



Town of Old Orchard Beach
Office of the Town Manager

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www.oobmaine.com/town-council

Regular Town Council Meeting Minutes

May 16th, 2023

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of 21 pages is a copy of the original minutes from the regular meeting of the Old Orchard Beach Town Council held on May 16th, 2023.

Prepared By:	Tim Fleury
Approved By:	Old Orchard Beach Town Council
Approval Date:	6/6/2023

Respectfully
Submitted,

Tim Fleury
Town Council
Secretary



Town Council - Meeting Agenda

Tuesday, May 16th, 2023 @ 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:

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.

MOTION NEEDED TO ADD AN EMERGENCY AGENDA ITEM, #7893, AT END OF MEETING. Ballpark light pole removal.

Motion to add item: Councilor Mead

Second: Councilor Reid

Vote: 4-0

ACKNOWLEDGEMENTS:

Vice Chairman Blow expressed gratitude towards retiring employees.

Tim Crowley – 29 years in Public Works department

George Greene – 19 years as Town Assessor – double role with Sanford

GOOD & WELFARE:

Councilor Mead – reminder about Luminary Night with details

PRESENTATION:

ACCEPTANCE OF MINUTES:

Acceptance of minutes from the 5/2/2023 Regular Town Council Meeting.

Vice Chair: Kenny Blow

Motion to accept: Councilor Reid

Second: Councilor Mead

Vote: 4-0

PUBLIC HEARING – ORDINANCE AMENDMENTS:

PUBLIC HEARING: Shall the Town consider amendments to the Code of Ordinances, Chapter 54, Traffic and Vehicles, Section 187, Restrictions and Prohibitions, Old Orchard Street, by adding one ten-minute parking spot in front of 33 Old Orchard Street (MBLU 206-31-6) and one ten-minute parking spot in front of 28-30 Old Orchard Street (MBLU 205-4-4).

Vice Chair: Kenny Blow

The option of two 10 minute parking spaces is based on Councilor Blow's initiative and a request from a business owner to assist local establishments on Old Orchard St, and to enable short term parking and accommodate pickup of goods from local businesses. Currently, only two hour parking is available on Old Orchard Street whereby patrons are required to pay for parking. This is cost prohibitive for someone simply picking up items from one of the many businesses on the street. The addition of two 10 minute parking spaces will benefit patrons as well as the many local businesses in the area. Upon closer examination of parking in the area we determined that the most effective location for the two parking spaces would be to locate one on each side near the middle of Old Orchard Street (Halfway up the hill), in order to equally accommodate businesses on the upper and lower half of the street. The spaces we have recommended allow for easier entry and exit as they are both nearby the intersection of Seavey Street and are the last spot prior to the area of the intersection.

One parking space would be located in front of 33 Old Orchard Street (MBLU 206-31-6),

One parking space would be located in front of 28-30 Old Orchard Street (MBLU 205-4-4)

Vice Chair Blow opened the hearing @ 6:36pm

Stuart Smith – parking situation – love community – 8pm getting pizza at Lisa's – new parking started early – though it was memorial day – watch ticket officer ticketing family getting pizza for dinner – concerned about resident access this early in the season – if it got voted in, how can it get voted out to give resident's access early in the season for local businesses – understand town needs to enforce parking and make money but needs to understand resident needs – was not informed about parking going into effect May 1st.

Councilor Mead – Council will vote on item at next meeting. Vice Chair Blow – brought to the town manager's attention, wanted to see businesses on main streets with short term parking, 15 minute parking, spots down in middle of Old Orchard Street, would like to see it further up the street – Town Manager Asanza – current proposed spots are in the middle of Old Orchard St with easy access in and out of spaces and access businesses up and down Old Orchard St – two 10 minute spots in the Square and adding these 2 – keeping it consistent with 10 minutes at Square – Vice Chair Blow – would like to see 2 spots spread out on each side of Old Orchard St to allow more short term access – 4 spots total – doesn't feel 10 minutes is long enough, 15 more feasible – Councilor Tousignant – take loading zones and handicap spots out and add these short term spots, how many spots are left? – Vice Chair Blow – looking out for businesses, raised rates for parking to \$3, to assist food businesses – Councilor Tousignant – could argue to make the entire street short term parking – still need paid parking to eat at sit down restaurant, short term is good for takeout.

Vice Chair Blow closed the hearing @ 6:50pm

PUBLIC HEARING – LIQUOR LICENSE & APPROVALS:

Ocean Taco Bar, Sam Dupuis/Matco Domingo, (206-31-9) 96 East Grand,
m-s-v in a restaurant/lounge.

