



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
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**Special Meeting followed by Regular
Council Meeting Minutes**
Tuesday, March 15th, 2022

I, Jennifer Hayes, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of fifty-seven (57) pages is a copy of the original Meeting Minutes of the Special Meeting & Regular Town Council Meeting held Tuesday, 03.15.2022.

Prepared by: Jennifer Hayes
Approved by: Old Orchard Beach Town Council
Approval Date: 04.05.2022

Respectfully Submitted,

Jennifer Hayes
Town Council Secretary



Town Council Meeting Minutes

*Special Meeting – Executive Session @6:00pm followed by a
Regular Town Council Meeting @ 6:30pm*

Tuesday, March 15th, 2022
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 (Channel 3, 1301, 1308 – check with your provider) or by logging onto townhallstreams.com/towns/oob_maine. FMI click on the Communications Tab @ www.oobmaine.com.*

EXECUTIVE SESSION:

The Old Orchard Beach Town Council will meet in Executive Session to discuss matters related to personnel pursuant to MRSA Title 1, Section 405(6)(A).

Individuals present for the Executive Session:

Kenny Blow, Vice-Chair

Michael Tousignant, Councilor

Larry Mead, Councilor

Diana Asanza, Town Manager

V.Louise Reid, Councilor

Entered into Executive Session @ 6:10pm

Motioned by: Councilor Reid

Seconded by: Councilor Mead

Vote: 4-0

Exited out of Executive Session @ 6:27pm

Motioned by: Councilor Mead

Seconded by: Councilor Reid

Vote: 4-0

A Regular Meeting of the Old Orchard Beach Town Council was called to order @ 6:31pm. After the pledge of allegiance, Town Council Secretary took roll call and the following individuals were present:

Shawn O'Neill, Chair
Kenny Blow, Vice-Chair
Larry Mead, Councilor
V.Louise Reid, Councilor

Michael Tousignant, Councilor
Diana Asanza, Town Manager
Jen Hayes, Town Council Secretary

ACKNOWLEDGEMENTS

Chair O'Neill acknowledged the retirement of Old Orchard Beach Public Works Director, Joseph Cooper. Speaking for all of Council, Chair O'Neill thanked Mr. Cooper for his years of service to the Town of Old Orchard Beach and wished him well in his new retirement status.

PRESENTATIONS:

Woodard & Curran Wastewater Facilities Upgrade Project

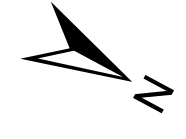
Presenter: Brent Bridges

Mr. Bridges spoke to the ongoing Wastewater Facility upgrade project timeline from one year until present. He spoke to the Town's, in partnership with Woodard & Curran, achievements in ascertaining a one million dollar federal grant to assist with the Wastewater project, in addition to implementing some necessary initial upgrades to the Wastewater Treatment Plant. He noted that the Walnut Street sewer was an area of concern in regards to capacity flow and functionality and was confident in stating that sewer line would be upgraded during the 2022 year.

(Project overview attached)

Presentation of Town of Old Orchard Beach Operating Budget FY'23

Presenter: Diana Asanza, Town Manager (power point presentation attached)



Legend:

- Proposed Structure
- To Be Demolished
- Existing Structure

- Site Work:**
- New Automatic Security Entrance Gate
 - Site Grading and Pavement Restoration
 - New Plant Water Piping and Yard Hydrants

- SCADA System:**
- Site Wide SCADA System & Fiber Optic Loop
 - Replace Radio Communications Tower for Remote Pump Stations

- Halfway Pump Station/Operations Building:**
- Demolish Existing Control Building Super Structure
 - New Operations Building with Training Area, Bathroom, Three-Bay Garage, Electrical Room, Covered Outdoor Break Area
 - HVAC Upgrades
 - New Halfway Pump Station Influent Pumps
 - Expand Capacity of Halfway Pump Station Wet Well
 - Expand Halfway Pump Station Pump Room
 - New Electrical Gear (MCC's & VFD's)
 - New Control Panel

- Effluent Pump Station:**
- New Effluent Pumps
 - New Electrical Gear (VFD's)
 - New Control Panel
 - HVAC Upgrades

- Overflow Clarifier:**
- Demolish, Re-grade, and Pave Area for Sludge Garage Access

- Primary Sludge Holding Tank (PSHT):**
- Dedicated Blower for Aerating Sludge Holding Tank

- Main Electrical Building & Site Wide Electrical Upgrades:**
- New Emergency Standby Generator for Entire Facility
 - New Electrical Service and Transformer
 - New Main Electrical Building
 - Site Wide Electrical Upgrades Including New Electrical Gear (Switchgear, MCC's, & VFD's)

- Primary Clarifiers:**
- New Primary Clarifier Mechanisms
 - New Scum Removal Equipment
 - New Primary Sludge and Scum Pumps
 - New Mechanical Gates
 - Hydraulic Improvements for Primary Influent Channel & Primary Effluent Splitter Box
 - New Electrical Building and Stair Enclosure
 - New Electrical Gear (MCC's & VFD's)
 - New Control Panel

- Aeration Tanks**
- Process/Treatment Upgrades Including Nitrogen Management System (Anoxic Tanks)
 - New Air Diffuser System
 - Secondary Splitter Box Hydraulic Improvements
 - New Influent Channel Mechanical Gates

- Secondary Clarifier #1:**
- Dome Cover
 - Replacement of Scum Baffle
 - Density Current Baffles
 - Misc. Structural Repairs

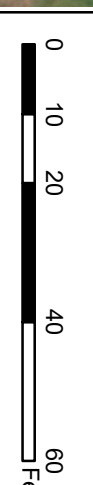
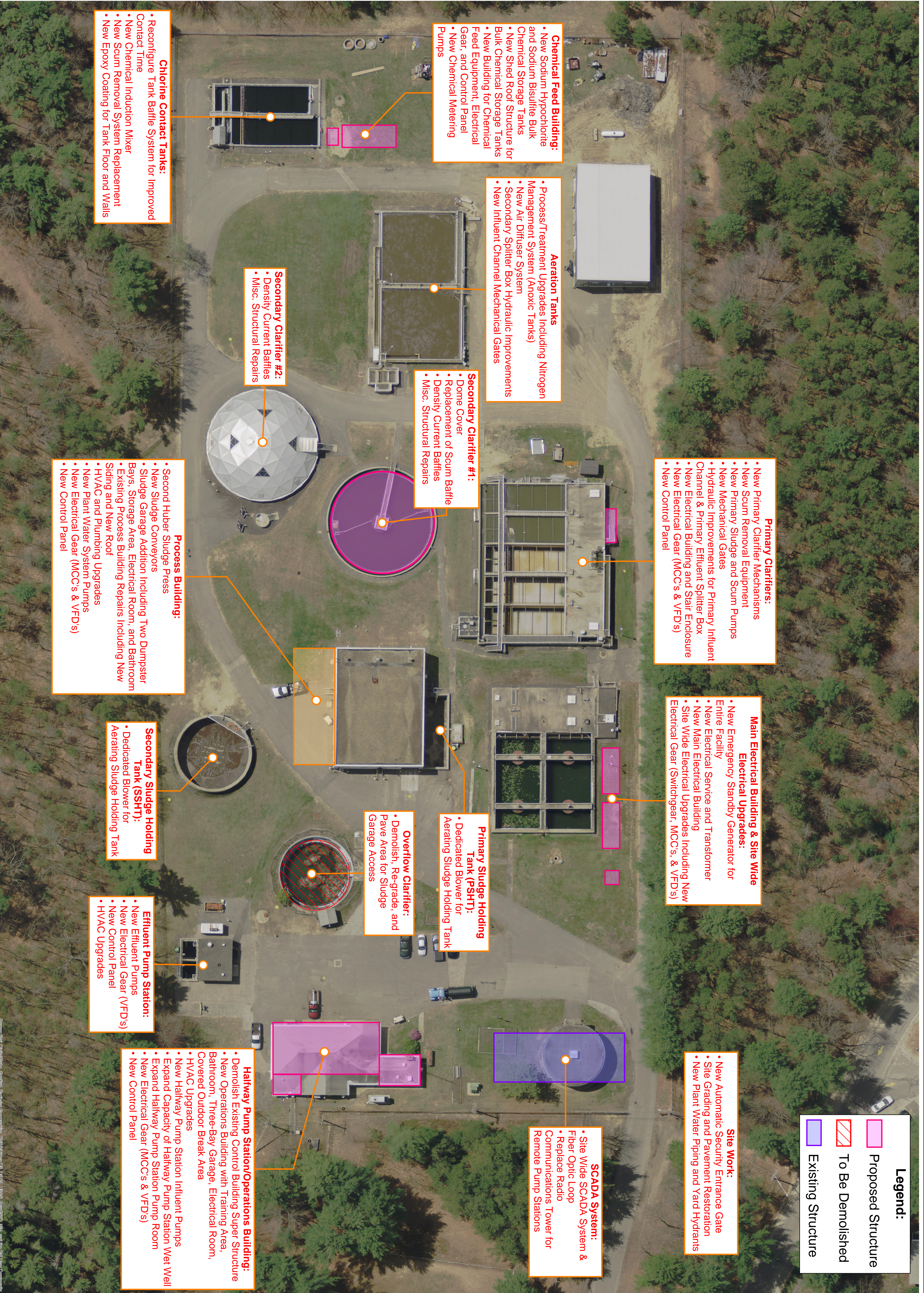
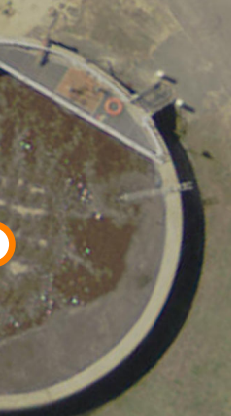
- Secondary Clarifier #2:**
- Density Current Baffles
 - Misc. Structural Repairs

- Chemical Feed Building:**
- New Sodium Hypochlorite and Sodium Bisulfite Bulk Chemical Storage Tanks
 - New Shed Roof Structure for Bulk Chemical Storage Tanks
 - New Building for Chemical Feed Equipment, Electrical Gear, and Control Panel
 - New Chemical Metering Pumps

- Chlorine Contact Tanks:**
- Reconfigure Tank Baffle System for Improved Contact Time
 - New Chemical Induction Mixer
 - New Scum Removal System Replacement
 - New Epoxy Coating for Tank Floor and Walls




- Process Building:**
- Second Huber Sludge Press
 - New Sludge Conveyors
 - Sludge Garage Addition Including Two Dumpster Bays, Storage Area, Electrical Room, and Bathroom
 - Existing Process Building Repairs Including New Siding and New Roof
 - HVAC and Plumbing Upgrades
 - New Plant Water System Pumps
 - New Electrical Gear (MCC's & VFD's)
 - New Control Panel

