



**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

Regular Town Council Meeting Minutes

December 20, 2022

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of 22 pages is a copy of the original minutes from the regular meeting of the Old Orchard Beach Town Council held on December 20, 2022.

Prepared By:	Tim Fleury
Approved By:	Old Orchard Beach Town Council
Approval Date:	01/03/2023

Respectfully
Submitted,

Tim Fleury
Town Council
Secretary



Town Council Agenda

Regular Meeting

Tuesday, December 20th, 2022 @ 6:30pm
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 or 1301 - check with your provider) or by clicking the Meeting Videos link on oobmaine.com.)

PLEDGE OF ALLEGIANCE

ROLL CALL

ACKNOWLEDGEMENTS

Councilor Reid extended her thanks to the town employees for their hard work and wished a blessed new year to everyone.

GOOD & WELFARE

ACCEPTANCE OF MINUTES:

Acceptance of Town Council meeting minutes from 12/6/2022.

Motioned to accept by: Councilor Reid

Seconded by: Councilor Mead

Vote: 4-0

PRESENTATION:

Dedication of FY 2021 Annual Report by Council and presentation to George Hogan.

Chair O'Neill it is a great honor to present to George Hogan the highest honor Council can bestow for dedication and service to the Town of Old Orchard Beach.

Chair O'Neill read the dedication from the FY 2021 Annual Report and highlighted Mr. Hogan's successful efforts to extend the OOB jurisdiction out to the edge of Saco Bay.

George Hogan thanked the Council and spoke briefly on his efforts to save the beach at OOB from offshore development. He is thankful he was able to get that through for his community and serve the town.

PUBLIC HEARING – Shall the Town Council consider amendments to the Adult Use Marijuana Business, Conditional Use Ordinance Ch. 78, Art. VII, Div. 2- Conditions, Sec. 78-1279 (5) b, (5) h, and re-letter (5), and Ch 18, Article XII, Sections 18-604 -622 Amendments – Adult Use Marijuana Business Licensing. Continuation of 12/6/22 public hearing.

Chair Opened the Public Hearing @ 6:41

Chair O'Neill - ground rules - everyone has chance to speak - asked to speak in conversation/respectful/and professional tone - 5 minutes limit.

Councilor Mead asked if individuals that spoke previously at a public hearing can speak again - Chair O'Neill - if new material is presented and ground rules are followed it is acceptable.

Eric Collins - attorney from Furman Gregory Deptula representing Mourmouras family - potential to cause issues with citizen's petition - opening application before citizen's petition is voted on can cause issues - encourages moratorium on the Council petitions before the citizen petition election.

Roxanne Frenette - citizen's petition - Chairman O'Neill - reminded Ms. Frenette to stay on issue, Council's amendments - Ms. Frenette - 2020 citizen's voted to approve cannabis sale in OOB - Council has issue with it - should follow will of the people - local communities have established rules regarding business licenses - 2 years one month later - asking why it has been held up - went to Augusta and saw 7 unique cannabis stores in 1 mile - petition did not tell people what was the issue they signed for.

Gabriel Warren - 11 Ocean Park Road - presented timeline of current approved ordinance, leasing of property on Ocean Park Road, potential applicants state licensing, and town emails between staff and Council suggesting a change to the ordinance.

Pat Mourmouras - 30 Saco Ave - questioning where merit section came about - emails provided - town planner told attorney to give info directly to planner and present as his own - planner presented points as his own and disparaged point

from other applicants – bias from planner – process was corrupted at this point – other applicant hasn't submitted any other points – planner included Hannah King's amendments word for word – planner deceived council and town staff and public with points presented as his own – merit based criteria is corrupted – first come first serve on books already – citizens will be heard.

Peter Mourmouras – 30 Saco Ave – FOAA request and reviewed emails between town attorney and town planner – criteria is a policy decision for council to decide – what is important to community and citizens – Town planner claimed points written by attorney as his own – council adopting points verbatim from potential applicant's attorney – addressed all councilors individually with questions on transparencies and openness of council – asking for town planner resignation.

