



Town of Old Orchard Beach
Office of the Town Manager

1 Portland Ave, Old Orchard Beach, Maine

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www.oobmaine.com/town-council

Regular Town Council Meeting Minutes

June 20th, 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 6/20/2023.

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|----------------|--------------------------------|
| Prepared By: | Tim Fleury |
| Approved By: | Old Orchard Beach Town Council |
| Approval Date: | 7/25/2023 |

Respectfully
Submitted,

Tim Fleury
Town Council
Secretary



Town Council - Meeting Agenda

June 20th, 2023 @ 6:30pm
Council Chambers - 1 Portland Avenue

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**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:

Chairman Shawn O'Neill

Town Manager Diana Asanza

Vice Chairman Kenneth Blow

Council Secretary Tim Fleury

Councilor V. Louise Reid

Councilor Larry Mead

Councilor Mike Tousignant had an excused absence.

EMERGENCY AGENDA ITEM:

Discussion with action: Vote to add the following business licenses and liquor licenses to the agenda:

Business Licenses:

Iris Photography, Emran Migdady, (206-31-20), 27 Old Orchard Street, novelty photography studio.

Lazy Days, (206-31-16), 4 First Street, victualers with prep w/alcohol.
Contingent on final inspection.

Liquor License:

Lazy Days, (206-31-16), 4 First Street, m-s-v in a restaurant/lounge.
Contingent on final inspection.

Motion to add: Councilor Mead

Second: Vice Chair Blow

Vote: 4-0

ACKNOWLEDGEMENTS:

Councilor Reid – congrats to the Pier for 125-year anniversary of opening.

GOOD & WELFARE:

Gerome Beckett – Gables Way – Wednesday June 14th, Smithwheel Rd – multiple crashes on sharp curve – Mr. Beckett gave a brief history on accidents at that location – 12-13 years ago town repaved E Emerson Cummings drive, removed 20mph curve ahead sign – street lights out in that

area, DPW contacted CMP and 3 of 4 lights were fixed - would like to see streetlight fixed and DOT speed limit sign and curve ahead sign added back -

Peter Mourmouras - 30 Saco Ave - here to end conflict between family and council - not to gloat over vote on referendum - suspicions that single Councilor campaigned for applicant - want to show OOB what councilor is all about - unethical and inappropriate relationship with applicant.

Patrick Mourmouras - 30 Saco Ave - Mr. Mourmouras gave timeline for adult use cannabis approval in Old Orchard Beach and Council and Town staff actions during that time - Chair O'Neill asked Mr. Mourmouras to clarify his point of the history - Mr. Mourmouras continued his history of the project -

Chair O'Neill - no single Councilor can broker a deal, need total approval - Chair O'Neill - asked to Mourmouras' home to be presented with merit-based criteria - Mr. Tom Mourmouras and Chair O'Neill went back and forth - Chair O'Neill asked Mr. Mourmouras to stop speaking and not to continue current back and forth discussions.

Tom Mourmouras - 30 Saco Ave - summarized timeline presented by Patrick Mourmouras and reiterated traffic.

Vice Chair Blow - in favor of a merit-based system based on applicant stating they were camping out in front of PD for first come first serve system - merit based protected all applicants.

Councilor Mead - thanked fellow Council members for backing concerns presented - offered to sit down with the Mourmouras' to address all accusations presented.

Chair O'Neill - reiterated that no single Council member or Town Manager can make deal or business decisions without entire Council approval - would

like to move forward professionally in this process.

ACCEPTANCE OF MINUTES:

Acceptance of the minutes from the 5/17/23 Council Workshop, 5/23/23 Budget Workshop, 5/31/23 Budget Workshop, and the 6/6/23 Regular Council Meeting.

Chair: Shawn O'Neill

Motion to accept: Vice Chair Blow

Second: Councilor Reid

Vote: 4-0

PUBLIC HEARING – ORDINANCE AMENDMENTS:

PUBLIC HEARING: Shall the Town Council consider amendments to Ch. 78, Art. VI, Sec. 78-869 (b) (2); 78-870 (b); 78-871 (c) (1), (2) and renumber existing (2) and (3). These amendments propose changes to the NC3 District setback, multifamily, and parking standards.

Chair: Shawn O’Neill

This item proposes zoning ordinance amendments associated with NC3 District: 1) Allow multifamily building to have units on the sidewalk level, 2) Reduce principal and accessory building setbacks, and 3) exempt on-site, off-street parking for residential and non-residential uses.

NC3 District is one of the smallest districts in OOB consisting of 9 properties in the Washington Ave/Atlantic Ave intersection area. Uses are a mix of multifamily residential and non-residential use.

Planning worked with the applicant NERG LLC, owners of 23 Washington Ave (The Local) and 20 Washington Ave. (multifamily, laundromat), on the ordinance amendments. The applicant provided a letter with commentary for this request:

- Expand the restaurant (The Local) by adding a 3-season area for additional seating.
- Add a residential unit to the vacant space at 20 Washington Ave, which has been vacant for many years. The owner has attempted to market the location with no success and adding a residential unit in this area will be a benefit.