Vice Chair: Kenny Blow

Vice Chair Blow opened the hearing @6:51pm.

Motion to approve: Councilor Reid

Second: Councilor Mead

Vote: Motion and second withdrawn

Discussion:

Councilor Mead – owner anxious to get going for Memorial Day – propose to
make approval contingent on FD and PD approvals

Motion to make approval conditional on satisfactory FD and PD review:

Councilor Mead

Second: Councilor Reid

Vote: 4-0

Vice Chair Blow closed the hearing @6:52pm.

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Rocco's Pizza, Paul Carney, (307-3-4-B), 13 Old Orchard St., victualers w/prep no alcohol.

Café 64, Lisa Kidd/Deborah Dolan, (206-31-7-B), 35 Old Orchard St., sidewalk café.

David Cluff, (208-1-6), 168 Saco Ave., 2 seasonal and 3 year round rentals.

Justin Hanrahan, (206-24-29), 18 St. John St., 1 year round rental.

Paul Trainor, (316-6-3), 132 West Grand, 1 year-round short-term rental.

Seagrass Management, LLC., Jennifer Brown, (318-8-6-32), 146 West Grand Ave #32, 1 year-round short-term rental.

AAR & Co./Seasonal Vacation Rentals, Adam Anastas, (105A-1-805), 9 Woods Lane, 1 seasonal short-term rental.

Sweet Dreams by the Sea, Suman Adhikari, (313-4-8), 6 Camp Comfort Ave, 5 seasonal short term rentals.

Ocean Taco Bar, Samuel Dupuis/Matco Domingo, (206-31-9), 96 East Grand, victualers w/prep and alcohol.

Mt. Royal Motel, Vindico LLC, (307-4-1), 30 West Grand Ave., 56 rental units.

Vice Chair: Kenny Blow

Opened @ 6:52pm

Closed @ 6:54pm

Motion to approve: Councilor Tousignant

Second: Councilor Reid

Vote: 4-0

Mary Pat Donnellon – 8 Brisson Street – question about last location –
Town Manager Asanza – still licensed as a motel.

Councilor Mead: to the town manager – The old form was used for the
application – confirming if short term rentals.

TOWN MANAGER REPORT

NEW BUSINESS:

AGENDA ITEM #7883

Discussion with Action: Renew the emergency ordinance establishing a moratorium on Hotel/Motel Condominium Conversions pursuant to Charter Section 410.1 due to expire June 3, 2023, to be extended for 60 days.

Vice Chair: Kenny Blow

Lodging establishment conversions to condominiums have been identified as a concern to town staff due to the recent increase in conversion proposals and inquiries and the minimal jurisdiction and standards available to staff to evaluate conversion proposals as well as a possible way to circumvent rules. To prevent these unregulated conversions from continuing and to allow the town to consider its options, the Town felt a temporary pause to conversion proposals (through a moratorium) was necessary to allow time to research and develop appropriate mechanisms that provide more protection to occupants of the units, abutting property owners, and the town as a whole.

The current moratorium will expire on June 3rd. Because Council review is not complete, we are requesting Council renew for an additional 60 days. If renewed, the moratorium will extend to August 2nd. A workshop is scheduled for May 17, 2023, at 6:00 pm.

Motion to renew: Councilor Tousignant

Second: Councilor Mead

Vote: 4-0

Councilor Mead – Council workshop Wednesday night @ 6:00pm

AGENDA ITEM #7884

Discussion with Action: Authorize the restoration of monuments and plaques in Memorial Park by Bruce Lane for a total of \$13,805, from the following accounts: 31705-50311 Veterans Memorial Monument Expense with a balance of \$3,612.55, and \$10,192.45 from account number 50002- 50812 CIP Memorial Park Improvements with a balance of \$505,887.89,

Vice Chair: Kenny Blow

The Memorial Park Committee has voted to request Town Council authorization of the restoration of the monuments and plaques dedicated to veterans of wars and foreign military engagements. From all appearances these features have never been cleaned. The WW II plaque is dated from 1954. The WW I plaque has no date of dedication but the assumption is that it was placed sometime between these two conflicts. There is another bronze plaque honoring Admiral Robert White that was dedicated in 1962. All of these memorials are in dire need of professional restoration, as are the granite monuments and large boulders that they are mounted upon.

Motion to authorize: Councilor Mead

Second: Councilor Reid

Vote: 4-0

Councilor Mead made the request for the Memorial Park Committee - left off \$1,000 as typo.