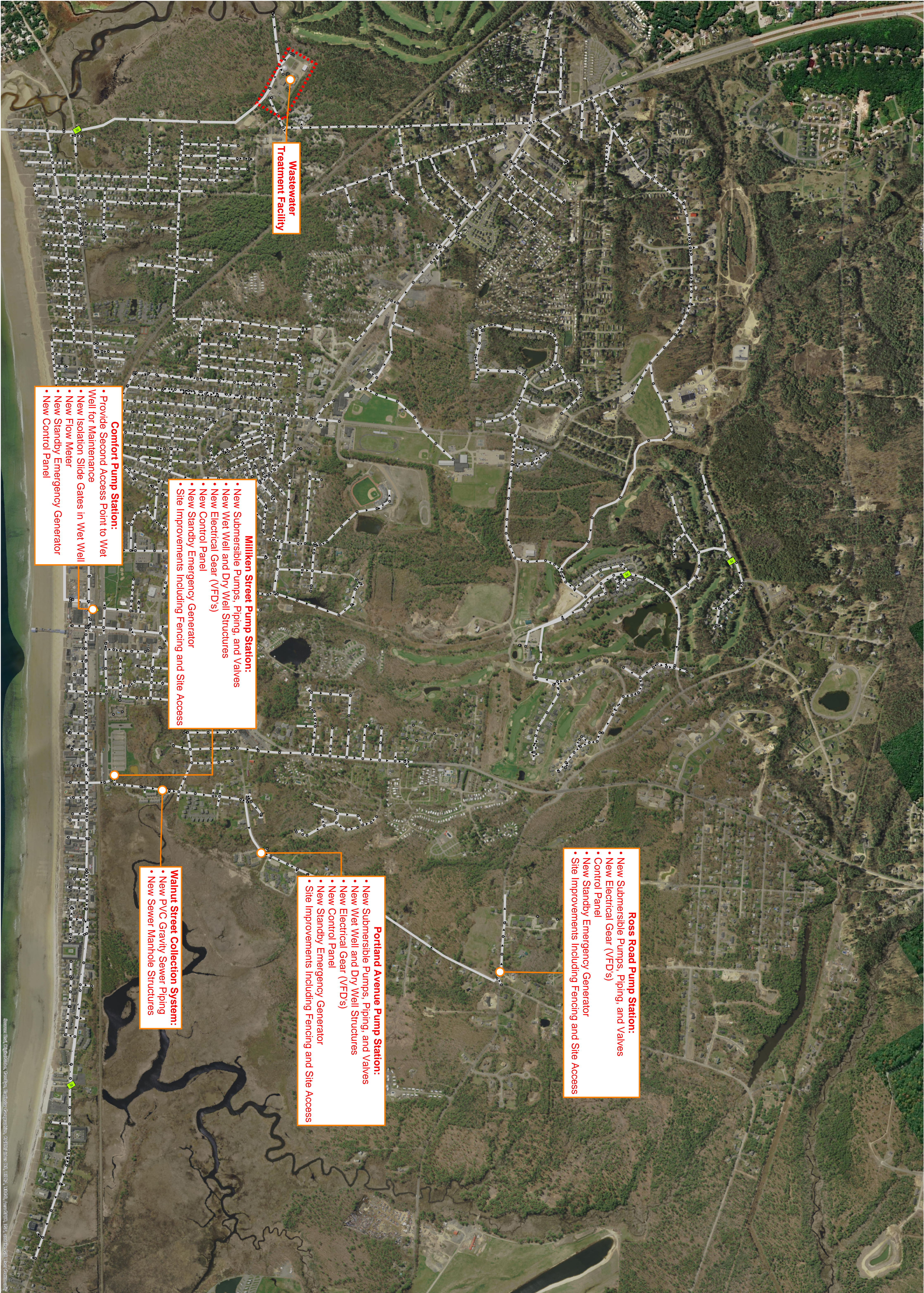
- Secondary Sludge Holding Tank (SSHT):**
- Dedicated Blower for Aerating Sludge Holding Tank





Legend

-  Pump Station
-  Sewer Manhole
-  Sewer



Wastewater Treatment Facility

Comfort Pump Station:

- Provide Second Access Point to Wet Well for Maintenance
- New Isolation Slide Gates in Wet Well
- New Flow Meter
- New Standby Emergency Generator
- New Control Panel

Mililken Street Pump Station:

- New Submersible Pumps, Piping, and Valves
- New Wet Well and Dry Well Structures
- New Electrical Gear (VFD's)
- New Control Panel
- New Standby Emergency Generator
- Site Improvements Including Fencing and Site Access

Portland Avenue Pump Station:

- New Submersible Pumps, Piping, and Valves
- New Wet Well and Dry Well Structures
- New Electrical Gear (VFD's)
- New Control Panel
- New Standby Emergency Generator
- Site Improvements Including Fencing and Site Access

Ross Road Pump Station:

- New Submersible Pumps, Piping, and Valves
- New Electrical Gear (VFD's)
- Control Panel
- New Standby Emergency Generator
- Site Improvements Including Fencing and Site Access

Wainut Street Collection System:

- New PVC Gravity Sewer Piping
- New Sewer Manhole Structures

March 15, 2022

To: Town Council Members

From: Diana H. Asanza, Town Manager

FY 2023 Budget Presentation

Last December, I reported to Council the year-to-date financial status of the Town. At that time, the country was dealing with a 30-year high inflation rate of 6.2%, a rise in the cost of food, fuel, a shortage in supplies, and steadfast consumer demands. As of February, inflation is now at 7.9%, which continues to drive prices up for supplies, goods and services, fuel, and labor. With these uncertainties in mind, the budget that I present this evening has been one of the most challenging budgets that I have had to produce to date.

On a brighter note, even though COVID is still present, we see the light at the end of the pandemic.

Schools are open, recently there has been a change to mask optional, and Mainers are 78% fully vaccinated. York County is at 77%, and Old Orchard Beach is at 92% fully vaccinated. Hospitalization rates are also on the decline. This is good news.

Even though this may be a challenging budget to project, I also see the positive work taking place. There are important initiatives and projects going on for municipal service improvements.

This includes:

- The Wastewater facilities update that we just heard about.
- Infrastructure improvements for sewer and water in the Washington Ave. area that will be completed by the end of this fiscal year.
- Road improvements on West Grand Ave. between Union Ave and Pavia Ave. that are scheduled to begin in April.
- The Recreation Department has done work to increase programming and events at the new Recreation Community Building and Ballpark.

- We are working with the Veterans Memorial Park Committee and Public Works Operations Manager to continue to improve the park for year-round enjoyment for residents and visitors.
- Work is occurring to improve public bathrooms by assessing current structures and completing a feasibility study for future bathroom expansions.
- This year EV charging stations were installed at Town Hall, and you may have noticed four (4) more EV charging stations installed on First Street across from Memorial Parking Lot. These should be up and running soon.
- Improvements for access to the beach occurred this summer as a pilot by installing much safer beach mats that are accessible for all ages and capabilities, instead of the boardwalks that can be difficult to maintain and if not maintained, can become a safety issue.
- Last December, Council accepted a very generous donation from Mr. and Mrs. Ahearn of 38 acres of open space for recreational purposes by Milliken Mills. I look forward to working with Council, the Conservation Commission, and Recreation department to develop a new open space or park vision.

Old Orchard Beach is going through positive changes in who we are and where we want to be in the future.

There is also a responsibility to maintain and improve the Town's capital infrastructure, such as roads, stormwater, sidewalks, and sewer. It is essential to have at least a 5 year plan and even better to have a 10 year plan that prioritizes the work. We are currently taking a different approach to capital planning for infrastructure by creating a priority of work that is easy to understand and follow – a kind of roadmap. This work is currently in progress.

Council's guidance for the FY 23 budget acknowledged Old Orchard Beach's challenges regarding wages, benefits, growth in operating expenses because of commodity price increases, labor shortages, and inflation. As I take you through the Town Manager's FY 23 budget

proposal, you will see a significant boost to address wages and employee benefits. In addition, there is an increase in contracted services, heating and vehicle fuels, municipal solid waste disposal, and biosolids disposal. These items were projected to be the significant budget drivers when I presented the financial status in December 2021, which is still true today.

The budget directives and assumptions:

- The Council adopts a municipal budget that remains within the budget recommendations of the Town Manager,
- The RSU School Board adopts the School Superintendent's proposed budget,
- The adopted York County Commission budget is consistent with the budget projected increase,
- The Town's property valuation increases by at least \$102 million (5%)

The budget is broken down in to three components:

1. Municipal Budget
 2. Capital Improvement Program
 3. Non-Property Tax Revenue
-
1. **FY 23 Budget Projection Breakdown for the Municipal Operating Budget** consists of what is needed to fund the operations of the departments as well as debt service requirements, the Biddeford Saco Old Orchard Beach Transit subsidy, and the Libby Library appropriation. The two most significant components are Wages and Benefits and Department Operating Costs:
 - Wages & Benefits \$11,446,234 (57%)
 - Utilities & Fuel \$1,116,852 (6%)
 - Contracted Services \$3,045,231 (15%)
 - Social Services \$484,688 (2%)
 - Department Operating Costs \$4,133,053 (20%)

Gross Municipal Budget Total \$20,226,058

Increase of: \$1,752,852

Or: 9.5% increase

Budget Drivers:

Wages \$821,000**

- ** Includes five new full-time positions and one ½ FTE:
- (2) Police Officers
- (2) Code Enforcement Officers
- (1) Public Works Sr. Mechanic
- Added additional ½ FTE for the Tax office
- Includes increase in Police Reserve wages
- Includes results of the wage study for non-union positions that Council approved this year, bringing all employees to the minimum of the wage range for their classification plus a 3% COLA.
- Includes two union contract settlements for Public Works, and Wastewater, and FY 23 contractual increases for Fire (Police contract is up for renewal 7/1/2022).
- Increase in Election wages because of November 2022 election
- Increases in the Fire Department Lifeguard and Per Diem wage line
- Increase in Parking Enforcement wages

Benefits \$198,600

- Employer Tax Liability \$50,000
- Health/Dental Insurance \$51,600
- Retirement \$80,000
- Workers Compensation \$17,000

Waste Disposal \$261,000

The increase is based on current legislation to prohibit the contamination of clean soils with PFAS or the so-called forever chemicals. The Town's current contract expires August 2022 and the

bid that was received has been rescinded because of this legislation. During budget workshops I hope to have more information.

- Wastewater Biosolids Disposal \$180,000
- Mun. Solid Waste Collection & Recycling \$ 81,000

Debt Service \$
88,000

Heating and Vehicle Fuel \$ 59,000

Libby Memorial Library \$ 55,000

Transit/Shuttlebus \$ 50,000

Grounds Improvement \$ 27,000

- Beach Mats
- Holiday Lighting
- Downtown banners

Financial System Program Enhancements \$45,200

Cost Savings/reductions in FY 23:

- General Liability Insurance (\$50,000)
- Service Contract Reductions (\$18,800)

Capital Improvements \$325,000

TOTAL EXPENSE DRIVERS \$ 1,861,000

1. **Capital Improvements Program** The CIP funds improvements beyond the day-to-day municipal operations. Usually, expenditures using capital funds will have a useful life of 10 years; however, it can be 5 years for equipment. Costs are generally at least \$20,000, but there are times when the price may be lower, especially with equipment. CIP also includes infrastructure, like

sewer, stormwater, sidewalks, road improvements, building construction, etc.

According to the Charter, the Finance Committee is responsible for submitting a capital improvement budget proposal to the Town Council. The Finance Director and I have started meeting with the Finance Committee, and this will continue through April. They will review all department priority requests. After department presentations, the Committee will submit a report with their recommendations to Council. Currently, I include a CIP budget proposal in the amount of \$2,500,000, which is an increase of \$325,000 or 14.9%.

Looking at the historical data of the capital program each year since 2018, it has increased annually.

It includes:

- \$1,550,000 for Public Works Infrastructure: Roads, Sewer, Sidewalk, Stormwater, and Equipment
- \$270,000 for Public Safety
- \$680,000 for Various Town Building Improvements, IT Infrastructure Improvements, and Recreation Facility Improvements, and Various Equipment

Non-Property Tax Revenue, Non property tax revenue, includes all other funding sources other than property tax.

Such as:

- Motor Vehicle Excise Tax
- State Revenue Sharing
- License Fees and Permits
- Parking Meter and Parking Fine Revenue
- Revenue from EMS billing

- And a transfer from the general fund unassigned fund balance

The non-property tax revenue is projected at \$6,536,800, an increase of \$631,000. This is an increase of 10.7% over the FY 22 adopted budget.

Non-property tax revenue appropriations for FY 22 have been steady in all categories except Motor Vehicle Excise Tax, where they remain level to the prior year. The most significant increase is revenue sharing, with a 60% increase over last year. Business licensing is also projected to increase 56% based on the proposed fee increase for new and renewal business license application fees.

The revenue budget drivers include:

Revenue Sharing \$450,000 60%

FY 22 State projection is \$1M, FY 23 State projection is \$1.3M

Business Licenses \$125,000 56%

Staff will be proposing a fee increase for new and renewal applications.

Parking Revenues \$105,000 18%

Based on FY 22 meter fee increase, new Passport program for meters and permits, and the additional overnight permits offered at Milliken parking lot.

- Meters \$75,000
- Fines \$20,000
- Permits \$10,000

RSU #23 Resource Officer (\$46,000) (100%)

For the next fiscal year, there will no longer be a Resource Officer stationed at RSU #23.

This was a request by the Superintendent.

TOTAL NON-PROPERTY TAX REVENUE DRIVERS \$634,000

The breakdown of the Property Tax Bill consists of:

- Municipal Operating Budget \$20,226,058 45%
- Capital Improvements Program \$2,500,000 8%
- County Tax Assessment \$965,000 3%

- Education \$13,510,000 44%

The preliminary combined tax levy consists of the department operating expenditures, capital expenditures, school budget, county assessment, less non-property tax revenues. This makes up the municipal commitment funded by property taxes.

- Dept Operating Expenditures less non-property tax revenue or Net Municipal Budget increased 8.82% or \$1,325,555
- School Budget projection increases 3% or \$393,425
- County Tax projection increases 3% or \$28,000

The property valuation is based on a conservative percentage of a 5% increase. From discussions with George Greene, Assessor, the percentage increase included in this budget projection is conservative according to the current market trends, real estate sales data that he is seeing. Residential property values continue to rise. The Town experienced 39.3 million in new growth last year.

The projected increase in property valuation and proposed budget assumptions would result in a mil rate of \$14.30, which is a 1% increase over last year's mil rate of \$14.16.

