



Town of Old Orchard Beach
Office of the Town Manager

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www.oobmaine.com/town-council

Regular Town Council Meeting Minutes

8/15/2023

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 8/15/2023.

Prepared By:	Tim Fleury
Approved By:	Old Orchard Beach Town Council
Approval Date:	9/5/2023

Respectfully
Submitted,

Tim Fleury
Town Council
Secretary



Town Council - Meeting Agenda

August 15th, 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:

Chairman Shawn O'Neill
Vice Chairman Kenneth Blow
Councilor Mike Tousignant
Councilor V. Louise Reid

Town Manager Diana Asanza
Council Secretary Tim Fleury

Councilor Mead had an excused absence.

ACKNOWLEDGEMENTS:

GOOD & WELFARE:

Patrick Mourmouras: 30 Saco Ave, Looking for update on adult use cannabis application process – August 15th, town not in compliance with ordinance.

Jerome Begert - Gables Way – looking to access copies of information on MS4 amendments and automated collection information

Eileen Carboneau – 36 Gables Way – condos excluded from automatic trash and recycling pickup -

PRESENTATION: Casella: New Automated Trash and Recycling Collection Services

Presentation from Talya Bent from Casella – PowerPoint attached at end of minutes

Opened floor for questions:

Jerome Beggert – are bins going to all residents? – Talya Bent – anyone receiving curbside pickup now will receive 2 carts – Chris McHale – anyone currently receiving pickup will continue to receive pickup and new containers – Mr. Beggert – condos and mobile home parks paying for services? – Eileen Carboneau – paying for pickup, do they use automated carts for that? – Vice Chair Blow – question for Casella directly – Ed Bones – when does it start? – Town Manager Asanza – carts delivered the week of 9/5, new pickup starts 9/11 – Vice Chair Blow – moving from 4 days to 5 days – Chris McHale – routes and pickup days may change for residents – bins placed out the night before as times of pickup may change too – 3 feet spaced apart – Joseph Salerno – 52 Wild Dunes Way - pay directly to Casella – any changes to that? – Chris McHale – no changes for that at this point – Ed Bones – will Casella be offering existing trash can pickup day? – Talya Bent – working with the town to determine logistics if possible – Councilor Tousignant – blue bags still in effect? Can they bring them to the transfer station? – Town Manager Asanza – yes, can bring it to the transfer station, and the cost of the bags covers that.

ACCEPTANCE OF MINUTES:

Accept minutes from 8/1/2023 Town Council Regular meeting.

Chair: Shawn O'Neill

Motion to accept: Councilor Reid

Second: Councilor Tousignant

Vote: 4-0

Councilor Tousignant – agenda number #7966 is going to be tabled tonight, should let the public know to save residents from waiting - Chairman O'Neill – let the public know the item is going to be tabled to save people from waiting.

PUBLIC HEARING – ORDINANCE AMENDMENTS:

PUBLIC HEARING - Town Council to consider amendments to Ch. 71, Article III, Sec. 78-41 (b). This amendment proposes changes to the Post-construction Stormwater Management ordinance.

Chair: Shawn O'Neill

Chair O'Neill opened the hearing at: 6:56 pm

Jerome Begert – Gables Way – Is this due to federal-level law or state-level law? – Town Manager Asanza – part of MS4 requirements for Town's permit – Mr. Begert – are there current requirements available? – Mike Foster, Associate Planner – website will be updated with new ordinances – Mr. Begert – retaining flash flood retaining or fouled water? – Mike Foster – specific to subdivisions with existing stormwater plans or new subdivisions being built – Mr. Begert – over 1 acre? – Mike Foster – specific to subdivisions – Councilor Tousignant – must be updated yearly – Mike Foster – confirm systems are functioning as designed – Councilor Tousignant – drains pumped yearly and tested –

Patrick Mourmouras – plan and date given to gentlemen who left regarding STR? Why did I not get an answer? – Chairman O'Neill – through attorneys, not making a statement –

Chair O'Neill closed the hearing at 7:04 pm

PUBLIC HEARING - Town Council to consider amendments to Ch. 78, Article II, Sec. 78-36 (b); Article VI, Sec. 78-215 (b) (3), (4) and renumber existing (4), (5), and (6); Article VIII, Sec. 78-1412; and 78-1856 – 1863. These amendments propose changes to the Erosion and Sedimentation Control ordinance to comply with the Town's current Stormwater Management Plan.

Chair: Shawn O'Neill

Chair O'Neill opened the hearing at 7:05 pm

Jerome Begert – if only applies to developments over 1 acre, it doesn't apply to individual homes it should be applied to every property.

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

PUBLIC HEARING – LIQUOR LICENSE & APPROVALS:

Patron's Mexican Restaurant, Anel Seina, (207-27-13), 8 Heath Street, m-s-v in a Class A restaurant/lounge.

Chair: Shawn O'Neill

Chair O'Neill opened the hearing at 7:06 pm

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 4-0

Chair O'Neill closed the hearing at 7:07 pm

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Patron's Mexican Restaurant, Anel Seina, (206-27-13), 8 Heath St, victualer with prep and alcohol. Conditional license issued for occupancy limit of 80 people until the second means of egress is provided, per the Fire Chief.

Karen and Arthur Wright, (311-9-7), 52 11th Street, one seasonal rental (new).

Jordan Haddock, (312-9-3), 30 W. Old Orchard Ave., one year-round, short-term rental (new).

Susan and Jeff Sullivan dba Sully's Seacoast LLC, (304-7-1-6), 78 East Grand Ave., #106, one year-round, short-term rental (new).