Hannah King – partner with Dentons Bingham Greenebaum representing Oxford Provisions – represent 400 marijuana businesses – leading expert in state on marijuana policy – not unusual to reach out to town to advise on criteria – forwarded Portland's criteria – criteria have evolved dramatically since initial drafts – points for individuals that have interest in cultivation and manufacturing removed – stakeholder involvement, public involvement, staff involvement, attorney involvement – criteria are objective and mirror what town is interested in – traffic issues, small store – thanked Council for their time and wanted to correct the record.

Tom Mourmouras – 30 Saco Ave – holds license in Portland – presented timeline and voiced frustration in the process – license application stopped – did not want process to stop or merit process – only application at time and did not want merit process – did not press legal action as trusting the integrity of process – mistake – merit process corrupted by town planner – potential points sent to everyone in process – 2 years in interactions in town – town slowing, stopping in any dealings with the family – end ordinance process and move to citizen's petition – there are consequences of supporting ordinance as presented tonight.

Chair Closed the Public Hearing @ 7:06

PUBLIC HEARING – BUSINESS LICENSES & APPROVALS

Wayne Pike & Ann Hebert, (211-4-1-2), 163 Temple Avenue, one year round rental

Emily K. & Chad W. Daley, (304-7-1-11), 78 East Grand Avenue #11, one year round rental.

The Bicchieri Family Revocable Trust, (304-7-1-22), 78 East Grand Avenue #210, one year round rental.

Lynne Scouten, (305-3-1-4), 1 Boisvert Street #4, one year round rental.

Chair Opened the Public Hearing @ 7:08

Motioned to approve by: Councilor Tousignant

Seconded by: Councilor Reid

Vote: 4-0

Chair Closed the Public Hearing @ 7:09

TOWN MANAGER REPORT

Diana Asanza – working with Jordan Miles to present FY 2023 year to date financial status of the Town. Director of Finance Jordan Miles presented the past 2 years of budget information compared to the first 5 months of FY 2023. Town is in good financial position. The unassigned fund balance is up to \$12 million.

Councilor Mead – asked if he anticipates large carry over to unassigned fund balance for FY 22, additional surplus at the end of this year? Jordan Miles – may increase but not as large as last year – not as significant as FY 2021.

TOWN OF OLD ORCHARD BEACH FINANCIAL STATUS

- ▶ YEAR TO DATE PROPERTY TAX COLLECTION
- ▶ YEAR TO DATE REVENUE BUDGET
- ▶ YEAR TO DATE OPERATING BUDGET

PROPERTY TAX COLLECTION DATA

	FY 23 Tax Year	FY 22 Tax Year	FY 21 Tax Year
Nov YTD	56.5%	56%	55%
June YTD		98%	96%

NON-PROPERTY TAX REVENUE

Municipal Revenues	FY 23 Adopted Budget	FY 23 YTD	% Collected	FY 22 Adopted Budget	FY 22 YTD	% Collected2	FY 21 Adopted Budget	FY 21 YTD	% Collected3
Non-Property Tax (Excise, Taxes in Lieu, Interest/Fees)	\$1,869,000.00	\$960,984.00	51.42%	1,869,000.00	\$926,958.41	49.60%	\$1,669,000.00	\$1,069,814.04	64.10%
Gen Govt Licenses/Permits/Fees	\$708,500.00	\$273,614.98	38.62%	560,000.00	\$218,222.05	38.97%	\$400,000.00	\$169,428.27	42.36%
Public Safety Licenses/Permits/Fees	\$631,000.00	\$733,075.58	116.18%	496,000.00	\$574,511.98	115.83%	\$346,000.00	\$337,889.37	97.66%
Public Works Licenses/Permits/Fees	\$2,800.00	\$3,400.00	121.43%	2,800.00	\$4,500.00	160.71%	\$8,000.00	\$1,900.00	23.75%
Sani License/Permits/Fees	\$46,500.00	\$28,162.50	60.56%	53,000.00	\$32,470.00	61.26%	\$33,000.00	\$20,468.00	62.02%
Rec Licenses/Permits/Fees	\$84,000.00	\$10,400.52	12.38%	74,000.00	\$27,525.00	37.20%	\$30,000.00	\$21,525.00	71.75%
Revenue Sharing	\$1,300,000.00	\$648,973.20	49.92%	750,000.00	\$541,786.81	72.24%	\$350,000.00	\$349,051.90	99.73%