I would like to thank Jordan Miles, our new Finance Director, for his help and all department heads as we worked together to develop the fiscal year 2023 budget. We will begin to schedule budget workshops to present each department budget to Council in the coming weeks. Jordan and I will continue to meet with the Finance Committee to submit their capital recommendations to Council.

Thank you,

Diana H. Asanza



TOWN OF OLD ORCHARD BEACH

FISCAL YEAR 2023 BUDGET PRESENTATION

Budget Directives and Assumptions

- The Council adopts a municipal budget that remains within the budget recommendations of the Town Manager,
- The RSU School Board adopts the School Superintendent's proposed budget (3% estimate)
- The adopted York County Commission budget is consistent with the budget projected increase (3% estimate)
- The Town's property valuation increases by at least \$102,670,695 (5%)



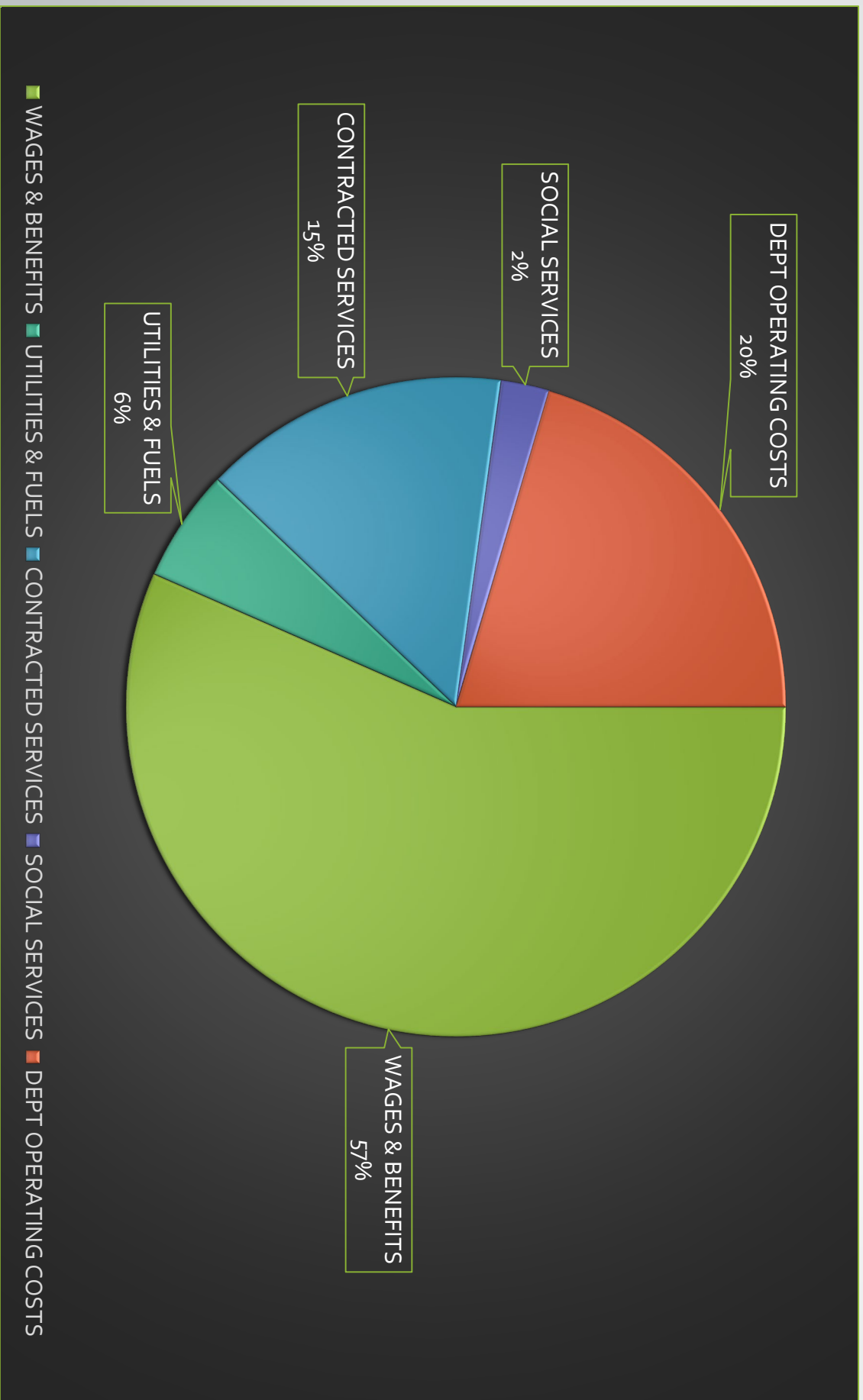
BUDGET OVERVIEW

Municipal Operating Budget

Capital Improvement Program

Non Property Tax Revenue

FY 23 Budget Projection Breakdown



MUNICIPAL BUDGET

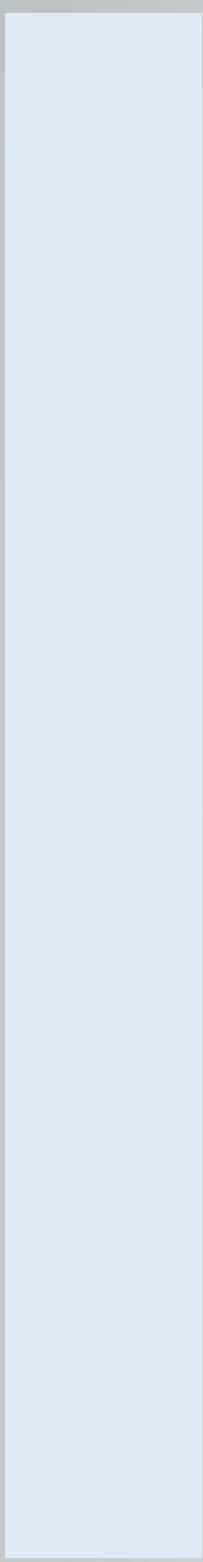
- FY 23: \$20,226,058
- Increase of: \$1,752,852
- Or: 9.5%



Municipal Operating Budget Drivers

EXPENSE BUDGET DRIVERS

<u>Category</u>		<u>Change</u>
Wages		\$821,000.00
Benefits		\$198,600.00
Employer Tax Liability	\$50,000.00	
Health/Dental Insurance	\$51,600.00	
Retirement	\$80,000.00	
Workers Compensation	\$17,000.00	
Waste Disposal		\$261,000.00
Wastewater Biosolids Disposal	\$180,000.00	
Mun. Solid Waste Collection & Recycling	\$81,000.00	
Debt Service		\$88,000.00
Heating and Vehicle Fuel	\$59,000.00	
Libby Memorial Library	\$55,000.00	
Transit/Shuttle Bus	\$50,000.00	
Grounds Improvement		\$27,000.00
Beach Mats		
Holiday Lighting		
Downtown Banners		
Financial System Program Enhancements	\$45,200.00	
Cost/Savings Reductions		\$45,200.00
General Liability Insurance	(\$50,000.00)	
Service Contract Reductions	(\$18,800.00)	
Capital Improvements	\$325,000.00	
TOTAL EXPENSE DRIVERS		\$1,861,000.00