Chair O’Neill opened the hearing @: 7:05pm

Chair O’Neill – thanked staff to bring this amendment forward to Council.

Councilor Mead – business has been a positive addition to the town and would like to see it continue.

Chair O'Neill closed the hearing @: 7:06pm

PUBLIC HEARING – LIQUOR LICENSE & APPROVALS:

Pizzeria Italiano, Robert Ciampi, (206-26-4-C), 34-C Saco Avenue, m-s-v in a Class A Restaurant/Lounge.

~~Patron's Mexican Restaurant, Anel Seina, (206-27-13), 8 Heath Street, m-s-v in a Class A Restaurant/Lounge.~~

Chair: Shawn O'Neill

Chair O'Neill opened the hearing @: 7:07pm

Motion to remove w/o prejudice Patron's Mexican Restaurant: Councilor Mead

Second: Vice Chair Blow

Vote: 4-0

Motion to approve: Vice Chair Blow

Second: Councilor Mead

Vote: 4-0

Chair O'Neill closed the hearing @: 7:08pm

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Pizzeria Italiano, Robert Ciampi, (206-26-4-C) 34-C Saco Avenue, victualers w/prep and alcohol.

Red Door Market, Anna Ayotte, (206-31-8), 39 Old Orchard Street, sidewalk café added to existing shop.

~~John Morich, (313-2-1-24), 1 Bay Avenue #24, one seasonal rental – STR.~~

Royal Real Estate Partners of New England, David Crowell, (316-13-20), 16 Union Ave, two year round rentals – STR.

Amie Lynn Santos, (304-7-1-209), 78 East Grand Ave #208, one year round rental – STR.

Dana and Audrey Cabral, (321-23-5), 12 Casco Avenue, one seasonal rental – STR.

Dennis Platt, (319-2-3), 11 Hampton Ave, one seasonal rental – STR.

~~Eric Hobin, (106-5-17), 9 Birch Lane, one year round rental – STR.~~

~~Patron's Mexican Restaurant, Anel Seina, (206-27-13), 8 Heath Street, victualers with prep and alcohol.~~

~~Beach Days LLC, John Day, (205-17-14), 7 Smith Avenue, one year round rental – STR.~~

Chair: Shawn O'Neill

Chair O'Neill opened the hearing @: 7:02 pm

Motion to remove the strike through items without prejudice and add new items from emergency agenda additions: Chair O'Neill

Second: Vice Chair Blow

Vote: 4-0

Motion to approve: Councilor Mead

Second: Vice Chair Blow

Vote: 4-0

Chair O'Neill closed the hearing @ 7:05pm

PUBLIC HEARING – SPECIAL AMUSEMENT PERMITS & APPROVALS:

Jimmy the Greeks, Dmitri Inc., James Albert, (211-9-1), 215 Saco Ave, bands, comedy, DJ.

Chair: Shawn O'Neill

Chair O'Neill opened the hearing @: 7:08pm

Motion to approve: Councilor Mead

Second: Vice Chair Blow

Vote: 4-0

Chair O'Neill closed the hearing @: 7:09pm

TOWN MANAGER REPORT

NEW BUSINESS:

AGENDA ITEM # 7915

Discussion with Action: Canvass and Certify the Results of the June 13th RSU #23 Budget Validation Referendum and the Special Municipal Election.

Chair: Shawn O'Neill

Motion to canvass and certify: Vice Chair Blow

Second: Councilor Mead

Vote: 4-0

AGENDA ITEM # 7916

Discussion with Action: Approve & certify the information on the Annual Report April 1, 2022 through March 31, 2023 for the Affordable Housing Tax Increment Financing District relative to the public purpose of the affordable housing district as reported by The Pines at Ocean Park and Milliken Heights TIF Districts.

Chair: Shawn O'Neill

This is a report as part of the annual requirement for TIF Districts to be filed with Maine State Housing. The reports provide an annual update of the number of existing affordable housing units, and existing market units. The reports are for The Pines at Ocean Park and Milliken Heights Affordable Housing complexes.

Motion to approve: Vice Chair Blow

Second: Councilor Mead

Vote: 4-0

AGENDA ITEM # 7917

Discussion with Action: Approve the purchase of two 5' by 100' Mobi-mats and one 5' by 16.4' Mobi-mat for \$9,664.68 from account 20151-50511 Public Works Grounds Maintenance with a balance of \$10,607.44 to replace a boardwalk at the Randall Ave beach access. The mats provide ADA compliant access to the beach.

Chair: Shawn O'Neill

The Public Works department has been upgrading beach entrances with the use of Mobi-mats to increase accessibility. This purchase is to replace the damaged boardwalk at the Randall Avenue beach entrance.