NON-PROPERTY TAX REVENUE

Municipal Revenues	FY 23 Adopted Budget	FY 23 YTD	% Collected	FY 22 Adopted Budget	FY 22 YTD	% Collected	FY 21 Adopted Budget	FY 21 YTD	% Collected
Franchise Taxes	\$220,000.00	\$123,022.14	55.92%	210,000.00	\$124,114.48	59.10%	\$200,000.00	\$120,440.91	60.22%
Investment Income	\$40,000.00	\$64,152.00	160.38%	40,000.00	\$25,499.34	63.75%	\$40,000.00	\$90,021.99	225.05%
Sale of Town-owned property	\$30,000.00	\$0.00	0.00%	30,000.00	\$0.00	0.00%	\$30,000.00	\$0.00	0.00%
State Homestead Exemption Revenue	\$570,000.00	\$495,972.00	87.01%	570,000.00	\$580,159.00	101.78%	\$475,000.00	\$536,201.00	112.88%
Intergovernmental Revenue	\$155,000.00	\$33,769.88	21.79%	155,000.00	\$18,569.48	11.98%	\$119,000.00	\$25,635.16	21.54%
Gen Govt Other Revenue	\$10,000.00	\$9,793.11	97.93%	86,000.00	\$73,655.58	85.65%	\$56,000.00	\$147,328.63	263.09%
Total:	\$5,666,800.00	\$3,385,319.91	59.74%	4,895,800.00	\$3,147,972.13	64.30%	\$3,756,000.00	\$2,889,704.27	76.94%

Department Operating Budgets

Department	Adopted Budget FY 23	FY 23 YTD	% Used	Adopted Budget FY 22	FY 22 YTD	% Used	Adopted Budget FY 21	FY 21 YTD	% Used
Town Council Expense	\$56,110.00	\$16,985.15	30.3%	\$52,290.00	\$17,009.81	32.5%	\$52,445.00	\$28,506.32	54.4%
Town Manager/Admin Expense	\$931,486.00	\$390,793.29	42.0%	\$959,369.00	\$413,615.98	43.1%	\$788,149.00	\$430,790.49	54.7%
Tax Collector Expense	\$172,720.00	\$75,244.23	43.6%	\$119,068.00	\$45,856.67	38.5%	\$117,525.00	\$51,168.65	43.5%
Treasurer/Finance Expense	\$212,865.00	\$80,321.41	37.7%	\$191,205.00	\$33,650.12	17.6%	\$186,025.00	\$72,616.29	39.0%
Assessing Expense	\$211,958.00	\$90,577.62	42.7%	\$150,503.00	\$61,022.85	40.5%	\$144,494.00	\$52,979.85	36.7%
Town Clerk Expense	\$261,534.00	\$99,315.80	38.0%	\$226,100.00	\$86,931.34	38.4%	\$217,872.00	\$133,996.57	61.5%
Planning Expense	\$233,998.00	\$98,214.84	42.0%	\$202,312.00	\$81,166.47	40.1%	\$170,691.00	\$64,756.94	37.9%
Town Hall Bldg Expense	\$89,300.00	\$28,709.68	32.1%	\$144,926.00	\$85,101.49	58.7%	\$83,250.00	\$27,467.13	33.0%
York County Tax Expense	\$965,000.00	\$964,056.83	99.9%	\$937,000.00	\$936,299.06	99.9%	\$930,872.00	\$930,871.50	100.0 %
Contingency Expense	\$150,000.00	\$0.00	0.0%	\$176,512.00	\$26,511.71	15.0%	\$165,228.00	\$35,227.71	21.3%
Insurance/Benefit Expense	\$3,623,300.00	\$1,527,151.13	42.1%	\$3,364,200.00	\$1,372,933.18	40.8%	\$3,144,500.00	\$1,375,320.97	43.7%