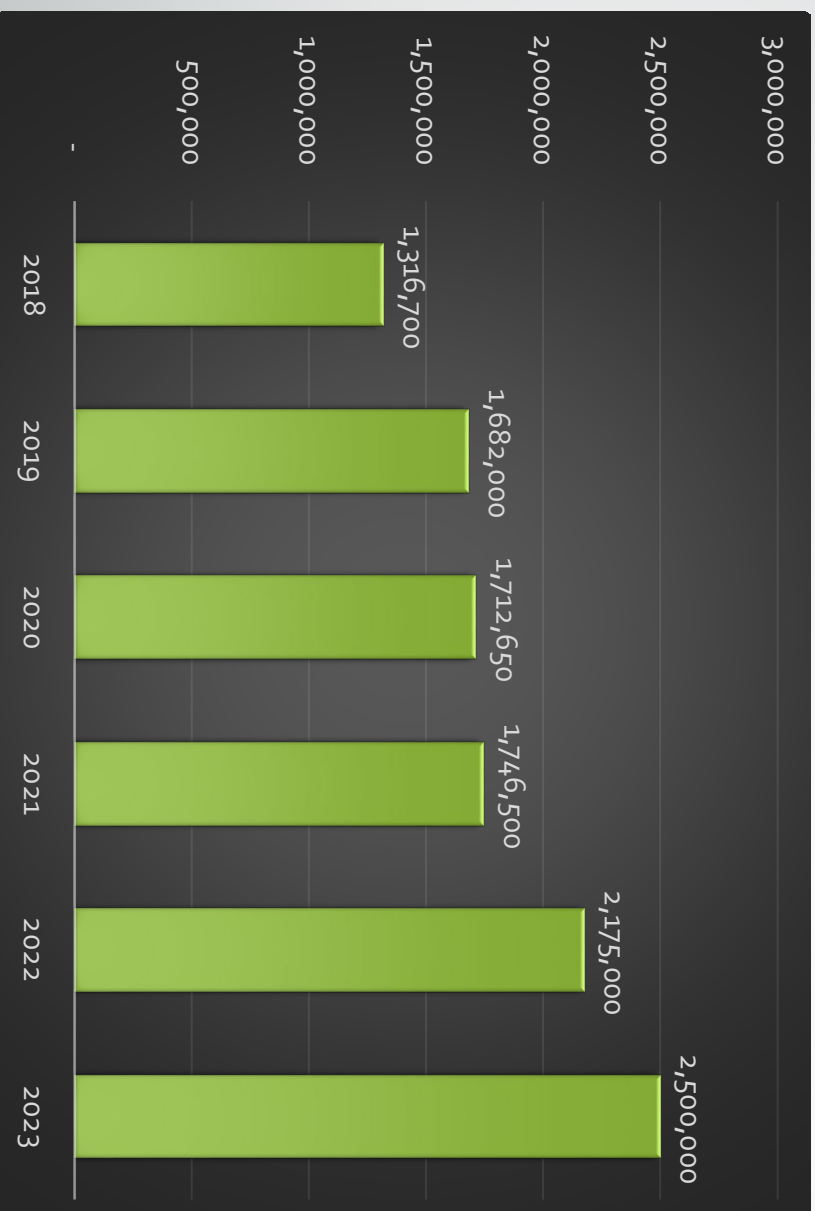




Capital Improvements Budget

- FY 23: \$2,500,000
- Increase: \$325,000
- 14.9% Increase

Capital Improvements Program 2018-2023



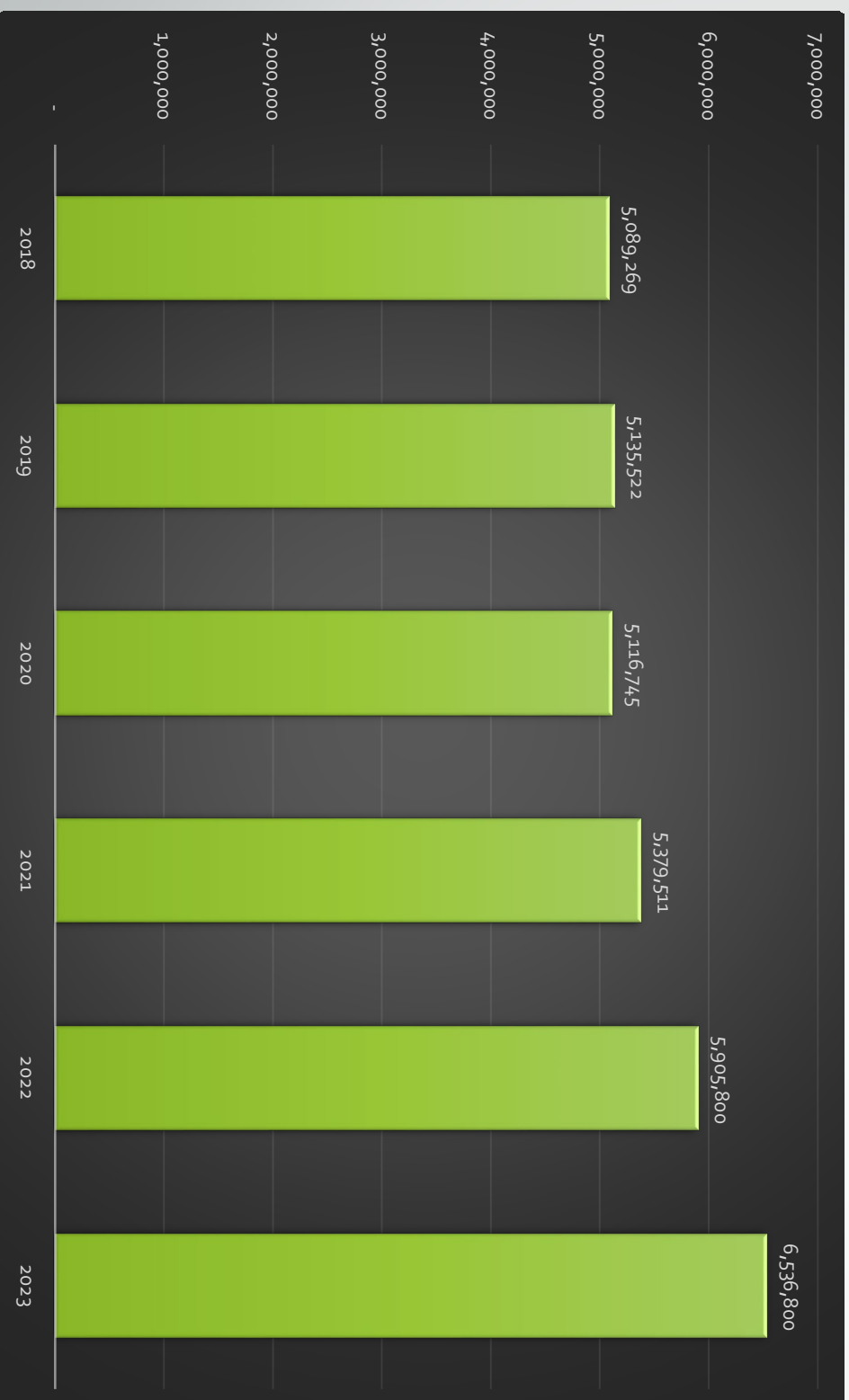


NON PROPERTY TAX REVENUE

- FY 23: \$6,536,800
- Increase of \$631,000
- 10.7% increase

Non-property tax revenue reduces the tax rate by \$3.03

Non-Property Tax Revenue 2018-2023



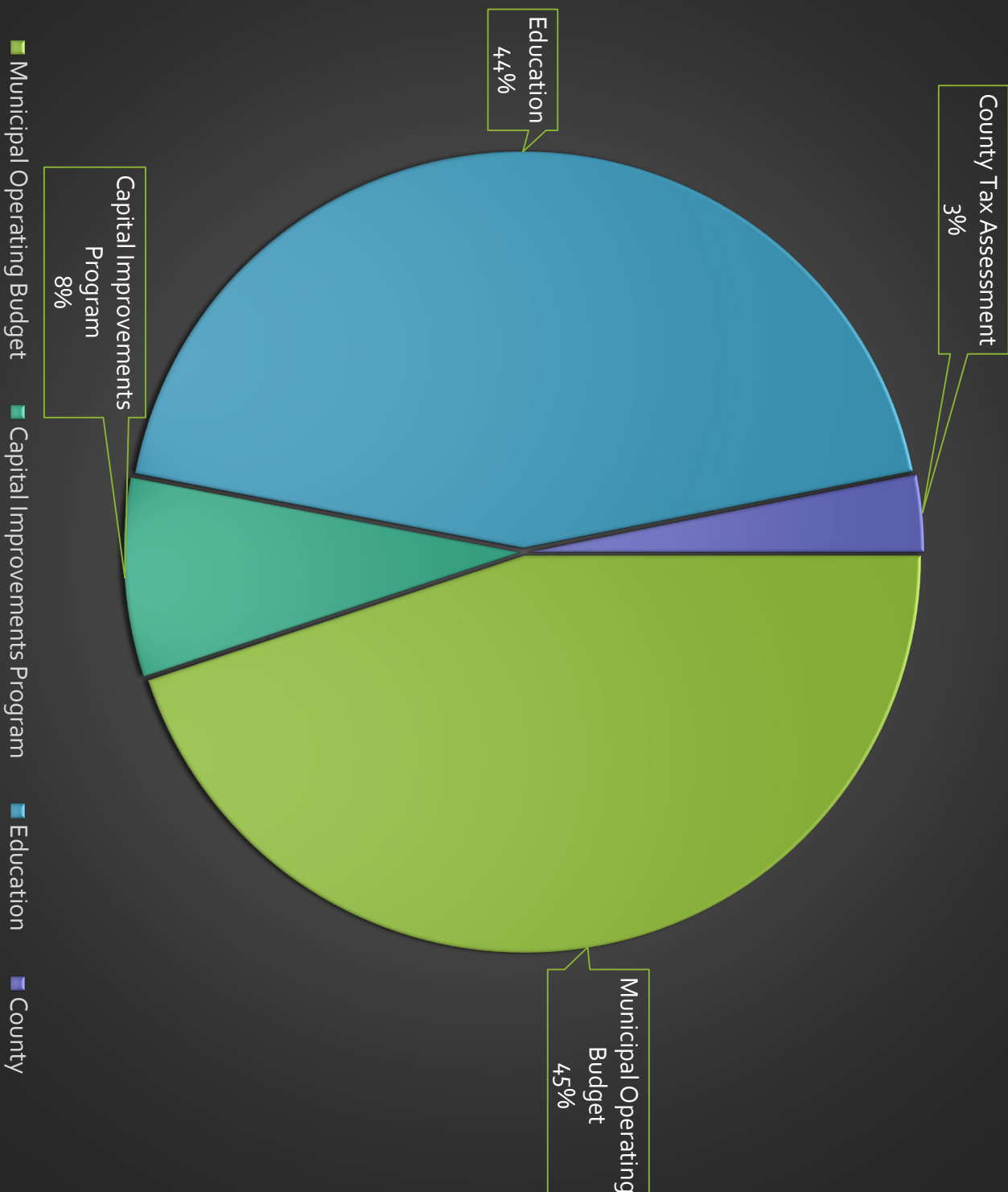
Non Property Tax Revenue Drivers

REVENUE BUDGET DRIVERS

<u>CATEGORY</u>	<u>CHANGE</u>	<u>PERCENTAGE</u>
Revenue Sharing	\$450,000.00	60.00%
Business Licenses	\$125,000.00	56.00%
Parking Revenues	\$105,000.00	18.00%
<i>Meters</i>	\$75,000.00	
<i>Fines</i>	\$20,000.00	
<i>Permits</i>	\$10,000.00	
RSU #23 Resource Officer	(\$46,000.00)	-100.00%
Total Non-Property Tax Revenue Driver	\$634,000.00	

Non-property tax revenue appropriations for FY 22 have been steady in all categories except Motor Vehicle Excise Tax where they remain level to the prior year. The most significant increase is in revenue sharing with a 60% increase over last year. Business licensing is also projected at an increase of 56% based on the proposed fee increase for new and renewal business license application fees.

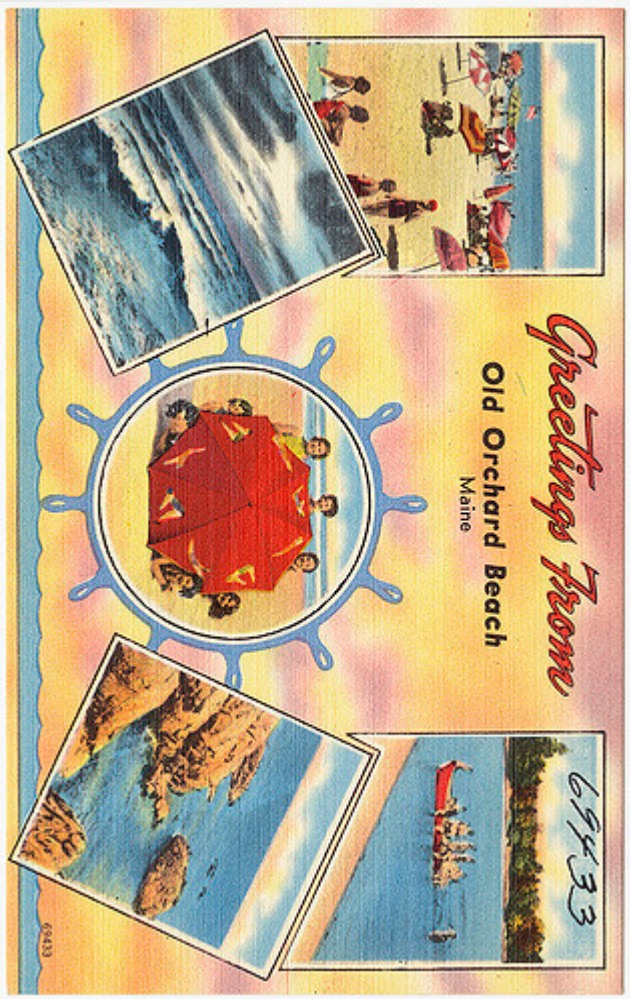
Breakdown of Property Tax Bill



Preliminary Combined Tax Levy

	FY 2022 Budget	FY 2023 Proposed Budget	\$ +/-	% +/-
Town	\$15,022,842.00	\$16,348,397.00	\$1,325,555.00	8.82%
School	\$13,116,575.00	\$13,510,000.00	\$393,425.00	3.00%
County	\$937,000.00	\$965,000.00	\$28,000.00	2.99%
Total	\$29,076,417.00	\$30,823,397.00	\$1,746,980.00	6.01%
Taxable Valuation	\$2,053,419,300.00	\$2,156,090,265.00	\$102,670,965.00	5.00%
Mil Rate	\$14.16	\$14.30	\$0.14	0.99%

FY 23 PROPOSED OLD ORCHARD BEACH MUNICIPAL BUDGET



ACCEPTANCE OF MINUTES

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

Motioned to Accept by: Councilor Blow

Seconded by: Councilor Reid

Vote: 5-0

PUBLIC HEARING

Shall the Town Council consider an amendment to the Medical Marijuana Ordinance Dispensary Standards: Ch. 78, Art. I, Sec. 78-1, Medical Marijuana Registered Dispensary definition; Ch. 78, Art. VI, Secs. 78-803, 904 and 1135; Ch. 78, Art. VII, Sec. 78-1277.

Background:

Proposed amendments attached for review along with Memorandum to Council.

Chair opened the Public Hearing @ 7:12pm

Discussion:

Town Planner Jeffrey Hinderliter opened with discussing his memo to Council.

Chair O'Neill – stated that Council never met to define the changes we were looking for. Council did not have this discussion. He felt that there was a conversation in the back burner to slow the progression of medical marijuana within the Town. He stated he didn't support the changes (i.e., the proposed amendments as written would mean no medical marijuana can sold within Old Orchard Beach). He stated that he was troubled by what has resulted to this point.

Councilor Blow – “can you stop someone from selling from homes?”

Planner Hinderliter – as written with a registered caregiver, there is more of an ability to regulate. The Town has more authority now than when the medical marijuana ordinances were originally written.

Councilor Mead offered his thanks to Town Planner and the hard work from him and his staff. Councilor Mead went on to state that when staff was asked to put the work into this matter the fact that registered medical marijuana dispensaries currently in operation act in same s adult retail. Councilor Mead stated that Councilor Blow and he traveled to the Town of Wells, which has a rather large dispensary in Town. Councilor Mead remarked that even without a medical marijuana card, each Councilor gained access to the dispensary and were promised the opportunity to purchase legal marijuana on the same visit. Councilors Blow & Mead realized that this could be seen as a retail opportunity within Old Orchard Beach, which violated the ordinance on adult use marijuana that had recently passed.

Chair O'Neill remarked that he disrespectfully disagreed on Councilor Mead's points. He also noted that Council should have had a workshop and that it was unfair to "ban" medical marijuana within the Town. He angrily commented, "Who charged the direction to staff?"

Councilor Blow advised Chair O'Neill to take the emotion out of the topic.

Councilor Mead encouraged Council to workshop this matter.

Gerome Beggart; 7 Gables Way: explained the process of the medical marijuana card acquisition. He noted that if he had his druthers, when going through the process of adult use marijuana ordinance development, he would have encouraged medical marijuana. He noted to be in positive support of a workshop.

Councilor Tousignant questioned whether medical marijuana was cheaper than recreational marijuana? Mr. Beggart remarked that it was half the tax.

Councilor Mead encouraged getting answers for the next meeting and/or workshop.

Chair O'Neill went on to state that in the marijuana ordinance development, Council banned every other type of marijuana business. He noted that the medical marijuana was in conflict with the adult use marijuana ordinance. Chair O'Neill closed his statements by remarking that the medical marijuana ordinance was written for "particular people" (referring to particular medical marijuana dispensaries within Town).

