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 & February 1st, 2022 Council Meetings for additional review and to ensure all parties concerning this matter were present.

Amended consent agreement and land survey attached.

Discussion:

Town Manager – working on since last Summer. Violation of ATM on Town property. Consent agreement read (see memo). Discussed the items along the Town property – the agreement was not well defined. Additional units identified. Had survey updated to make sure all items were included and updated. Also updated fee, which had not been updated since 2013.

Councilor Mead – great concern with amended consent agreement. Referenced that ATM was placed in an area not permitted at the time of first agreement. Also referenced the unkempt nature the property (gates left open and as much as they were closed during the summer). Two summers ago, the Harrisburg's were notified in writing (in May, 2020) to have ATMs removed, they were re-notified in Fall, 2020. Harrisburg, LLC did not comply thereby forcing the Town to withdraw from consent agreement. Two full summers from notification the ATM stayed in place against the consent agreement. The Town was only being paid \$400/yr for use of property when ATM was not initially identified in the original consent agreement. The intention was for the Town to support businesses to operate. Will not support ATM to remain in place. \$5000/yr fee – would like to see a fine levied for the two years that the business was allowed to make a profit when the Town did not agree to use of the ATM to begin with.

Attorney Neil Weinstein – with all due respect; in 2013 Town Manager Mead was not part of the original consent agreement. Referenced that the platform area was to be originally there as vending machines. Stated that there were no object restrictions to use of what type of machine. Referenced ATMs that do not pay rent to the Town (i.e., Lisa pizza, Grand Vic and several others). There are no history of problems. Durward Parkinson referenced and Weinstein stated no consent agreement provided to Harrisburg. In 2002, 11/5 Town voted to sell the property – charter referendum in agreement of Town selling property. The Town has not sold. Weinstein stated under obligation to sell property. Referenced that Harrisburg made approach to purchase.

Councilor Mead – the consent agreement was very sparse.

Vice Chair Blow– was it a vote to state consider sell? Or to sell? Motion to remove from agenda, attorneys to be involved in consent agreement consideration. Redirected conversation back to consent agreement and not “knit-picking.”

Motioned to Consider for approval Councilor Mead. Seconded by: Tousignant with discussion. Councilor Mead stated to remove initial motion; “my intent is to keep business moving forward, not to limit business.” Councilor Mead motioned to withdraw second motion Seconded motion to withdraw by Tousignant.

Motion to remove from agenda without prejudice by: Councilor Mead

Seconded by: Reid w/discussion. Guy Loranger from Big Daddy’s stood. Mr. Loranger took exception. Deplorable conditions back of the property. Referenced everything to maintain the property. Referenced 2013 and consent agreement that referenced Big Daddy’s and Harrisburg (even though there is one more business). Not true of deplorable conditions - “we know the rules” Mr. Loranger confirmed the gate was not installed correctly and swung open all summer long. Gate will not be an issue this year. Confirmed soda machines that had a little roof and was an eye sore. ATM was more of an improvement.

Vote: 4-0

FIRST AMENDED CONSENT AGREEMENT

AGREEMENT made this ____ day of _____ 2022, by and between the **Town of Old Orchard Beach** (the “Town”) and the **Harrisburg Group, LLC** (“Harrisburg”) as follows:

1. Harrisburg is the owner of commercial property located at 13 Old Orchard Street in Old Orchard Beach, Maine (Tax Map 307, Block 3, Lot 4) being further described in the deed recorded in the York County Registry of Deeds in Book 16020, Page 522. (“Harrisburg Property”).
2. The Town is the owner of property abutting the Harrisburg Property and described in deeds from the Boston and Maine Railroad dated April 8, 1948 recorded in the York County Registry of Deeds in Book 1095, Page 350 and dated November 26, 1991 and recorded in Book 5902, Page 36 (the “Town Property”).
3. According to a survey by Dow & Coulombe, Inc. revised on August 30, 2021, an 8 x 8 refrigerator unit on a 8 x 8 wood deck, two smaller refrigerator units and HVAC unit on a wood platform with a canopy above refrigerators, ATM machine, four propane tanks on southwest side of property, two propane tanks with underground line leads to building on north east side of property, trash cans, two Rubbermaid tall storage containers, HVAC Unit on pad on southwest side of property, belonging to Harrisburg and/or its tenants encroach upon Town Property attached hereto as Exhibit A (the “Survey”).
4. The Town’s Code Enforcement Officer, James Butler, previously cited Harrisburg for violations of the Town’s Code of Ordinances relating to the location of the structures and equipment on Town Property.
5. The parties wish to resolve issues regarding the alleged violations of the Code of Ordinances without the necessity of litigation and amend the previous Consent Agreement entered into by the parties on August 20, 2013.