Motion to increase by \$1,000 to \$14,805 and increase second account draw by \$1,000: Councilor Mead

Second: Councilor Reid

Vote – 4-0

Councilor Mead gave background of items needing to be restored, completed in fall by Veteran's day

AGENDA ITEM #7885

Discussion with Action: Approve quote from Peter Petit Excavating for \$19,850 from account 50002-50508 CIP Sewer Maintenance and Improvement with a balance of \$435,051.80 for emergency sinkhole repair on Tioga Avenue.

Vice Chair: Kenny Blow

This item is for emergency sinkhole repair on Tioga Avenue.

Motion to approve: Councilor Tousignant

Second: Councilor Mead

Vote: 4-0

AGENDA ITEM #7886

Discussion with Action: Award the contract to Shaw Brothers Construction and authorize the Town Manager to enter into a contract for the Walnut Street Sewer Collection System Upgrade in the amount of \$1,139,292.50 to be funded by the Congressional Direct Spending (CDS) Grant Award in the amount of \$1,000,000 and \$139,292.50 from account #31151-50960 Waste Water Treatment Facility Upgrade Bond with a balance of \$21,199,384.99.

Vice Chair: Kenny Blow

Town Manager Asanza – gave a background on the project - Woodard & Curran has reviewed the bids for the Town of Old Orchard Beach's Walnut Street Collection System Upgrades Project received on March 22nd and has determined that Shaw Brothers Construction is the lowest responsive bidder.

Shaw Brothers' bid price of \$1,795,000.50, was higher than the Town had budgeted for this project, therefore, to address this the Town, Shaw Brothers, and Woodard & Curran reviewed the original project scope and identified cost reduction items to lower the construction cost to within the Town's budget while still providing the necessary upgrades for the Walnut Street Collection System. Shaw Brothers confirmed the unit bid pricing submitted with their bid would be applicable to the cost reduction item quantities, resulting in a revised construction cost of \$1,139,292.50.

Woodard & Curran recommend that Shaw Brothers Construction be awarded the contract amount of \$1,139,292.50 (which includes the change order in the amount of -\$655,708).

Motion to award: Councilor Mead

Second: Councilor Tousignant

Vote: 4-0

Councilor Tousignant – what did we give up with the change order? – Town Manager Asanza – focused on worst areas that needed more immediate action – Councilor Tousignant – still all of Walnut Street? – Projects above Walnut Street waiting to get completed, what pipe is still in use? Brent Bridges – from Woodard Curran – gave overview of changes – fix flat and uphill sections, and all pipes originally – shrunk scope to flat and uphill pipes with increased sized pipes and better slope – increased diameters of pipes will keep capacity up – Councilor Tousignant – will the \$655k be pushed out and need work later? – Brent Bridges – does not believe so – Councilor Tousignant – why did it change from original presentation? Brent Bridges – instead of entire replacement, moving to section replacement – Councilor Tousignant – concern on projects waiting for waste water upgrade – Brent Bridges – can write memo – Councilor Tousignant – concern on 40 home project that is on hold, want to be clear that project can move forward with this fix, not having to spend the \$655k equivalent in five years – Brent Bridges – confident in no restrictions on approving 40 home project – Councilor Mead – commended Brent Bridges and Woodard Curran in finding grant for projects and work that has been done on wastewater projects – Councilor Tousignant – timeframe? Brent Bridges – Sept/Oct – 8 week project, water table is low in the fall.

AGENDA ITEM #7887

Discussion with Action: To award the bid to Shaw Brothers Construction Inc. and authorize the Town Manager to enter into an agreement between the Maine Department of Transportation (MaineDOT) and the Portland Area Comprehensive Transportation System (PACTS) for improvements to Union Ave, from Saco Ave to W. Grand Ave., in the amount of \$530,046.46, funded through PACTS Federal allocation funding with a local share not to exceed \$170,896.46 from account numbers as follows: \$148,846.46 50002-50506 CIP Road Improvements, with a balance of \$501,060.28, and \$22,050.00 from account number 50002-50507 CIP Sidewalk Improvements, with a balance of \$292,586.61.

Vice Chair: Kenny Blow

Town Council approved this federally funded road improvement project last year in partnership with MaineDOT. The low bid was received by Shaw Bros. Construction and the local share of the project is \$170,896.46. There is an opportunity to receive additional funding in the amount of \$32,446.46 that will bring the local share to \$138,450.00, but we will not know this until the end of May.