Chair closed the Public Hearing @ 7:27pm

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Cary Seamans one year round rental for each of the following:

- (208-1-9-9), 2 Hope Terrace; &
- (208-1-9-11), 8 Hope Terrace; &
- (208-1-9-14), 14 Hope Terrace; &
- (208-1-9-18), 6 Trinity Way; &
- (208-1-9-22), 15 Trinity Way; &
- (208-1-9-32), 22 Trinity Way; &

Michael Clair, (315-11-2), 73A Ocean Avenue, one year round rental.

Nazrin Dixon & Natalia Erb: Coastal Real Estate Holdings, LLC, (205-1-30), 58 Portland Avenue, two year round rentals.

Kim Smith, (203-1-2), 5 Lewis Avenue, one year round rental.

Kevin & Maryann Beaulieu: T&T Leasing, LLC, (208-1-9-20), 2 Trinity Way, one year round rental.

Jason Field d/b/a Odessa By The Sea, (319-14-1), 3 Odessa Avenue, 8 seasonal rentals and one year round rental.

Brandon & Nicole Westgate d/b/a Willow's End, (204-3-48), 15 Willow Avenue, one year round rental.

Lisa Kidd & Deborah Dolan: 4 Kidds, LLC d/b/a/ Café 64, (206-31-7-B), Sidewalk Café.

Marina Narowetz: Old Orchard Beach Family Denistry, (207-2-12), 155 Saco Avenue, Suite One, Personal Services.

James Blow: Blow Family Septic Service, Inc. d/b/a Quick Drain, Waste Hauler, one year license per ordinance.

Good Shephard Parish, (206-30-1X), 6 Saco Avenue, Parking Lot – request for Council to waive fees.

Chair opened the Public Hearing @ 7:29p

Background:

In reference to the Good Shephard Parish Parking Lot - fees total \$625 for the 2022-2024 business license period.

Discussion:

Councilor Mead questioned two licenses a.) 5 Lewis Avenue (203-1-2) and b.) 15 Willow Avenue (204-3-48). He noted that these two houses were in the R1 zone. He questioned if they had licenses in the past? Moreover, he questioned if the Willow End unit was an accessory dwelling?

Town Manager Asanza noted that the Willow Avenue house was a year round rental, with multiple licenses since 1999. She confirmed that 5 Lewis Avenue was a new license.

Councilor Mead stated that the house on Willow was built 9 years ago. His concerns were centered around short term rentals currently being allowed in those areas. He noted that Lewis Ave was transitioning to short term rentals rental rapidly and that Willow Ave was made up of a majority of properties with Homestead Exemptions. He stated that he would not oppose the licenses set forth in front of Council but would like more information and would not oppose an approval because currently following the ordinance.

Motioned to Approve by: Councilor Tousignant

Seconded by: Chair O’Neill for discussion

Vote: 4-0 abstain Kenny Blow

Chair closed the Public Hearing @7:33pm

PUBLIC HEARING – SPECIAL AMUSEMENT PERMIT & APPROVALS:

James Albert: Dimitri, Inc. d/b/a Jimmy the Greek’s, (211-9-1), 215 Saco Avenue, outside and inside bands, DJ, & comedy, 12:00pm to 12:00am.

Chair opened the Public Hearing @ 7:34pm

Motioned to Approve by: Vice Chair Blow

Seconded by: Councilor Mead

Vote: 5-0

Chair closed the Public Hearing @7:34pm

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

FROM: Planning Staff

SUBJECT: Medical Marijuana Registered Dispensary Ordinance Amendments

DATE: 15 March 2022

The Council is scheduled to hold a public hearing on 15 March. Proposed language in the amendments has not changed since the Council last reviewed the amendments on 1 March.

Background (1 March 2022)

During December, the Council enacted a moratorium to address the regulation of medical marijuana registered dispensaries. The reason for the moratorium is due to recent changes to State laws regulating medical marijuana dispensaries and the potential impacts the use could create as a result of these new laws. Also, the Town recently enacted adult use marijuana ordinance which allow retail stores in the same zoning district that currently allows dispensaries.

Regarding the law changes, until recently, dispensaries were required to be nonprofit entities and only one dispensary was allowed in each Maine Department of Health and Human Services Public Health District (total 8 allowed in entire state). Dispensaries now can be operated by for-profit entities and, in addition to the 8 dispensary registration certificates issued, the State can now issue another 6 dispensary registration certificates. Also, dispensaries now can grow an unlimited number of marijuana plants.

Currently, the Town regulates dispensaries through application of business license (Ch. 18) and conditional use (Ch. 78) standards. Dispensaries are allowed in the GB-1 zoning district. Conditional use review is required.

In regards to the proposed amendments, we are proposing to remove medical marijuana registered dispensary as an allowed use. To do this, we are changing one Ch. 18 article, three Ch. 78 articles, and a fee in Appendix A:

- Ch. 18, Art. XI: This amendment includes removing references to medical marijuana registered dispensary and removes the sentence “This shall be considered a commercial use” in the medical marijuana registered dispensary definition. The reason for removal of “This shall be considered a commercial use” is we don’t want a potential loop hole where people could argue the use is actually a commercial use because that’s what it states in the definition. You may be wondering why we did not remove the entire definition. The reason we decided to leave the definition is due to the Omitted Use (78-148) standard which states, in part: “Any use not specifically allowed as either a permitted use or a conditional use is specifically prohibited.” By leaving the definition the ordinance acknowledges the existence of the use and by not identifying it as a permitted or conditional use in any zoning district, it will be specifically prohibited by application of the Omitted Use standard.
- Ch. 78, Art. I: This amendment removes the sentence “This shall be considered a commercial use” in the medical marijuana registered dispensary definition (see reasoning above).
- Ch. 78, Art. VI, Secs. 78-803, 904, 1135: This amendment is proposing to remove medical marijuana registered dispensary as a conditional use in the GB-1 district and as a prohibited use in the ID and HO (Historic Overlay) districts. By removing the use as well as with application of the Omitted Use standard, medical marijuana registered dispensaries will no longer be a use allowed in OOB.
- Ch. 78, Art. VII, Sec. 78-1277: This amendment proposed to remove all references of medical marijuana registered dispensary from the conditional use ordinance.
- Appendix A: This amendment removes medical marijuana registered dispensary and associated fee from the license fee schedule.

By removing medical marijuana registered dispensaries as an allowed use and the references in the conditional use ordinance, this will not allow the use to exist anywhere in OOB. We feel this is the most effective way to address the moratorium’s concerns.

The Planning Board voted unanimously that Council approve the Ch. 78 ordinance amendments as drafted. The Board did not consider Ch. 18 and Appendix A amendments because they do not fall under the Boards jurisdiction.

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 March 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, Section 78-1, Definitions; Section 78-803 Conditional Uses, 904, Prohibited uses, 1135 Prohibited uses, 1277 Medical Marijuana and Chapter 18, Businesses, Section 601, Definitions and Section 603, Medical Marijuana License, but deleting the crossed through language and adopting the underscored language as follows:

Chapter 78

Sec. 78-1. Definitions.

Medical marijuana registered dispensary (land use): A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. ~~This shall be considered a commercial use.~~

Sec. 78-803. - Conditional uses. The planning board may authorize the following uses in the general business district 1 (GB-1) provided that the conditions of article VII of this chapter are met:

~~(7) Medical marijuana registered dispensary.~~

Sec. 78-904. – Prohibited uses. Prohibited uses in the industrial district (ID) are as follows:

~~(11) Medical marijuana registered dispensary.~~

Sec. 78-1135. – Prohibited uses. Prohibited uses in the historic overlay district (HO) are as follows:

~~(9) Medical marijuana registered dispensary.~~

Sec. 78-1277. Medical marijuana.

(a) *Approval process:* Any proposal to establish a new or alter ~~an existing medical marijuana registered dispensary~~ or a medical marijuana production facility shall require approval of the planning board as a conditional use. The planning board and applicant shall follow the application and review process (section 78-1238), standards (section 78-1240), authority (section 78-1266), and this section (section 78-1277) within article VII. Notification of site walks and public hearings shall include all property owners within 1,000 linear feet, measured in a straight line from the property boundary of the proposed ~~dispensary~~ or facility. Notification or property

owners shall be mailed at least ten days before the scheduled site walk and public hearing. Applicants shall be responsible for mailing notifications to property owners to the addresses identified on a mailing list provided by the town. In addition to other public notification requirements, the town shall notify the Old Orchard Beach Police Department and the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services prior to the public hearing on any application.

(d) *Performance standards:* In addition to other requirements of this section and related provisions of article VII and other chapters within the Town of Old Orchard Beach Code of Ordinances, the following shall apply to any application for a new or altered ~~medical marijuana registered dispensary~~ or a medical marijuana production facility:

~~(1) Medical marijuana registered dispensary limit.~~ There shall be no more than one ~~medical marijuana registered dispensary~~ in the Town of Old Orchard Beach.

~~(2)~~ 1 *Medical marijuana production facility limit.* There shall be no more than four medical marijuana caregivers allowed to operate within a single medical marijuana production facility.

~~(3)~~ 2 *Proximity limit.* Only one ~~medical marijuana registered dispensary~~ or medical marijuana production facility shall be permitted per lot. Additionally, no medical marijuana production facility shall be located on a lot that is within 250 feet of another lot on which a medical marijuana production facility ~~or medical marijuana registered dispensary~~ is located. This separation requirement will prevent a concentration of these facilities and helps to ensure compliance with the State prohibition against collectives.

~~(4)~~ 3 *Proximity location to other uses.* No ~~medical marijuana registered dispensary~~ or ~~medical~~ marijuana production facility shall be closer than 500 linear feet, measured in a straight line from ~~the dispensary~~ or a facility building entrance, to the nearest point on the boundary of any property which is occupied by a licensed day care facility, school, town park, town playground or church.

~~(5)~~ 4 *Security.* Before granting an approval, the planning board shall ensure the applicant has reviewed their property and building security plans with the Old Orchard Beach Police Department and the police department finds the security measures are consistent with state requirements.

~~(6)~~ 5 *Outside appearance.* No signs containing the word "marijuana," or a graphic/image of any portion of a marijuana plant or otherwise identifying medical marijuana shall be erected, posted or in any way displayed on the outside of a ~~medical marijuana registered dispensary~~ or a medical marijuana production facility. Interior advertisements, displays of merchandise or signs depicting the activities of a ~~medical marijuana registered dispensary~~ or a medical marijuana production facility shall be screened to prevent public viewing from outside such facility.

~~(7)~~ 6 *Odorous air contaminants.* It shall be an unlawful nuisance for any person to cause or permit the emission of odorous air contaminants from any source so as to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of property. Upon the following occurrence, any odor will be deemed to interfere with reasonable and comfortable use and enjoyment of property:

(i) If odorous air contaminants are detected when one volume of the odorous air has been diluted with seven or more volumes of odor-free air, as measured by any instrument, device, or method designed to be used in the determination of the intensity of an odor. Measurement shall be taken at property boundary lines.

(87) *Business license.* As a condition of use, the operator of a ~~medical marijuana registered dispensary~~ or a medical marijuana production facility shall obtain and retain all required business licenses pursuant to chapter 18 - businesses. The land use approval shall be considered abandoned if no license-holder occupies the facility for a period of two years or more.

CHAPTER 18

~~ARTICLE XI. MEDICAL MARIJUANA REGISTERED DISPENSARY OR MEDICAL MARIJUANA PRODUCTION FACILITY~~

Sec. 18-601. Definitions.

Medical marijuana registered dispensary (land use): A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. ~~This shall be considered a commercial use.~~

Sec. 18-603. Medical marijuana license.

This license shall be required for a ~~medical marijuana registered dispensary~~ or medical marijuana production facility. The following shall apply:

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

A True Copy
Attest:

s/Kim McLaughlin
Kim M. McLaughlin, Town Clerk

NEW BUSINESS:

Agenda Item #7635

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

James Albert: Dimitri, Inc. d/b/a Jimmy the Greek's, (211-9-1), 215 Saco Avenue, m-s-v in a restaurant.

King Weinstein: Old Orchard Beach Inn, LLC d/b/a Old Orchard Beach Inn, (205-1-23), 6 Portland Avenue, m-s-v Bed & Breakfast (Class V).

Motioned to Approve Liquor License Renewal by: Councilor Mead

Seconded by: Vice-Chair Blow

Vote: 5-0

Agenda Item #7636

Discussion with Action: Extend the conditional approval of the following Special Amusement Permits set to *expire March 31st, 2023:*

TPR, Inc. d/b/a Tequila Frogs Local Cantina, (306-5-3), 8 East Grand Avenue, solo, duets, DJ inside 12:30pm to 12:30am & outside 12:30pm to 12:00am.

TPR, Inc. d/b/a Bull & Brew Winghouse, (306-5-2), 6 East Grand Avenue, solo, duets, DJ, bands inside from 12:30pm to 12:30am.