NOW THEREFORE, the parties agree as follows:

1. The Town hereby grants Harrisburg a revocable license to continue locating the structures and equipment on the Town Property as shown on the Survey.
2. Harrisburg agrees that trash cans cannot be placed in front of the propane tanks and within 30 days of the date of this Agreement will be relocated no closer than 3 feet from the Rubbermaid tall storage container.
3. No changes will be made to the pad area on Town Property without the Town’s consent.

4. Within 90 days of the date of this Agreement, Harrisburg will clean up the wiring located near the gate area to the satisfaction of the Code Enforcement Officer.
5. In exchange for the granting the of the license, and equipment listed in #3 the parties agree to pay the Town the sum of \$5,000 per year on the first day of June commencing June 1, 2022 which amount will increase annually by the annual CPI-U as of 12/31 of the preceding year or 2% whichever is higher.
6. The license is revocable by the Town provided that written notice is sent to Harrisburg May 1st of any succeeding year. If the license is revoked by the Town, Harrisburg agrees to remove the structures and equipment from the Town Property by October 15th of the year in when the license is revoked.
7. Harrisburg agrees that the use of the Town Property is strictly limited to structures and equipment shown on the Survey and at no time will this use interfere with the access to or operation of the Town's utility lines.
8. Harrisburg agrees to indemnify and hold the Town harmless for any claim by the Boston and Maine Railroad, or its successors, arising from their use of the Town Property as described in this Agreement.
9. Harrisburg agrees to enforce the terms of this amended consent agreement as necessary against its tenants.

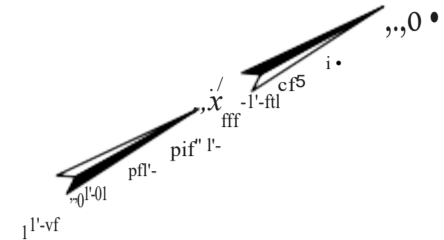
SEEN AND AGREED:

TOWN OF OLD ORCHARD BEACH

By its Town Manager
Duly Authorized

THE HARRISBURG GROUP

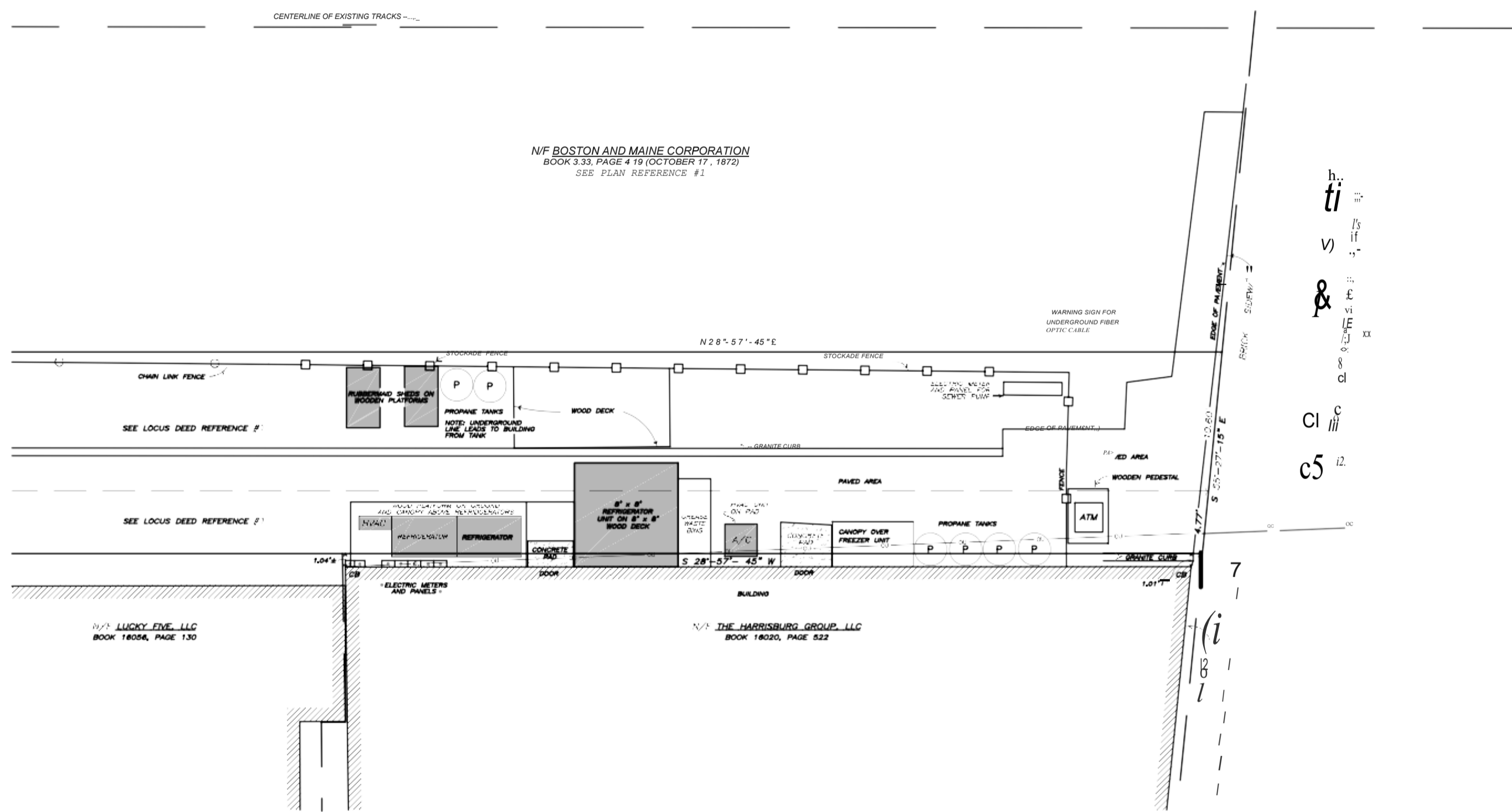
By: Harold Harrisburg, Manager
Duly Authorized



LEGEND

●	SET IRON ROD WITH CAP
⊕	LIGHT POST
⦶	UTILITY POLE
⊙	PROPANE TANK
○	DIAMETER
N/F	NOW OR FORMERLY
A/C	AIR CONDITIONER UNIT
○	CHAIN LINK FENCE
○	STOCKADE FENCE
OU--	OVERHEAD UTILITY LINES

- LOCUS DEED REFERENCES**
1. BOSTON AND MAINE RAILROAD TO THE TOWN OF OLD ORCHARD BEACH, APRIL 8, 1948, BOOK 1095, PAGE 350
 2. THE BOSTON AND MAINE CORPORATION TO THE TOWN OF OLD ORCHARD BEACH, MAINE, NOVEMBER 26, 1991, BOOK 5902, PAGE 36



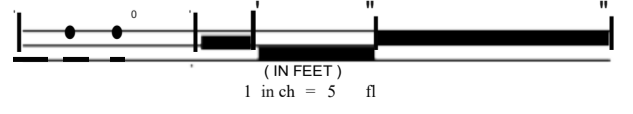
PLAN REFERENCES :

1. "RIGHT OF WAY AND TRACK MAP, BOSTON AND MAINE RAILROAD, STATION 5423+60 TO STATION 5476+40", DATED JUNE 30, 1914, SHEET V2MEJ 102.
2. "PLAN SHOWING A STANDARD BOUNDARY SURVEY MADE FOR THE TOWN OF OLD ORCHARD BEACH", DATED JUNE 23, 1991, AS REVISED NOVEMBER 1, 1991, BY DOW & COULOMBE, INC.
3. "PLAN SHOWING A STANDARD BOUNDARY SURVEY OF A PORTION OF STAPLES STREET & 'DEPOT SQUARE' MADE FOR THE TOWN OF OLD ORCHARD BEACH MAINE", DATED SEPTEMBER 24, 1991, AS REVISED OCTOBER 29, 1991, BY DOW & COULOMBE, INC.
4. "PLAN SHOWING A STANDARD BOUNDARY SURVEY OF LAND IN OLD ORCHARD BEACH MAINE, BOSTON AND MAINE CORPORATION TO THE TOWN OF OLD ORCHARD BEACH, DATED NOVEMBER 1, 1991, BY DOW & COULOMBE, INC., RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 20 5, PAGE 1.