Motion to approve: Councilor Mead

Second: Councilor Reid

Vote: 4-0

Councilor Mead – to Town Manager Asanza – confidence on 20% approval from PACTS? – Town Manager Asanza – yes – will find out soon on approvals
Councilor Tousignant – timeframe? – Town Manager Asanza – fall

AGENDA ITEM #7888

Discussion with Action: To award the bid to Shaw Brothers Construction Inc. and authorize the Town Manager to enter into an agreement between the Maine Department of Transportation (MaineDOT) and the Portland Area Comprehensive Transportation System (PACTS) for improvements to Saco Ave., from Washington Ave., to Old Orchard St., in the amount of \$456,977.59, funded through PACTS Federal allocation funding with a local share not to exceed \$227,127.59 from account numbers as follows: \$207,977.59 from account number 50002-50506 CIP Road Improvements, with a balance of \$501,060.28, and \$19,150.00 from account number 50002-50507 CIP Sidewalk Improvements, with a balance of \$292,586.61.

Vice Chair: Kenny Blow

Town Council approved this federally funded road improvement project last year in partnership with MaineDOT. The low bid was received by Shaw Bros. Construction and the local share of the project is \$227,127.59. There is an opportunity to receive additional funding in the amount of \$63,200.00 that will bring the local share to \$163,927.59, but we will not know this until the end of May.

Motion to approve: Councilor Mead

Second: Councilor Reid

Vote: 4-0

Councilor Tousignant – timeframe? – Town Manager Asanza fall – additional funding available from PACTS

AGENDA ITEM #7889

Discussion with Action: Approve the Special Event Permit for Karl Douglas to hold a wedding on the beach at the end of Winona Avenue on Saturday, September 9th, 2023 from noon to 5:30 p.m., including set-up and takedown.

Vice Chair: Kenny Blow

Motion to approve: Councilor Tousignant

Second: Councilor Mead

Vote: 4-0

AGENDA ITEM #7890

Discussion with Action: Approve the Special Event Permit for the Old Orchard Beach Police Department to hold a Community Policing Event in the Memorial Park parking lot on Tuesday, August 1st, 2023. Request to close the parking lot for the day, 6 a.m. to 10 p.m. The set-up will begin at 3 p.m., event occurs from 5 p.m. to 8 p.m., takedown by 10 p.m.

Vice Chair: Kenny Blow

Motion to approve: Councilor Reid

Second: Councilor Tousignant

Vote: 4-0

AGENDA ITEM #7891

Discussion with Action: Approve the proposal from Safe Stadium Facility Evaluation in the amount of \$13,897.00 for the inspection and assessment of seven (7) steel sports lighting poles at the Ballpark from account number 51002-50911 CIP Ballpark Improvements with a balance of \$143,949.38.

Vice Chair: Kenny Blow

In FY 23 the Council approved capital funds for ballfield lighting improvements which includes energy efficient LED lights. It has come to our attention that there is one pole that may need to be removed because of damage at the base. To ensure all stadium light poles are structurally sound since they were originally installed in 1983 it is recommended that an evaluation or assessment of all poles be done to plan for the future.

Vice Chair Blow – agenda item removed w/o prejudiced

Motion to remove: Councilor Mead

Second: Councilor Reid

Vote: 4-0

AGENDA ITEM #7892

Discussion with Action: Award the contract to Robillard Brothers Landscaping for grounds maintenance services at Memorial Park in an amount not to exceed \$25,825.00 for year one (1), 26,341.00 for year two (2), and \$26,867.50 for year three (3) from account number 20152-50310 Memorial Park Service Contracts with an FY 23 balance of \$13,305.71 through June 30, 2023, and a projected FY 24 budget of \$45,900.00.

Vice Chair: Kenny Blow

The Town of Old Orchard Beach issued an RFP for grounds maintenance located at the Veteran's Memorial Park. Three (3) proposals were received. Robillard Brothers Landscaping, Nerak Property Management, and Classic Clippings Lawn Care, LLC. The recommendation is to award the contract to the low responsive bid.

Motion to award: Councilor Tousignant

Second: Councilor Mead

Vote: 4-0

Councilor Mead – grateful that Town Manager Asanza and Finance director found local contractor

AGENDA ITEM # 7893

Discussion with Action: Approve the quote from Island Lighting & Power Systems for \$21,250.00 to remove the existing lighting pole located along the first base line from account number 51002-50911 CIP Ballpark Improvements with a balance of \$143,949.38.

This item coincides with the inspection of the lighting pole, agenda item #7891. The first base line pole needs to be removed due to damage at the base of the pole.

Town Manager Asanza – identified as needs to come down

Motion to approve: Councilor Tousignant

Second: Councilor Mead

Vote: 4-0

ADJOURNMENT

Motion to adjourn at 7:26pm: Councilor Reid

Seconded: Councilor Mead

Vote: 4-0

Vice Chair: Kenny Blow