Patio Pub, Inc. d/b/a Hooligan's Landing, (306-6-1-DD), 2 Old Orchard Street, solo, duets, DJ, comedy inside from 12:30pm to 12:30am.

Patio Pub, Inc. d/b/a Pier Patio Pub, (306-6-1-J), 2 Old Orchard Street, solo, duets, DJ, comedy, bands, amp inside from 12:30pm to 12:30am.

Thomas & Katherine Lacasse: HFY Enterprises, Inc. Oceanside Grille @ The Brunswick, (310-6-1), 39 West Grand Avenue, live music inside 12:30pm to 12:30am & live music outside 12:30pm to midnight.

Background:

The following Special Amusement Permits were conditionally approved on October 5th, 2021 (i.e., 310-6-1) and November 16th, 2021 (ie., 306-5-3, 306-5-2, 306-6-1-DD, & 306-6-1-J) with an end date of March 31st, 2022. The intention of the conditional approval was to align downtown area businesses with the Business Licensing Working Group (BLWG) requests to reduce the calls for service in matters of drunk and disorderly behavior within the Downtown District. The BLWG, consisting of representation of Town officials & staff and local business owners, met twice during the months of January and February, 2022, with a Council Workshop held on February 22nd, 2022. As movement continues in the direction of improvement in matters for public safety (i.e., increased lighting in key areas) the extension of a one year conditional approval allows the aforementioned businesses an opportunity to follow through with their plans-of-action to reduce disorderly behavior and service calls for the 2022 business year.

Motioned to Extend Conditional Approval by: Councilor Blow

Seconded by: Councilor Reid

Vote: 5-0

Agenda Item #7637

Discussion with Action: Consider the 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 located within the right of way of said Trudy Circle, Mason Way and Pepsi Street, fire hydrants, street signs, drainage easement areas and sewer pipes located therein or appurtenant thereto, sidewalks, together with the responsibility for trash removal, plowing of roads within the travelled way and all responsibilities of a public road or way, except and specifically excluding mailboxes and snow removal of the mailbox turnout area; maintenance of the grates covering the sidewalk underdrain and esplanade on Pepsi Street; trees; landscaping maintenance of the esplanade and trees; street lights; lighting facilities; lampposts; lighting electricity costs; sewer laterals from individual lots to the street connection of said sewer drains, for all of which the Grantor reserves and retains an easement for the

installation, use and maintenance thereof. Also specifically excluding sidewalks, for which Grantee is granted a public easement over and will maintain except for snow removal which remains the responsibility of Grantor. As described in the Warranty Deed from Dirigo Associates, Inc. to the Town of Old Orchard Beach, Maine, dated, March 15th, 2022.

Background:

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

FROM: Planning Staff

SUBJECT: Dirigo Woods Road Acceptance Proposal

DATE: 15 March 2022

During February, the Council conducted a workshop for the purpose of determining which infrastructure and maintenance of infrastructure the Town is willing to consider for public acceptance. At the workshop the Council identified the infrastructure and maintenance items and concluded with recommending the applicant revise the deed proposing acceptance to include and exclude the identified items.

For the March Council meeting, you'll receive three new submissions: 1. Revised deed; 2. Stormwater Maintenance Agreement; 3. Updated as-built plan and engineer certification. Below are a few comments on each.

1. Revised deed. In response to the recommendations made by the Council at the February workshop, the applicant prepared a new warranty deed which includes a revised description of infrastructure and maintenance of infrastructure items included and excluded from public acceptance. After Town receipt, the warranty deed was reviewed and edited by the Town attorney. The edited version sent to the applicant who accepted all changes. The Town attorney edited warranty deed is in your packet and is the final version.

2. Stormwater Maintenance Agreement. Because the Town is not accepting stormwater systems outside of the Dirigo Woods roads right-of-way, we are requiring the home owner's association (HOA) to take on maintenance responsibility. Included in your packet is the maintenance agreement. The maintenance agreement identifies the HOA's responsibilities which include maintenance, repair, and requiring the HOA to provide annual certification that shows the systems are functioning properly. The Town worked with the applicant on the language and they are aware we are requiring this as part of

accepting the warranty deed. The agreement can be executed by Diana. Below is a condition we recommend the Council include if the warranty deed is accepted.

3. Update As-Built Plan and Engineer Certification. Included in your packet is an updated as-built plan of Mason Circle and letter from engineer of record. Wright-Pierce required an updated as-built plan of this area as well as sign off from the engineer of record.

Recommendations

We feel the applicant has successfully complied with all staff, engineering and Council requests; therefore, we recommend the Council accept the Dirigo Woods Subdivision warranty deed and associated materials with a condition attached to acceptance:

Condition: The Homeowners Association shall enter into a Stormwater Maintenance Agreement with the Town within 30 calendar days of Council acceptance of Dirigo Woods Subdivision Roads.

See attached Storm Water Maintenance Agreement, proposed Deed, and schematics.

Motioned to Consider by : Vice-Chair Blow

Seconded by: Councilor Mead

Vote: 5-0

Agenda Item #7638

Discussion with Action: Accept the quote for ammunition from AAA Police Supply in the amount of \$15,593.00, from account number 20131-50501 Police Department Operation Supplies with a balance of \$22,859.62.

Background:

This purchase provides for ammunition used for annual Maine Criminal Justice Academy mandatory firearms qualifications as well as duty ammo for full and part-time Police Officers.

Motioned to Accept by: Councilor Reid

Seconded by: Councilor Tousignant

Vote: 5-0

Old Orchard Beach
Town Council

3/15/2022

Re: Public Hearing on Registered Dispensaries

To the distinguished council members,

We are testifying tonight neither for nor against the proposed ban on Registered Dispensaries in Old Orchard Beach. While we want to see this industry grow & mature in OOB, we understand the concern the Town has with the potential arrival of a Medical Marijuana superstore. We were the citizens that brought up the potential for an unlimited sized Dispensary in town, and we commend the councilors for doing their due diligence and visiting the Curaleaf superstore in Wells.

We believe that a small Registered Dispensary in the GB-1 zone would not bring a big impact on the surrounding communities. With a new Adult Use store on the way in GB-1, we understand the Planning Board & Council's wishes to only have one new store come to Town. If the Council does vote to prohibit Registered Dispensaries, we hope that you carry over the same concerns to the potential Adult Use ordinance changes that will be discussed at future meetings. No one wants to see a marijuana superstore as one of the first businesses you see coming into Town. The Planning Board was also clear in their preference to see a smaller store on the Adult Use side. They placed a cap of 1,000 sq ft per building in their recommendations to this Council in 2021.

We hope that this Council stays consistent with its stance on what kind of marijuana store it wants to see in Old Orchard Beach. We look forward to our discussions around this subject over the coming weeks and we thank you for your time!

Best,
Tom Mourmouras

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

FROM: Planning Staff

SUBJECT: Dirigo Woods Road Acceptance Proposal

DATE: 15 March 2022

During February, the Council conducted a workshop for the purpose of determining which infrastructure and maintenance of infrastructure the Town is willing to consider for public acceptance. At the workshop the Council identified the infrastructure and maintenance items and concluded with recommending the applicant revise the deed proposing acceptance to include and exclude the identified items.

For the March Council meeting, you'll receive three new submissions: 1. Revised deed; 2. Stormwater Maintenance Agreement; 3. Updated as-built plan and engineer certification. Below are a few comments on each.

1. Revised deed. In response to the recommendations made by the Council at the February workshop, the applicant prepared a new warranty deed which includes a revised description of infrastructure and maintenance of infrastructure items included and excluded from public acceptance. After Town receipt, the warranty deed was reviewed and edited by the Town attorney. The edited version sent to the applicant who accepted all changes. The Town attorney edited warranty deed is in your packet and is the final version.

2. Stormwater Maintenance Agreement. Because the Town is not accepting stormwater systems outside of the Dirigo Woods roads right-of-way, we are requiring the home owner's association (HOA) to take on maintenance responsibility. Included in your packet is the maintenance agreement. The maintenance agreement identifies the HOA's responsibilities which include maintenance, repair, and requiring the HOA to provide annual certification that shows the systems are functioning properly. The Town worked with the applicant on the language and they are aware we are requiring this as part of accepting the warranty deed. The agreement can be executed by Diana. Below is a condition we recommend the Council include if the warranty deed is accepted.

3. Update As-Built Plan and Engineer Certification. Included in your packet is an updated as-built plan of Mason Circle and letter from engineer of record. Wright-Pierce required an updated as-built plan of this area as well as sign off from the engineer of record.

Recommendations

We feel the applicant has successfully complied with all staff, engineering and Council requests; therefore, we recommend the Council accept the Dirigo Woods Subdivision warranty deed and associated materials with a condition attached to acceptance:

Condition: The Homeowners Association shall enter into a Stormwater Maintenance Agreement with the Town within 30 calendar days of Council acceptance of Dirigo Woods Subdivision Roads.

Warranty Deed

KNOW ALL PERSONS BY THESE PRESENT, that **DIRIGO ASSOCIATES, INC.**, a Maine Corporation registered to do business in the State of Maine, having a principal place of business at 16 Rossmore Road, Wakefield, MA 01880,

for consideration paid, grants to the TOWN OF OLD ORCHARD BEACH, a Maine municipal corporation, with a principal place of business and mailing address of 1 Portland Avenue, Old Orchard Beach, ME 04064,

with warranty covenants, for highway purposes and without claim for damages, all of its right, title and interest in the following described real estate, namely:

A certain lot or parcel of land, with any improvements thereon, situated in the Town of Old Orchard Beach, County of York and State of Maine, and being more particularly bounded and described in Exhibit A attached hereto and made a part hereof.

Witness my hand this ____ day of March 2022.

DIRIGO ASSOCIATES, INC.

Witness

By:
Its:
Duly Authorized

STATE OF _____
COUNTY OF _____

_____, 2022

Personally appeared the above named _____ and acknowledged the foregoing instrument to be his free act and deed, in his said capacity.

Before me, _____
Notary Public/ Maine attorney at law

Name of Notary Public: _____

My Commission Expires: _____

EXHIBIT A

Grantor: Dirigo Associates, Inc.
Grantee: Town of Old Orchard Beach

Attached to and forming an integral part of the Deed from the above named Grantor to the above named Grantee, the real estate conveyed is described as follows:

A certain lot or parcel of land with any and all improvements thereon and appurtenant thereto, known as Trudy Circle, Mason Way and Pepsi Street, in the Dirigo Woods Subdivision, in the Town of Old Orchard Beach, County of York and State of Maine, and being more particularly shown and described on a Plan entitled "Dirigo Woods Subdivision" prepared by Titcomb Associates for Dirigo Properties, LLC, dated March 10, 2006, approved by the Town of Old Orchard Beach Planning Board on September 13, 2007 and recorded in the York County Registry of Deeds in Plan Book 323, Page 23, (see also Affidavit of Dirigo Properties, LLC dated March 10, 2018 and recorded in said Registry of Deeds in Book 17685, Page 179) to which Plan reference is hereby made for a more particular description of the premises hereby conveyed; together with any storm water runoff systems located within the right of way of said Trudy Circle, Mason Way and Pepsi Street, fire hydrants, street signs, drainage easement areas and sewer pipes located therein or appurtenant thereto, sidewalks, together with the responsibility for trash removal, plowing of roads within the travelled way and all responsibilities of a public road or way, except as excluded below.

Specifically excluding mailboxes and snow removal of the mailbox turnout area;; maintenance of the grates covering the sidewalk underdrain and esplanade on Pepsi Street; trees; landscaping maintenance of the esplanade and trees; street lights; lighting facilities; lampposts; lighting electricity costs; sewer laterals from individual lots to the street connection of said sewer drains, for all of which the Grantor reserves and retains an easement for the installation, use and maintenance thereof.

Also specifically excluding sidewalks, for which Grantee is granted a public easement over and will maintain except for snow removal which remains the responsibility of Grantor.

