



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

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

# **Regular Town Council Meeting Minutes**

*April 4th, 2023*

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of 17 pages is a copy of the original minutes from the regular meeting of the Old Orchard Beach Town Council held on April 4th, 2023

Prepared By:	Tim Fleury
Approved By:	Old Orchard Beach Town Council
Approval Date:	4/18/2023

Respectfully  
Submitted,

Tim Fleury  
*Town Council*  
*Secretary*



## Town Council Meeting Commentary

**April 4<sup>th</sup>, 2023 @ 6:30pm**  
**Council Chambers - 1 Portland Avenue**

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

### **PLEDGE OF ALLEGIANCE:**

### **ROLL CALL:**

Tim Fleury called roll. The following individuals were present:

Vice Chairman Kenneth Blow  
Councilor V. Louise Reid  
Councilor Larry Mead  
Councilor Mike Tousignant

Town Manager Diana Asanza  
Council Secretary Tim Fleury

Chair Shawn O'Neill had an excused absence.

Vice Chair Blow informed the public that the Town Council will be entering into an Emergency Executive Session immediately after adjournment of the Regular Council meeting permissible under the Town Charter Section 404.1, for consultation with the Town Attorney concerning the legal rights and duties of the Town Council under Title1 M.R.S.A. Section 405 (6)(E).

## **ACKNOWLEDGEMENTS:**

Police Department Acknowledgment: Internal Promotions, New Patrol Officers, and Social Service Navigator.

Police Chief Elise Chard introduced the following and gave a brief background for each:

- Olivia Dubois – New Social Services Coordinator
- Officer Ryan Larose – New Patrol Officer
- Officer Cody Hogan – Promoted to Corporal
- Officer William Blackwell – Promoted to Corporal

Town Clerk Kim McLaughlin swore in the new officers.

## **GOOD & WELFARE:**

**Pat Mourmouras:** 30 Saco Ave – gave update on legal case with Town Council. Demanding apology from Council. Mr. Mourmouras gave his opinion on the current Town Council members.

**Peter Mourmouras:** 30 Saco Ave – Mr. Mourmouras gave his opinion on the Town Council and the adult use retail cannabis procedure

**Gabriel Warren:** 30 Saco Ave – happy that citizens are able to vote on the issue of adult use marijuana license

**ACCEPTANCE OF MINUTES:**

Acceptance of minutes from 3/21/2023 meeting.

Chair: Shawn O'Neill

**Motion to accept: Councilor Mead**

**Second: Councilor Reid**

**Vote: 4-0**

# TOWN MANAGER REPORT



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# Town of Old Orchard Beach

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

**Diana H. Asanza**  
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**April 4, 2023**

## Town Manager's Report

**Short Term Rental Workshop:** Next week there will be a workshop on Short Term Rentals where we will seek guidance from Council so that staff may begin working on draft ordinances and standards for this type of rental as well as discussions on the impact on Old Orchard Beach's housing inventory. It will be next Wednesday, April 12<sup>th</sup> at 6:00 here in Council Chambers.

**Transfer Station:** Will be open beginning April 5<sup>th</sup> and will be open on Wednesdays and Saturdays. The hours of operation are:

- Wednesday 7:30 – 2:30
- Saturdays 8:00 to 4:00

The Transfer Station accepts only brush and leaves.

**Balsam/Bower/Goldenrod:** The Balsam Rd, Bower and Golden Rod Lane drainage improvement project is well underway and should be completed by early May. Base paving is scheduled to begin around the week of April 17<sup>th</sup>. Notices and updates are listed on the Town's website under Public Works.