NOTES :

1. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS SURVEY CONFORMS TO STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS' STANDARDS, CHAPTER 90, ADOPTED APRIL, 2001.
2. COURSES AND DISTANCES COPIED FROM PLAN REFERENCES #2, #3 AND #4.
3. SEE ACCOMPANYING SURVEYORS' REPORT.

GRAPHIC SCALE



<p>Date: NOVEMBER 26, 2012</p> <p>H. Scale: Drawn by: MJC</p> <p>1" = 5'</p> <p>Checked by: App'd by: MJC</p> <p>PDD: MJC</p> <p>SHEET 1 OF 1</p>
<p>ZONE - 2.5</p> <p>CDWGSD 211 OOB RR25R2</p>

NEW BUSINESS:

Agenda Item #7619

Discussion with Action: 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:

Public Hearing was held on February 1st, 2022. No comments from Council or members of the public were received.

See attached Public Hearing notice.

Motioned to Amend by: Councilor Tousignant

Seconded by: Councilor Reid

Vote: 4-0

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 17th, 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, ~~T~~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 1st through September 30th ~~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,** 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. **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 1st through September 30th** 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 1st through September 30th 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 1st through September 30th.

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 1st through September 30th. 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 1st through September 30th. 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 18th of January, 2022.

A True Copy

Attest:

Kim M. McLaughlin, Town Clerk

Agenda Item #7620

Discussion with Action: Appoint Sandra Jones as Deputy Election Warden, term to expire 09/21/2022.

Motioned to Appoint by: Councilor Reid

Seconded by: Councilor Mead

Vote: 4-0

Agenda Item #7621

Discussion with Action: Appoint Timothy Bollea as a regular member of the Finance Committee, term to expire 12/31/2022.

Motioned to Appoint: Councilor Tousignant

Seconded by: Councilor Reid

Vote: 4-0

Agenda Item #7622

Discussion with Action: Re-appoint Lou Valentine as a regular member of the Comprehensive Plan Committee, term to expire 12/31/23.

Motioned to Reappoint by: Councilor Reid

Seconded by: Councilor Mead

Vote: 4-0

Agenda Item #7623

Discussion with Action: Approve the quote from Messer Truck Equipment for the purchase of a new 8' Knapheide Model 696 Service Body for Truck 10 in the amount of \$9,750.00, from account #20151- 50501 Public Works Supplies Expense, with a balance of \$11,172.82.

Background:

This item was approved in the FY'22 budget.

The current Service Truck (#17) is a 2000 International 4700LP. The body condition of the vehicle warrants an upgrade. The service body from Truck #10 will replace Truck #17.

Motioned by: Councilor Tousignant

Seconded by: Councilor Reid

Vote: 4-0

Quote

Messer Truck Equipment
 170 Warren Ave.
 Westbrook, ME 04092
 207-854-9751

Date	Quote#
2/3/2022	4751

ME **55** ER
 Truck Equipment

info@messertruckequipment.com
 www.messertruckequipment.com

Name / Address
Town of Old Orchard Beach-Public Works 1 Portland Ave. Old Orchard Beach, ME 04064

Attention	Terms	Sale Rep	Acct. Rep	P.O. No.
Dennis	Net 30	Dana	DG	

Description	Qty	U/M	Total
8' Knapheide Service Body Model 696 Price includes: Removal of pickup bed Installation on 56" C.A. single rear wheel pick-up Rugged 14 ga. 2-sided A-40 galvaneal body shell 250 lb capacity shelving Double spring over center door closures on all vertical doors Stainless paddle activated rotary style latches Thick automotive bulb-type neoprene door seals Light gray finish painted interior compartments Stainless steel continuous hinges Pooched bumper with recess Slammable tailgate Painted white Relocate back up camera	1	ea	9,750.00

We propose to furnish material and labor, in accordance with the above specifications. All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the quotation. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by worker's compensation insurance. Any applicable Federal Excise Tax is not included in the above quotation. Quote valid for 30 days from date of issue.