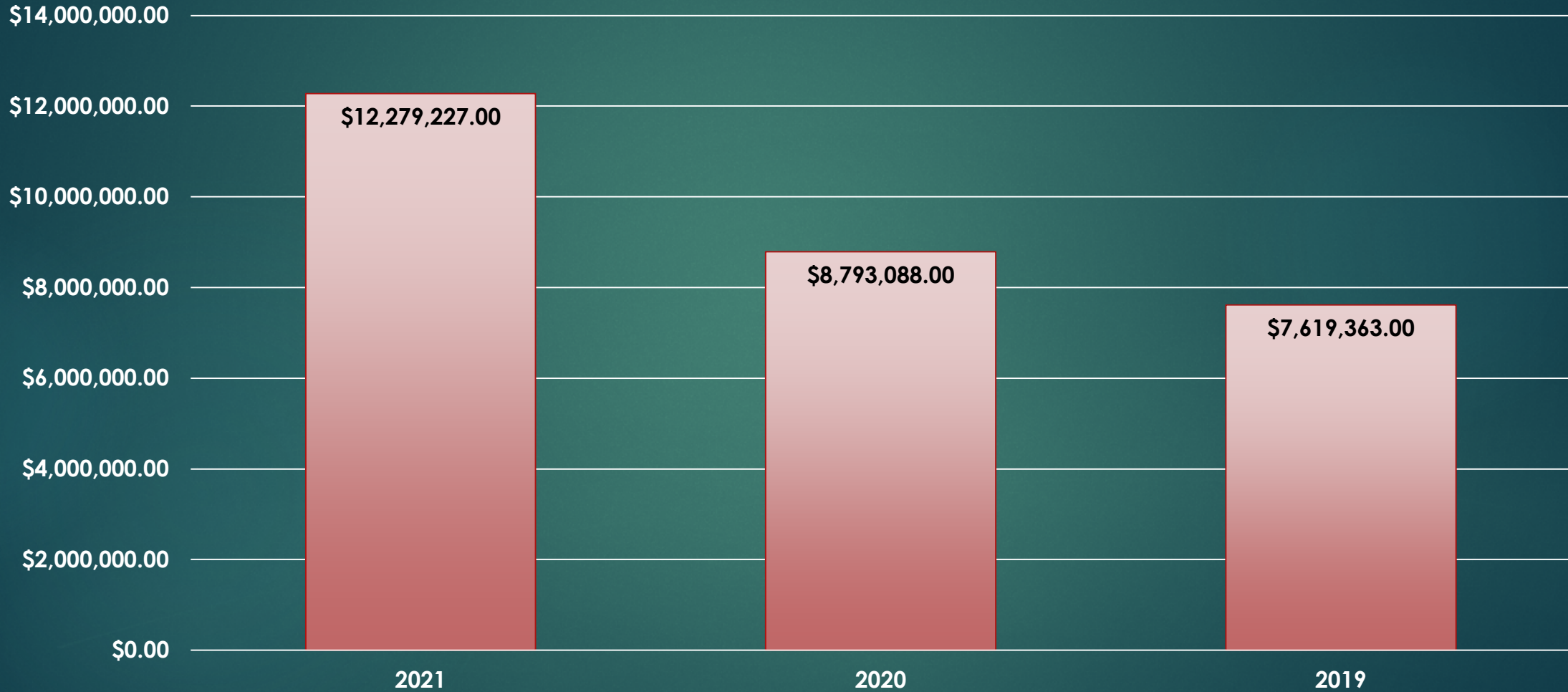
Department Operating Budgets

Department	Adopted Budget FY 23	FY 23	% Used	Adopted Budget FY 22	FY 22	% Used	Adopted Budget FY 21	FY 21	% Used
Police Dept Expense	\$3,377,692.00	\$1,042,323.54	30.9%	\$3,004,746.00	\$1,248,325.80	41.5%	\$2,895,507.00	\$1,019,491.37	35.2%
Parking Enforcement Expense	\$177,360.00	\$105,530.82	59.5%	\$141,591.00	\$95,887.92	67.7%	\$112,300.00	\$46,830.51	41.7%
Lifeguard Expense	\$217,810.00	\$136,053.26	62.5%	\$188,810.00	\$160,548.25	85.0%	\$171,290.00	\$167,942.80	98.0%
Fire/Rescue Dept Expense	\$2,562,088.00	\$1,157,926.21	45.2%	\$2,471,905.00	\$1,114,538.89	45.1%	\$2,269,703.00	\$1,010,994.09	44.5%
Code Enforcement Expense	\$287,519.00	\$96,736.42	33.6%	\$186,600.00	\$79,388.69	42.5%	\$243,073.00	\$90,231.93	37.1%
Street Traffic Lights Expense	\$205,000.00	\$68,249.74	33.3%	\$230,000.00	\$68,974.64	30.0%	\$242,000.00	\$69,811.72	28.8%
Public Works Dept. Expense	\$2,184,477.00	\$829,005.90	37.9%	\$1,878,052.00	\$931,709.13	49.6%	\$1,754,420.00	\$769,841.32	43.9%
Parks Maintenance Expense	\$80,135.00	\$32,478.52	40.5%	\$82,089.00	\$49,623.62	60.5%	\$62,750.00	\$11,236.85	17.9%
Wastewater Treatment Expense	\$1,320,654.00	\$528,926.98	40.1%	\$1,079,724.00	\$452,832.13	41.9%	\$1,084,666.00	\$451,053.63	41.6%
Solid Waste Expense	\$866,000.00	\$239,465.38	27.7%	\$785,000.00	\$268,576.22	34.2%	\$760,000.00	\$223,477.30	29.4%
Recreation Dept. Expense	\$387,326.00	\$202,015.42	52.2%	\$294,241.00	\$122,105.62	41.5%	\$247,427.00	\$104,304.70	42.2%