Motion to approve: Councilor Mead

Second: Councilor Reid

Vote: 4-0

AGENDA ITEM # 7918

Discussion with Action: Approve the quote from Lowe’s for \$10,899.99 to purchase a Simpson mobile trailer 4000 PSI 4 GPM hot water gas pressure washer from account # 20151-50501 Pub Works Operating Supplies with a balance of 27,217.45.

Chair: Shawn O’Neill

The department has been tasked to purchase a power washer. This would be used by the department to wash the exterior of various municipal buildings and infrastructure. Public Works recommends purchasing the power washer from Lowe’s due to the cost savings of the three quotes they received. This power washer will fit the needs of the department.

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| Lowe’s | \$10,899.99 |
| Northern Tool | \$10,999.99 |
| RN Craft, Inc. | \$13,900.00 |

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 4-0

AGENDA ITEM # 7919

Discussion with Action: Approve the purchase of a 2017 Bandit 12xpc Drum Chipper from Okechobee Lake Winter Resort from account 50002-50551 CIP Public Works Operating Equipment with an approved FY 24 budget of \$100,153.09. This purchase will take place after July 1, and is part of the approved FY 24 CIP Budget.

Chair: Shawn O’Neill

The department has the opportunity to purchase a 2017 Bandit woodchipper that has 112 hours of use for \$17,000.00. As a cost-saving measure the Council recommended and approved the purchase of a used woodchipper in the FY 24 Capital Budget. After researching locally and online, this unit was located, and the chipper is in excellent condition. It was inspected by the Deputy Director and mechanic and will fit the needs of the department. Staff also had an opportunity to see the equipment in operation.

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|-------------------------|-----------|----------|
| 2017 Bandit Woodchipper | 112 hours | \$17,000 |
| 2018 Bandit Woodchipper | 70 hours | \$39,900 |
| 2019 Bandit Woodchipper | 625 hours | \$38,000 |

Vice Chairman Blow recused himself from the vote.

Motion to approve: Councilor Mead

Second: Councilor Reid

Vote: 3-0-1

AGENDA ITEM # 7920

Discussion with Action: Approve the quote from AAA Police Supply for the purchase of ammunition for the Police Department for \$21,882.00 from account #20131-50501 Police Operating supplies and Equipment with a balance of 39,831.20.

Chair: Shawn O'Neill

Ammunition purchase was approved as part of the FY 23 budget. The department will be transitioning over to new side arms next year and this is ammunition for those new side arms.

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 4-0

AGENDA ITEM # 7921

Discussion with Action: Adopt the Personnel Policy Manual as required by Charter Section 502.8, with changes to Article III, Non-Discrimination and Article IV, Conditions of Employment.

Chair: Shawn O'Neill

Changes to Article III Non-Discrimination

- adds language to bring us into compliance with the changes to the Americans with Disabilities Act and the Maine Human Rights Act regarding reasonable accommodations for employees.

Changes to Article IV add language regarding hygiene to the dress code.

- There have been recent events where hygiene was a concern, this includes the recent pandemic events and how hygiene impacted everyone.

Motion to adopt: Councilor Mead

Second: Vice Chair Blow

Vote: 4-0

AGENDA ITEM # 7922

Discussion with Action: Approve the quote from ICC Community Development Solutions for electronic document management for \$14,083.00 from account 20107-50310 Town Clerk Service Contracts Expense with a FY 24 balance of 28,275.00. This purchase will take place after July 1, and is part of the approved FY 24 Budget.

Chair: Shawn O'Neill

This item is for the Laserfiche enterprise content management system. This new system will be a cloud-based program. It provides a central, backed-up location for town clerk documentation.

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 4-0

AGENDA ITEM # 7923

Discussion with Action: Approve the quote from Kofile for electronic document management for \$7,860.00 from account 20107-50310 Town Clerk Service Contracts Expense with a FY 24 balance of \$28,275.00. This purchase will take place after July 1, and is part of the approved FY 24 Budget.

Chair: Shawn O'Neill

This item is to digitize and backup archived meeting minutes currently only available in physical formats. This was approved in the FY 24 Town Clerk Operating Budget. So far meeting minutes from 1883 - 1967 have been digitally archived and this approval will archive 1968 and 1969.

Motion to approve: Vice Chair Blow

Second: Councilor Mead

Vote: 4-0

Town Clerk Kim McLaughlin brought in samples of minutes that will be archived and what finalized product looks like.

Town manager Asanza - 1883 to 1969 will be completed with this approval.

AGENDA ITEM # 7924

Discussion with Action: Renew the liquor license for Jimmy the Greeks, (211-9-1), 215 Saco Avenue, m-s-v Class X in a Class A Restaurant/Lounge.

Chair: Shawn O'Neill

Motion to renew: Councilor Reid

Second: Vice Chair Blow

Vote: 4-0

ADJOURNMENT

Motion to adjourn@ 7:24pm: Vice Chair Blow

Seconded: Councilor Reid

Vote: 4-0

Chair: Shawn O'Neill