Said Trudy Circle, Mason Way and Pepsi Street being more particularly described by metes and bounds as follows:

Trudy Circle:

A certain parcel located on northwesterly of, but not adjacent to, Dirigo Drive in the Town of Old Orchard Beach, County of York and State of Maine, bounded and described as follows:

Beginning at a point on the northwesterly side of land designated as Pepsi Street as shown on a Plan of Dirigo Woods Subdivision made for Dirigo Properties, LLC by Titcomb Associates, dated March 10, 2006, recorded in the York County Registry of Deeds in Plan Book 323, Page 23, and the southerly corner of land designated as Lot 29 as shown on said Plan. Thence by the lots, open space, and road designated on said plan the following courses:

- 1) Southwesterly following a curve to the left, having a radius of Two Hundred Fifty-Five and 00/100 (255.00) feet, an arc distance of Sixty-Seven and 56/100 (67.56) feet to a point, said point being located S 65°17'59" W a distance of Sixty-Seven and 36/100 (67.36) feet from the point of beginning;
- 2) Northerly following a non-tangent curve to the left, having a radius of Ten and 00/100 (10.00) feet, an arc distance of Fourteen and 38/100 (14.38) feet to a point of tangency, said point being located N 16°30'18" E a distance of Thirteen and 18/100 (13.18) feet from the last described point;
- 3) N 24°42'01" W a distance of One Hundred Twenty and 74/100 (120.74) feet to a point of curvature;
- 4) Northeasterly following a curve to the right, having a radius of Two Hundred Fifty-Five and 00/100 (255.00) feet, an arc distance of Two Hundred Ninety-One and 76/100 (291.76) feet to a point of tangency;
- 5) N 40°51'16" E a distance of Ninety-Six and 44/100 (96.44) feet to a point of curvature;
- 6) Easterly, Southerly, and Westerly following a curve to the right, having a radius of Sixty-Five and 00/100 (65.00) feet, an arc distance of Three Hundred Six and 31/100 (306.31) feet to a point of tangency;
- 7) N 49°08'44" W a distance of Five and 00/100 (5.00) feet to a point of curvature;
- 8) Westerly following a curve to the left, having a radius of Ten and 00/100 (10.00) feet, an arc distance of Fifteen and 71/100 (15.71) feet to a point of tangency;
- 9) S 40°51'16" W a distance of Twenty-One and 44/100 (21.44) feet to a point of curvature;
- 10) Southerly following a curve to the left, having a radius of Two Hundred Five and 00/100 (205.00) feet, an arc distance of Two Hundred Thirty-Four and 55/100 (234.55) feet to a point of tangency;

- 11) S 24°42'01" E a distance of One Hundred Twenty and 74/100 (120.74) feet to a point of curvature;
- 12) Southeasterly following a curve to the left, having a radius of Ten and 00/100 (10.00) feet, an arc distance of Fourteen and 38/100 (14.38) feet to the point of beginning.

Bearings are referenced to Magnetic North.

The above described parcel contains 35,405 square feet, being a portion of land now or formerly of Dirigo Properties, LLC as described in a deed recorded in the York County Registry of Deeds in Book 17876, Page 206. Said parcel being designated as Trudy Circle as shown on a Plan of Dirigo Woods Subdivision made for Dirigo Properties, LLC by Titcomb Associates, dated March 10, 2006, recorded in said Registry in Plan Book 323, Page 23.

Mason Way:

A certain parcel located on the northwesterly side of Dirigo Drive in the Town of Old Orchard Beach, County of York and State of Maine, bounded and described as follows:

Beginning at a point on the northwesterly side of Dirigo Drive and the southerly corner of land designated as "Open Space G" as shown on a Plan of Dirigo Woods Subdivision made for Dirigo Properties, LLC by Titcomb Associates, dated March 10, 2006, recorded in the York County Registry of Deeds in Plan Book 323, Page 23. Thence:

- 1) S 51°37'38" W by said Dirigo Drive a distance of Fifty and 00/100 (50.00) feet to land designated as "Lot 1" as shown on said Plan.

Thence by the lots, open spaces, and roads designated on said Plan the following courses:

- 2) N 38°22'22" W a distance of Four Hundred Seventeen and 32/100 (417.32) feet to a point of curvature;
- 3) Northwesterly following a curve to the left, having a radius of Nine Hundred Seventy-Five and 00/100 (975.00) feet, an arc distance of Two Hundred Ninety and 15/100 (290.15) feet to a point of tangency;
- 4) N 55°25'24" W a distance of Three Hundred Sixty-Three and 54/100 (363.54) feet to a point of curvature;
- 5) Northwesterly following a curve to the right, having a radius of Five Hundred Twenty-Five and 00/100 (525.00) feet, an arc distance of One Hundred Thirty-Three and 44/100 (133.44) feet to a point of tangency;

- 6) N 40°51'36" W a distance of One Hundred Sixty-Six and 21/100 (166.21) feet to a point of curvature;
- 7) Northerly, Easterly and Southerly following a curve to the right, having a radius of Sixty-Five and 00/100 (65.00) feet, an arc distance of Three Hundred Six and 31/100 (306.31) feet to a point of tangency;
- 8) S 49°08'24" W a distance of Five and 00/100 (5.00) feet to a point of curvature;
- 9) Southerly following a curve to the left, having a radius of Ten and 00/100 (10.00) feet, an arc distance of Fifteen and 71/100 (15.71) feet to a point of tangency;
- 10) S 40°51'36" E a distance of Ninety-One and 21/100 (91.21) feet to a point of curvature;
- 11) Southeasterly following a curve to the left, having a radius of Four Hundred Seventy-Five and 00/100 (475.00) feet, an arc distance of One Hundred Twenty and 73/100 (120.73) feet to a point of tangency;
- 12) S 55°25'24" E a distance of Three Hundred Sixty-Three and 54/100 (363.54) feet to a point of curvature;
- 13) Southeasterly following a curve to the right, having a radius of One Thousand Twenty-Five and 00/100 (1,025.00) feet, an arc distance of Three Hundred Five and 02/100 (305.02) feet to a point of tangency;
- 14) S 38°22'22" E a distance of Four Hundred Seventeen and 32/100 (417.32) feet to said Dirigo Drive and the point of beginning;

Bearings are referenced to Magnetic North.

The above described parcel contains 79,539 square feet, being a portion of land now or formerly of Dirigo Associates, Inc. as described in a deed recorded in the York County Registry of Deeds in Book 17876, Page 206. Said parcel being designated as Mason Way as shown on a Plan of Dirigo Woods Subdivision made for Dirigo Properties, LLC by Titcomb Associates, dated March 10, 2006, recorded in said Registry in Plan Book 323, Page 23.

Pepsi Street:

A certain parcel located on the northwesterly side of Dirigo Drive in the Town of Old Orchard Beach, County of York and State of Maine, bounded and described as follows:

Beginning at a point on the northwesterly side of Dirigo Drive and the southerly corner of land designated as “Open Space F” as shown on a Plan of Dirigo Woods Subdivision made for Dirigo Properties, LLC by Titcomb Associates, dated March 10, 2006, recorded in the York County Registry of Deeds in Plan Book 323, Page 23. Thence:

- 1) S 51°37'38” W by said Dirigo Drive a distance of Fifty and 00/100 (50.00) feet to land designated as “Open Space G” as shown on said Plan.

Thence by the lots, open spaces, and roads designated on said Plan the following courses:

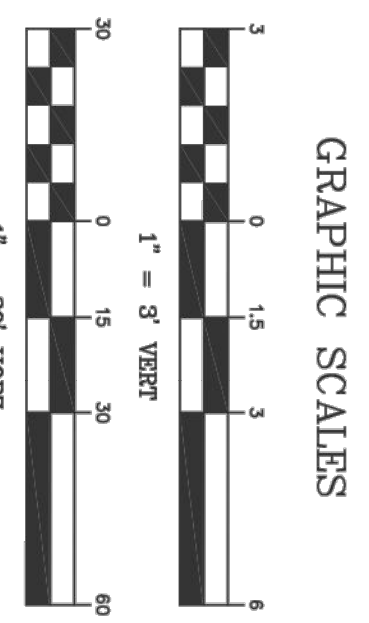
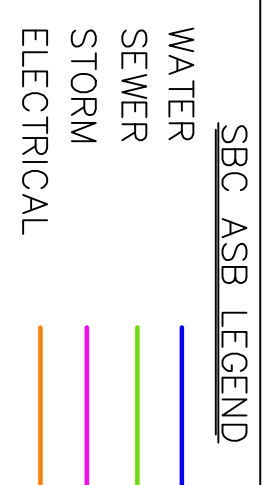
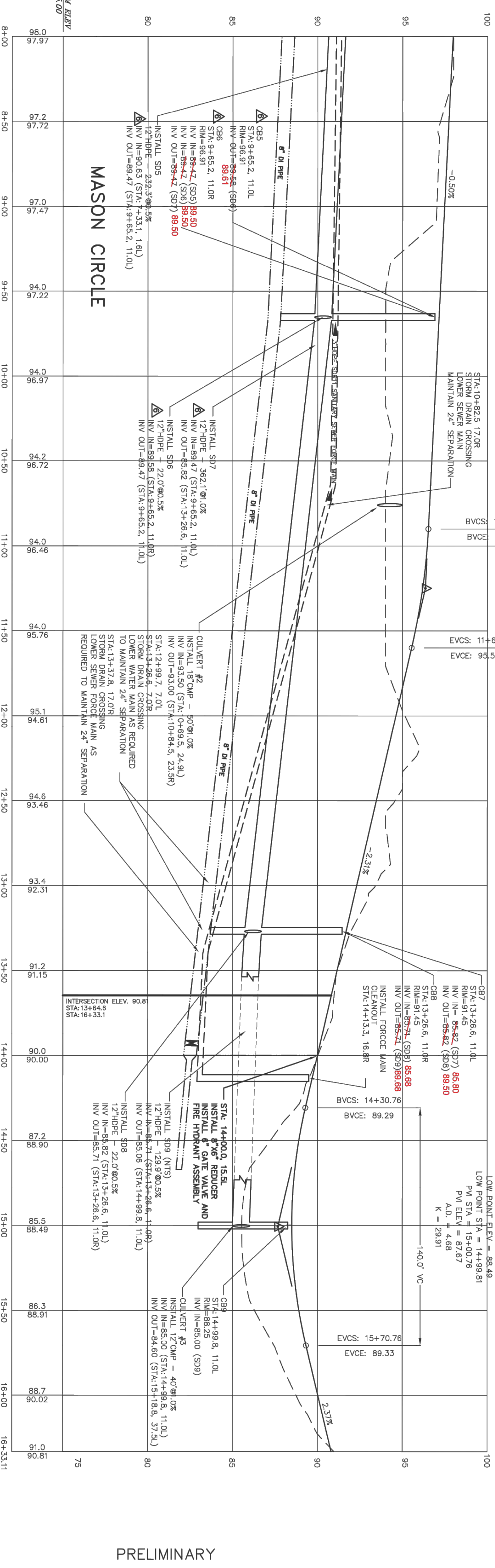
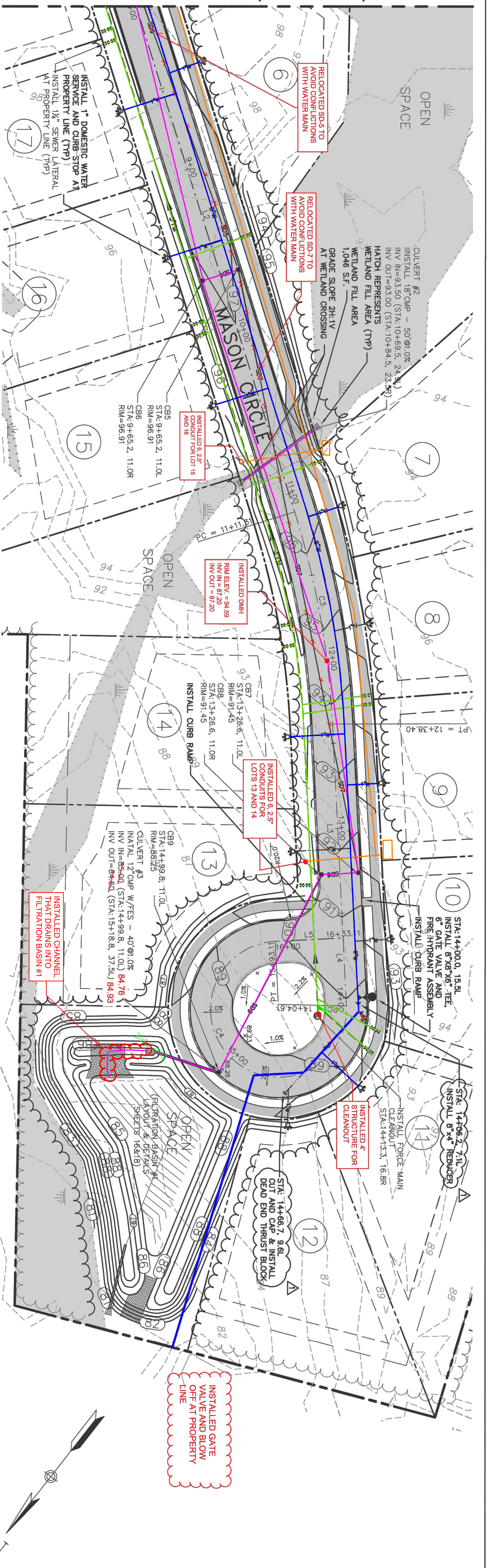
- 2) N 38°22'22” W a distance of One Hundred Forty-Seven and 50/100 (147.50) feet to a point of curvature;
- 3) Northwesterly following a curve to the left, having a radius of Nine Hundred Seventy-Five and 00/100 (975.00) feet, an arc distance of Sixty-One and 84/100 (61.84) feet to a point of tangency;
- 4) N 42°00'24” W a distance of Two Hundred Sixty and 57/100 (260.57) feet to a point of curvature;
- 5) Westerly following a curve to the left, having a radius of Two Hundred Five and 00/100 (205.00) feet, an arc distance of Three Hundred Fifty-Seven and 79/100 (357.79) feet to a point of tangency;
- 6) S 37°59'39” W a distance of Seventy-Nine and 50/100 (79.50) feet to a point of curvature;
- 7) Southerly following a curve to the left, having a radius of Ten and 00/100 (10.00) feet, an arc distance of Fifteen and 37/100 (15.37) feet to a point;
- 8) Northwesterly following a non-tangent curve to the left, having a radius of One Thousand Twenty-Five and 00/100 (1,025.00) feet, an arc distance of Sixty-Nine and 34/100 (69.34) feet to a point, said point being located N 52°00'21” W a distance of Sixty-Nine and 32/100 (69.32) feet from the last described point;
- 9) Easterly following a non-tangent curve to the left, having a radius of Ten and 00/100 (10.00) feet, an arc distance of Fifteen and 37/100 (15.37) feet to a point of tangency, said point being located N 82°01'31” E a distance of Thirteen and 90/100 (13.90) feet from the last described point;
- 10) N 37°59'39” E a distance of Seventy-Nine and 50/100 (79.50) feet to a point of curvature;