Department Operating Budgets

Department	Adopted Budget FY 23	FY 23	% Used	Adopted Budget FY 22	FY 22	% Used	Adopted Budget FY 21	FY 21	% Used
Conservation Commission Expense	\$8,600.00	\$577.54	6.7%	\$8,600.00	\$5,265.31	61.2%	\$8,600.00	\$1,000.00	11.6%
Service Agency Allocation Expense	\$22,400.00	\$22,400.00	100.0%	\$17,700.00	\$17,700.00	100.0%	\$18,500.00	\$18,500.00	100.0%
Libby Memorial Library Expense	\$395,300.00	\$197,650.00	50.0%	\$340,606.00	\$170,303.00	50.0%	\$320,507.00	\$160,253.50	50.0%
Transit District Subsidy Expense	\$250,000.00	\$250,000.00	100.0%	\$200,000.00	\$200,000.00	100.0%	\$165,000.00	\$165,000.00	100.0%
OOB Historical Society Expense	\$18,377.00	\$7,180.34	39.1%	\$17,602.00	\$937.77	5.3%	\$16,252.00	\$970.66	6.0%
General Assistance Expense	\$122,399.00	\$73,447.56	60.0%	\$115,967.00	\$22,052.39	19.0%	\$84,694.00	\$49,585.39	58.5%
Tax Abatement Expense	\$70,000.00	\$112.61	0.2%	\$55,000.00	\$2,628.10	4.8%	\$60,000.00	\$21,394.78	35.7%
Debt Service Expense	\$2,050,000.00	\$1,475,274.03	72.0%	\$1,969,239.00	\$1,707,049.89	86.7%	\$1,804,600.00	\$1,502,852.82	83.3%
RSU Subsidy Expense	\$13,361,000.00	\$5,566,923.85	41.7%	\$13,116,575.00	\$5,465,239.50	41.7%	\$12,947,900.00	\$5,388,253.83	41.6%
Total	\$34,872,408.00	\$15,403,648.10	44.17%	\$32,707,532.00	\$15,343,785.55	46.91%	\$31,270,240.00	\$14,476,729.62	46.30%

General Fund Unassigned Fund Balance



NEW BUSINESS

AGENDA ITEM # 7805

Discussion with Action: Council to communicate to Town Manager guidance regarding the FY24 Municipal Budget.

Chair: Shawn O'Neill

Chair O'Neill – as required by charter – in years past, 3% or below – other thoughts from Council?

Councilor Reid – great to have town manager as previous finance director to assist in decision making.

Councilor Mead – wages unknown how they're keeping up with other jurisdictions – COLA or adjustments in FY 24 budget – will dictate operating budget – the large undesignated fund lbalance could offset CIP to offset budgeted expenses.

Chair O'Neill – normally CIP and wages can be offset out of unassigned balance – continue to monitor wage increase, outside of CIP – 3% sounds good.

Councilor Tousignant – looking for a fair comprehensive budget – if over 3%, up to council to weed items down – tough last few years and needs to be taken into consideration – support 3% but ok if comes in slightly over 3% for items/lines truly needed – capital projects have been put off for years – good handle on equipment and where town needs to be.