**Community Resiliency Resolution:** We continue to work with Southern Maine Planning and Development Commission on Old Orchard Beach's Community Resiliency self-assessment plan. This is part of the requirements to enroll in the new State program called Community Resiliency Partnership centered around climate change and prioritizing an action plan. As you recall, February 13<sup>th</sup> Council held a workshop to begin discussions on the impacts of climate change and what is important to Old Orchard Beach. We received excellent feedback at the workshop as well as from residents that could not attend that evening, through an online questionnaire. We gathered this data and are working to create a draft action plan and resolution that will be brought forward to Council at an upcoming meeting. We will present the feedback received and how

the action plan was developed. By joining the State's Community Resilience Partnership, Old Orchard Beach will be eligible for grants to help fund and implement the Town's priority climate change activities.

**Piping Plovers:** Spring is here which means piping plovers are back, and a few birds have already been spotted on the beach. This endangered species loves Old Orchard Beach and its expanse sandy beach and dunes, which make the perfect place to nest. Each year Town staff spend a lot of time and effort monitoring the beach to ensure these birds are protected. Annual training takes place for Fire Police and Public Works personnel. It is also important for dog owners to follow the Town's ordinance regarding dogs on the Beach. As a reminder dogs are NOT allowed on the beach between May 15<sup>th</sup> to Labor Day from 9 am to 5 pm, and dogs must be on a leash from 5pm to dusk. All other times dogs must be under voice and sight control.

**Labor:** We continue to work on seasonal hiring for the summer and there are still great positions available for those looking for a summer job. There are also full-time positions in several areas such as Deputy Assessor, Public Works Driver/Operator, Waste Water mechanic and Public Safety personnel. You can get a full listing of employment opportunities by visiting the Town's website or contacting HR at 937-5632.

**NEW BUSINESS:**

**AGENDA ITEM #7859**

**Discussion with Action:** Renew the emergency ordinance establishing a moratorium on Hotel/Motel Condominium Conversions pursuant to Charter Section 410.1 due to expire April 5, 2023, to be extended for 60 days.

Chair: Shawn O'Neill

Hotel and motel conversions to condominiums have been identified as a concern to town staff. It's a concern due to recent increase in formal proposals and inquiries and the minimal authority and standards available to staff to evaluate conversion proposals. To properly consider the town's options, we determined the best approach was enactment of a moratorium which will allow time to research and develop appropriate mechanisms that provide more protection to occupants of the units, abutting property owners, and the Town.

**Motion to renew: Councilor Tousignant**

**Second: Councilor Mead**

**Vote: 4-0**

Town Manager Asanza provided a quick overview of the process so far and the upcoming steps for the ordinance amendments.



## **AGENDA ITEM #7860**

**Discussion with Action:** Set the Public Hearing Date for April 18, 2023, for the Town Council to consider amendments to the Ch. 2, Art. IV, Div. 9- Compensation of Planning Board Member, Sections 2-405 – 409. This ordinance proposes to authorize compensation for Planning Board members.

Chair: Shawn O'Neill

Town Manager Asanza explained the ordinance. During 2022, the Planning Board voted to approve a stipend for each member of the Board. The reason the Board thought a stipend is acceptable is due to members' time commitment, the technical work, and overall importance of their decision making. After Board approval, the stipend cost was included in the FY23 budget and approved by Council.

After consulting with the town attorney, we found an ordinance must be created to authorize payment of the stipend. We developed an ordinance which is now presented for your review and vote

**Motion to approve: Councilor Mead**

**Second: Councilor Reid**

**Vote: 4-0**

## **AGENDA ITEM #7861**

**Discussion with Action:** Approve the quote from Franklin Miller for a new replacement grinder in the West Grand pump station for \$63,751.00 from account 53002-50846 WWTP Equipment Expense with a balance of \$65,000.

Chair: Shawn O'Neill

In the FY23 budget the town council approved the purchase of a replacement grinder for the West Grand pump station. This grinder is replaced every five years and will be put in stock for replacement in the next cycle. The current grinder in use was installed in 2019

**Motion to approve: Councilor Tousignant**

**Second: Councilor Mead**

**Vote: 4-0**

Councilor Mead clarified it was an approved budget item.