- 11) Easterly following a curve to the right, having a radius of Two Hundred Fifty-Five and 00/100 (255.00) feet, an arc distance of Four Hundred Forty-Five and 05/100 (445.05) feet to a point of tangency;
- 12) S 42°00'24" E a distance of Two Hundred Sixty and 57/100 (260.57) feet to a point of curvature;
- 13) Southeasterly following a curve to the right, having a radius of One Thousand Twenty-Five and 00/100 (1,025.00) feet, an arc distance of Sixty-Five and 01/100 (65.01) feet to a point of tangency;
- 14) S 38°22'22" E a distance of One Hundred Forty-Seven and 50/100 (147.50) feet to the point of beginning.

Bearings are referenced to Magnetic North.

The above described parcel contains 48,136 square feet, being a portion of land now or formerly of Dirigo Properties, LLC as described in a deed recorded in the York County Registry of Deeds in Book 17876, Page 206. Said parcel being designated as Pepsi Street as shown on a Plan of Dirigo Woods Subdivision made for Dirigo Properties, LLC by Titcomb Associates, dated March 10, 2006, recorded in said Registry in Plan Book 323, Page 23.

Being part of the premises conveyed to the Grantor by deed of Dirigo Properties LLC dated January 7, 2019 and recorded in the York County Registry of Deeds in Book 17876, Page 206.



SHAW BROTHERS HOLDINGS
 SHAW BROTHERS CONSTRUCTION INC.
 341 MOSHER ROAD
 PO BOX 69
 GORHAM, ME 04038
 (207)-839-2552

CLIENT:
 MAINE WATER

PROJECT:
 DIRIGO WOODS SUBDIVISION

PROJECT MUNICIPALITY:
 OLD ORCHARD BEACH, MAINE

SBC PROJECT #:
 1066

PAGE TITLE:
 MASON CIRCLE ROAD PLAN & PROFILE

AS-BUILT DOCUMENTATION

DIRIGO WOODS
 DIRIGO DRIVE, OLD ORCHARD BEACH, MAINE

PREPARED FOR:
 DIRIGO PROPERTIES, LLC
 12 BOBBYBEE ROAD

DESIGNED MMR
 DRAWN MMR
 CHECKED EGW
 SCALE 1" = 30'
 DATE 03-22-06

Revision	Date
1 WATER SERVICES	04/20/06
6 STORM DRAIN INVERT/RIM REVISIONS	09/29/17

RECORD DRAWING OF AS-BUILT CONDITIONS
 BASED ON:
 DESIGN REVISIONS & STAMPED BY:
 ERIC G. WILLIAMS, P.E.
 STANTEC INC.
 PORTLAND, MAINE
 DRAWING REVISION: 6
 DRAWING DATE: 09-29-2017

JOB NO. 4433
 DRAWING 5

SBC-ASB-S-05

RECORD DRAWING OF AS-BUILT CONDITIONS
 DESIGN REVISIONS & STAMPED BY:
 ERIC G. WILLIAMS, P.E.
 STANTEC INC.
 PORTLAND, MAINE
 DRAWING REVISION: 6
 DRAWING DATE: 09-29-2017

Dirigo Wood Subdivision
Maintenance Agreement Storm-Water Infrastructure Facilities

This Maintenance Agreement is made this ____ day of _____ 2022 by and between Dirigo Woods Owners Association (DWOA) and the Town of Old Orchard Beach, Maine (Town).

The subdivision project name is Dirigo Woods Subdivision, Dirigo Drive, Old Orchard Beach, Maine, as shown on the Plan prepared by Titcomb Associates for Dirigo Properties, LLC dated March 10, 2006 and recorded in the York County Registry of deeds in Plan Book 323, Page 23 (Project).

Whereas, Project includes storm-water facilities infrastructure (SWFI) owned by DWOA that requires periodic maintenance; and

Whereas, Town requires that annual inspections be carried out on the SWFI in accordance with the Maine Department of Environmental Protection (DEP), Operation and Maintenance Plan for Storm Water Facilities, as periodically updated;

Now therefore, the Parties hereby agree as follows:

1. DWOA, for itself, and its successors and assigns, agrees to carry out the requirements of Chapter 71, Article III of the Town of Old Orchard Beach Code of Ordinances, including but not limited to the following:

(a) To prevent the buildup and storage of sediment and debris in the system, employ a qualified inspector at least once annually to inspect, clean, maintain and repair the SWFI, which includes, to the extent they exist, detention and/or filtration basins or ponds, drainage swales, pipes and related structures;

(b) Repair any deficiencies in SWFI noted during the annual inspection;

(c) Allow access by Town personnel or the Town's designee for inspecting the SWFI for conformance with these requirements;

(d) Annually provide Town a signed certificate of compliance.

2. DWOA shall record this Agreement in the York County Registry of Deeds and the Agreement shall constitute a covenant running with the land.

Dirigo Woods Owners Association

Witness

By: Paul Crowley
Its: President

Town of Old Orchard Beach

Witness

By: Diana Asanza
Its: Town Manager

State of Maine
County of York, ss.

_____, 2022

Personally appeared the above named Paul Crowley, President of Dirigo Woods Owners Association, and acknowledged the foregoing Agreement to be his free act and deed in his said capacity.

Before me,

Notary Public

Print Name: _____

State of Maine
County of York, ss.

_____, 2022

Personally appeared the above named Diana Asanza, Town Manager of the Town of Old Orchard Beach, and acknowledged the foregoing Agreement to be her free act and deed in her said capacity.

Before me,

Notary Public

Print Name: _____

Agenda Item #7639

Discussion with Action: Approve the Special Event Permit application for the Eastern Trail Alliance to hold the "Maine Lighthouse Bike Ride" Saturday, September 10th, 2022, from 7 a.m. to 3 p.m.; Rest stop in Memorial Park and Heath Street; Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk's Office at least one month prior to the event.

Background:

Special Event Permit on file in Town Clerk's Office.

Motioned to Approve by: Councilor Blow

Seconded by: Councilor Reid w/discussion. Councilor Tousignant questioned if this event was a recurring one? Town Clerk McLaughlin confirmed that the event happens every year. She indicated that the riders come through multiple Towns within Maine and by the time they arrive in Old Orchard Beach they are fairly spread out. She also confirmed a water stop in Old Orchard Beach.

Vote: 5-0

Agenda Item #7640

Discussion with Action: Appoint Ethan Scott as a regular member of the Zoning Board of Appeals, expires 12/31/24.

Background:

Application on file in Town Clerk's Office.

Motioned to Appoint by: Councilor Blow

Seconded by: Councilor Tousignant

Vote: 5-0

Agenda Item #7641

Discussion with Action: Confirm the nomination by the Town Manager of Christopher White as the Town of Old Orchard Beach Director of Public Works, in addition to Director of the Wastewater Treatment Facility, effective March 15th, 2022 with a probationary period to end September 15th, 2022, and a salary of \$97,760.00

Background:

A re-organization of the Wastewater Department and Public Works Department has taken place to combine the departments under one Director. Chris White has been employed as the Wastewater Superintendent for 17 years and has a proven track record for successfully managing staff and department operations. The internal promotion is based on his dedication to the Town as well as his contributions to the facility improvements, prudent financial management and plant process innovations.

Motioned to Confirm by: Councilor Blow

Seconded by: Councilor Reid w/discussion. Town Manager read the commentary. She remarked that she was pleased to offer this promotion. Chris White thanked Council for the opportunity and remarked that he was looking forward to the new position.

Vote: 5-0

Agenda Item #7642

Discussion with Action: Consider the extension pertaining to the use of the beach for business for the Brunswick and the Pier between May 30th, 2022 through September 5th, 2022, with the possibility of a study to allow the use of the beach and the enactment of appropriate ordinances for the Town to properly permit businesses on the beach.

Background:

This is to extend seating on the beach for the Brunswick and The Pier for this summer from Memorial Day to Labor Day similar to what was allowed the past two summers in response to the COVID State of Emergency enacted by the Governor, and the Town's Emergency Declaration dated March 2020 allowing outdoor seating and service. Council may consider the possibility of a study to allow the use of the public beach and direct staff to develop appropriate ordinances to properly permit business on the beach.

Discussion:

Motioned to Consider by: Councilor Blow

Seconded by: Councilor Mead w/discussion. Town Manager brought up concerns brought forward by the Code Enforcement Director. The request from Code was that the businesses submit plans including staff operations, occupancy load, seating plan and containment area. It was noted that DEP regulations would also need to be taken into account.

Chair O'Neill remarked that it was prudent to set parameters. He requested that Council Table this item. By tabling the item it would give Council time to come back to it at next Council meeting. He noted that he did not want to delay the item.

Councilor Mead remarked that he was coming into the meeting with a request. He was in favor of extending small portions of the beach for dining but was uncomfortable with the state of emergency approach. He agreed with a workshop to consider options 'outside' of the state of emergency.

Councilor Reid concurred.

Councilor Blow rescinded his motion.

Town Manager Asanza confirmed a workshop on March 29th, 2022.

Councilor Tousignant stated he would like to bring outside seating to the workshop as well. Council could tackle both questions (i.e., outside seating for businesses both on/off the beach) at the same time. He noted that Council needed to figure out how to move forward. His suggestion was to tackle all the items that were given "latitude" during COVID (i.e., seating along sidewalks, etc.)

Motioned to table until next council meeting by: Councilor Mead

Seconded by: Councilor Blow w/discussion. Fire Chief LaMontagne stated that the extension of the outside seating will not be approved by emergency declaration. The declaration was put into place to minimize hardships during COVID. The businesses were made aware in October, 2021 that this would end. He noted that he was cautiously optimistic the State would be lifting the emergency order shortly and the Town would be

lifting their order around the beginning of April, 2022. An extension (re: businesses on the beach) going forward will need to go through a process and ordinance amendment.

Guy Fontaine, Old Salt Road: supports workshop. Allowing for commercial businesses on the beach is setting a precedent. Proceed cautiously and maintain fairness. He noted that he did not remember this coming up for public discussion and that getting input from all of our tax payers was important. Mr. Fontaine continued with a “check-in” to Council regarding the Halfway Intersection project.

Bill Marshall – Atlantic Ave: came to the meeting to oppose businesses on the beach. He noted that it appears that Council put the cart before the horse. He requested that Council get the study first and then the Town’s approval. The agenda item was not fair for just two businesses. He encouraged several workshops and strongly noted that the Town’s greatest asset should not be set aside for just two business. Mr. Marshall remarked that the beach was for all people to enjoy.

Councilor Tousignant questioned if beach business licensing was even possible. Drinking on the beach has come up many times during his time on Council. Councilor Tousignant questioned, “Do we have the right to offer drinking on the beach without COVID restrictions being lifted?”

Vote: 5-0; table with workshop 3/29 6pm

Motioned to Adjourn by: Councilor Tousignant

Seconded by: Councilor Larry Mead

Vote: 5-0

The regular meeting of the Old Orchard Beach Town Council adjourned @ 8:00pm on Tuesday, March 15th, 2022.