Councilor Reid – the town is fortunate to have our current employees and should appreciate what we have.

Motioned to approve 3% or less increase in operating budget for FY24, outside wages or capital improvement, by Councilor Tousignant

Seconded by: Councilor Reid

Vote: 4-0

AGENDA ITEM # 7806

Discussion with Action: Accept the quote from Fire Tech & Safety to purchase 10 Self Contained Breathing Apparatus cylinders for \$9,750.00 from account number 52002-50861, Public Safety CIP SCBA Equipment & Upgrades with a balance of \$16,919.86. The cylinders were approved as part of the FY23 CIP budget.

Chair: Shawn O'Neill

The cylinders were approved in the FY23 CIP budget in the amount of \$10,000.00. The Fire Dept. went out to bid and received two quotes. Industrial Protective Services at \$1,134.00 per cylinder and Fire Tech & Safety at \$975.00 per cylinder. We would like to move forward with the quote from Fire Tech & Safety and purchase 10 Scott SCBA cylinders at \$975 each for a total of \$9,750.00.

Motioned to approve by: Councilor Mead

Seconded by: Councilor Reid

Vote: 4-0

AGENDA ITEM # 7807

Discussion with Action: Accept the quote from Bound Tree to purchase 3 Sapphire Multi-Therapy Infusion Pump Kits and accompanying accessories for \$7,492.94 from account number 20138-50536, EMS Supply Expense with a balance of \$31,512.66. The pumps were approved as part of the FY23 budget.

Chair: Shawn O'Neill

In 2011 Maine EMS required ambulances to carry IV pumps for certain medications and they are now 11 years old and need to be replaced. After a hands-on evaluation by personnel the Sapphire pump was recommended. This was approved with the FY 23 Fire Dept. operating budget.

Motioned to approve by: Councilor Tousignant

Seconded by: Councilor Mead

Vote: 4-0

AGENDA ITEM # 7808

Discussion with Action: Approve the purchase of a Watchguard Video System from Motorola Solutions in the amount of \$5,655.00 from account # 30192-50798 Byrne Grant Fund with a balance of \$22,371.00.

Chair: Shawn O'Neill

The Watchguard Video System will be installed into a new 2022 Ford Explorer SUV. The equipment is being purchased using 100% of grant funds with no required local match.

Deputy Chief Hemingway – the system is going in the new SUV purchased this year – reliable system currently in all cruisers – invaluable to officers and cases.

Motioned to approve by: Councilor Tousignant

Seconded by: Councilor Mead

Vote: 4-0

AGENDA ITEM # 7809

Discussion with Action: Convey a utility easement to Central Maine Power on Town land located at Manor Street and authorize the Director of Wastewater and Public Works to execute the easement. A copy of the proposed easement is included in the packet.

Chair: Shawn O'Neill

Diana Asanza, Town Manager - It is a standard easement request that will allow Central Maine Power to maintain the area of their utility poles within the Town's right of way, such as trimming tree limbs and clearing vegetation. The Town's attorney has reviewed and approved the easement deed.

Motioned to approve by: Councilor Tousignant

Seconded by: Councilor Mead

Vote: 4-0

AGENDA ITEM # 7810

Discussion with Action: Approve the proposal from Vortex for catch basin cleaning in the amount of \$10,800 from account number 50002-50831 Stormwater Maintenance CIP with balance of \$776,293.73. This was approved as part of the FY23 CIP budget.

Chair: Shawn O'Neill

Motioned to approve by: Councilor Reid

Seconded by: Councilor Mead

Vote: 4-0

AGENDA ITEM #7811

Discussion with Action: Approve the request from the Salvation Army to move the 2023 dates for their Pier Programs, approved on August 3rd, 2021, from July 28th through August 4th, 2023 to July 26th to July 30th, 2023.

Chair: Shawn O'Neill

Motioned to approve by: Councilor Reid

Seconded by: Councilor Mead

Vote: 4-0

Councilor Reid encouraged residents to pick up a copy of the FY22 annual report. The best one yet.

ADJOURNMENT

Motion to adjourn at 7:31 pm made by Councilor Mead

Seconded by Councilor Reid

Vote: 4-0

Chair O'Neill wished the residents of Old Orchard Beach a safe and happy holiday season.