## **AGENDA ITEM #7862**

**Discussion with Action:** Approve the quote from Action Industries to build a mezzanine for the Wastewater Department for \$38,022.45 from account 53002-50920 WWTF Mezzanine with a balance of \$40,000.

Chair: Shawn O'Neill

In the FY22 budget the town council approved the purchase of a mezzanine for the wastewater department. This will give staff greater storage capacity at the facility.

**Motion to approve: Councilor Mead**

**Second: Councilor Reid**

**Vote: 4-0**

Town Manager Asanza – 24x20ft storage capacity. Approved in CIP FY 22

## **AGENDA ITEM #7863**

**Discussion with Action:** Approve the quote from Vortex Services for \$17,300.00 for cleaning of the wet wells and tanks at the Waste Water Treatment Facility and pump stations. From account #20161-50342 Waste Pumping Expense with a balance of \$21,931.42.

Chair: Shawn O'Neill

The wastewater department budgets for the cleaning of wet wells and tanks at the facility and pump stations twice a year. The quote is normally for four (4) days of service.

**Motion to approve: Councilor Mead**

**Second: Councilor Reid**

**Vote: 4-0**

Vice Chair Blow – previously budgeted item.

**AGENDA ITEM #7864**

**Discussion with Action:** Approve the Special Event Permit application for the Veterans Memorial Park Sub-Committee to hold “Luminary Night” in Memorial Park on Sunday, May 28th, 2023, from 5 p.m. to 9 p.m.

Chair: Shawn O’Neill

**Motion to approve: Councilor Reid**

**Second: Councilor Tousignant**

**Vote: 4-0**

## **AGENDA ITEM #7865**

**Discussion with Action:** Approve the Special Event Permit application from Ashley Deneault to hold a wedding on the beach at the end of Seacliff Avenue on Saturday, April 22nd, 2023 from 1:30 p.m. to 4:30 p.m. including set-up and takedown. Event to include speakers, seating and arches.

Chair: Shawn O'Neill

**Motion to approve: Councilor Tousignant**

**Second: Councilor Mead**

**Vote: 4-0**

**AGENDA ITEM #7866**

**Discussion with Action:** Accept the Proposal for Design and Engineering services for the Sand and Salt Storage Facility, Structural and Architectural Assessment from Wright-Pierce for \$7,600.00 from account #20151-50300 Public Works Department Professional/Engineering Services with a balance of \$84,832.96.

Chair: Shawn O'Neill

Public Works is requesting that this item be tabled.

**Motion to table indefinitely: Councilor Mead**

**Second: Councilor Tousignant**

**Vote: 4-0**

## **AGENDA ITEM #7867**

**Discussion with Action:** Convey foreclosed property identified as 25 ROSS ROAD, Parcel Number 00103-00007-00009 to owners of record ERCOLANI BRIAN, for the total amount of \$0.00. Conveying FY17

Chair: Shawn O'Neill

Mr. Ercolani has been current since he paid FY17, but he is refinancing, and the bank is requesting a Quit Claim Deed.

**Motion to convey: Councilor Mead**

**Second: Councilor Tousignant**

**Vote: 4-0**

Town Manager Asanza – property in foreclosure in FY17, taxes paid in full, and liens discharged, refinancing and bank is asking for quit claim confirming. No taxes owed at this point.

Chief Chard continues acknowledgments for officers on a call at the beginning of the meeting:

Officer Adam Jensen – New Patrol Officer

Angelo Sellitto – promoted to Sergeant



**Nancy Frisco** – asked about beach access entrances, Tuesdays 3pm to protest school shootings 2pm at school and 3pm at town hall.

**Councilor Mead made a motion to go into executive session at 6:54pm, permissible under the Town Charter Section 404.1, for consultation with the Town Attorney concerning the legal rights and duties of the Town Council under Title1 M.R.S.A. Section 405 (6)(E).**

**Second: Councilor Reid**

**Vote: 4-0**

**ADJOURNMENT**

Chair: Shawn O'Neill