Sales Tax (0.0%)	\$0.00
Total	\$9,750.00

Acceptance of Proposal - Sign and Return _____



Hews Company - SP
 190 Rumery Street
 South Portland ME 04106
 Phone: (207) 767-2136
 www.hewsc.com

Quote

Quote ID: 078734

Page 1 of 1

Customer: Old Orchard Beach Public Works
 1 Portland Road
 Old Orchard Beach ME 04064

Quote Date: 21412022

Quote Valid Until: 3/6/2022

Contact: Dennis Nason

Salesperson: Matthew Hilse

Phone: (207) 934-2250

Terms: NET15

Email: dnason@oobmaine.com

Customer#: 6287

- 1- READING STEEL "CLASSIC II" SERVICE BODY MODEL #CLS-98ASW-WR
- 98 IN. LONG X 76-1/2" WIDE; 14" COMPARTMENT DEPTH ; 48-1/2" WIDE LOAD AREA.
- 100% DOUBLE SIDED A60 GALVANNEALED STEEL CONSTRUCTION.
- E-COAT IMMERSION PRIMING PROCESS.
- COMPLETE UNDER BODY PROTECTIVE SPRAY.
- HIDDEN REMOVABLE DOOR HINGES.
- DOUBLE PANEL DOORS WITH INTERNAL REINFORCING.
- HEAVY DUTY AUTOMOTIVE STYLE ROTARY LOCKING DOOR HANDLES.
- PICK UP STYLE TAIL GATE (SLAM ACTION).
- NITROGEN STRUT DOOR HOLDERS ON ALL VERTICAL DOORS .
- ADJUSTABLE SHELVES IN COMPARTMENTS.
- SEAMLESS STEEL WHEELHOUSE PANELS.
- ALUMINUM GAS FILL BOX.
- LED STOP/TURN LIGHT KIT RECESSED IN REAR PANEL OF BODY.
- BODY POWDER COAT WHITE - EXTERIOR & INTERIOR.
- P77R POOCHED RECESSED BUMPER- POWDER COAT WHITE.
- 6 YEAR LIMITED WARRANTY.
- * REMOVE BED/BUMPER-RETURN TO CUSTOMER.
- * RELOCATE OEM REAR VISION TAILGATE CAMERA.
- * USE EXISTING HITCH.

INSTALLED, FOB, SOUTH PORTLAND, ME

\$10,535.00

SALESPERSON: MATT HILSE

VIN		Year	Make			Model
		2019	Ford			F-250 SRW 4x4
Transmission	Engine	GVW	CA	WB	Fleet ID	
Auto	Gas		56.00		PICK-UP	

Accepted by: _____

Sub Total: \$10,535.001

Date / PO#: _____

FET: so.001

Sales Tax: so.001

*** Final Pricing subject to change based on chassis arrival date***

Grand Total: \$10,535.ool

Agenda Item #7624

Discussion with Action: Accept the quote from Passport, Inc., for the purchase of two (2), Mobile License Plate Recognition units in the amount of \$87,410.00 to be financed through a lease purchase agreement with Androscoggin Bank at 2.95% with five annual payments in the amount of \$18,513.00 from account number 20197-50330 Debt Service Lease Expense with a balance of \$106,876.89.

Background:

This item is for two mobile license plate recognition devices that will be installed in our Parking Enforcement vehicles. They are designed to instantly alert a Parking Enforcement Officer that a vehicle parked in a paid space is in violation. They work in conjunction with the Passport pay by app parking system that the Town recently purchased and initiated last Fall.

See attached Municipal Lease Purchase Proposal & Mobile License Plate Recognition Pricing Estimate.

Town Manager Asanza: more efficient way to manage enforcement; have surplus in lease services account currently to pay for the item.

Chief Kelley: increase response of violation and increase revenue.

Neil Weinstein – only for parking enforcement, correct? Confirming not to be utilized in other ways (i.e., referenced invasion of privacy)

Chief Kelley: devices can only read plates that are in passprot

Motioned to Accept by: Councilor Mead

Seconded by: Councilor Tousignant

Roll Call: Unanimous

Vote: 4-0

ADJOURNMENT

Motioned to Adjourn by: Councilor Tousignant

Seconded by: Councilor Mead

Vote: 4-0