Chair: Shawn O'Neill

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

Motion to approve: Councilor Tousignant

Second: Vice Chair Blow

Vote: 4-0

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

PUBLIC HEARING – SPECIAL AMUSEMENT PERMITS & APPROVALS:

The Whaler, William P. Marshall, (206-31-17), 20 Staples St., acoustic music
8:00 pm to 12:00 am inside (no change).

Pirate's Patio & Galley, New England Restaurant Group, (304-2-9), 2 Walnut
St., amplified music, dancing, and karaoke, inside and outside from 11:00 am –
8:00 pm (no change).

Chair: Shawn O'Neill

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

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 4-0

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

TOWN MANAGER REPORT

Vice Chair Blow – Council is not dragging on helping this intersection, gathering the most information before moving forward.

Jerome Beggert – thanked the council, town manager, and other entities doing a study on the halfway intersection.



8/15/2023

Town Manager's Report

Tax Bills: will soon be mailed out. The mil rate is \$11.40 (\$12.24), a decrease of almost 7%, which is always good news. However, property values continue to increase based on market trends and reported sales. The Median Single Family Residential values increased about 12%, so that means:

- The Median single family residential value was \$339,000 last year at the mil rate of \$12.24 = \$4,149
- The Median single family residential value for this year is \$381,100 at a mil rate of \$11.40 = \$4,345

An increase of \$196

Also, for those senior citizens who applied and were eligible for the Property Tax Stabilization Program, enacted last year, your tax bill will remain the same as last year, even if the value of your property increases this current tax year.

This program will only be in effect the FY 24 tax bill because the State Legislature repealed this law effective October 11, 2023. Though well-intentioned, there were flaws with the program where it did not target relief to those who needed it most. It did not include income limits or limits on property value.

As a result of repealing the Tax Stabilization Program, two existing State Programs that benefit low-income senior citizens have been expanded in its place:

- Property Tax Fairness Credit Program for eligible residents 65 and older increased from \$1500 to \$2000 as a refund of property taxes paid.
- Property Tax Deferral Program increased the income limits to be eligible from \$40,000 to \$80,000. This program works like a reverse mortgage. (where taxes are paid if the home is sold or it becomes part of an estate)

These State programs are administered by Maine Revenue Services and not the Town.

In addition to this there is also the Town's Senior Property Tax Assistance Program, that has been in place for the past 5 years. The Town administers this program where it provides property tax relief to eligible Old Orchard Beach residents.

To learn more about the two expanded State programs and the Town's Senior Property Tax Assistance Program, please visit the Town's website and the Assessing Dept webpage, or you can call the office at 937-5614.

The Traffic Study on Ocean Park Rd from the I195 spur to the Halfway Intersection continues. Gorrill Palmer, the engineering firm conducting the study, has prepared a draft traffic report for ME DOT's feedback on recommendations. After evaluating the traffic volumes for seasonal variations where traffic is significantly higher in the summer months and lower in the non-summer months, two general alternatives have risen to the top: The roundabout alternative, which includes roundabouts at the

intersection of I195 or the spur and at the Halfway Intersection, however, the Smithwheel intersection would remain unsignalized.

The other is a signal alternative, which includes fully functional traffic signals at three intersections:

1. Interstate 195 at the spur
2. Smithwheel Road
3. Halfway Intersection

Maine DOT typically requires evaluations to be completed for the 6th highest week of the year, which is during the peak summer months. They are reviewing the scenarios to ensure mobility through the corridor.

If you recall the temporary demonstrations that ME DOT proposed on Ocean Park Rd. for traffic calming efforts were to be installed in July, but there has been a lengthy delay in the procurement of goods, and we may have missed the window for the demonstration.

The schedule for the next public meeting was also pushed out to ensure ME DOT's full review of the alternatives beforehand. As soon as I receive an update on the next steps I will follow up with Council.

Thank you,
Diana H. Asanza,
Town Manager

NEW BUSINESS:

AGENDA ITEM #7965

Discussion with Action: Appoint Tim Nelson and Zachary Heffernan as Deputy Code Enforcement Officers, and Deputy Licensed Plumbing Inspectors terms to expire 7/1/2024, and re-appoint Rickey Haskell, as Code Enforcement Officer, Electrical Inspector and Licensed Plumbing Inspector, term to expire 7/1/2024.

Chair: Shawn O'Neill

Motion to appoint: Vice Chair Blow

Second: Councilor Reid

Vote: 4-0

AGENDA ITEM #7966

Discussion with Action: Enact an Emergency Ordinance establishing a Moratorium on Short Term Rentals, whereas no specific regulations governing Short Term Rentals exists under the Town of Old Orchard Beach's Zoning Ordinances, which the Town Council has determined creates a public emergency under the provisions in Section 410.1 of the Town Charter, and which has raised concerns related to public safety and welfare and potential adverse effects on the fabric of residential neighborhoods.

Chair: Shawn O'Neill

Tabled until 9/5 meeting -

Motion to table: Councilor Reid

Second: Vice Chair Blow

Vote: 4-0

AGENDA ITEM #7967

Discussion with Action: Approve the proposal from Wright-Pierce for design, engineering and construction oversight services in the amount of \$97,400.00 for the Saco Avenue, Goodwin Avenue, and MacArthur Avenue sewer replacement from account number 50002-50508 CIP Sewer Maintenance and Improvement account with a balance of \$1,165,201.80.

Chair: Shawn O'Neill

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 4-0

AGENDA ITEM #7968

Discussion with Action: Approve the proposal from Wright-Pierce for engineering services for the New Salt Road Tributary Subwatershed Smoke Testing in an amount not to exceed \$37,000.00, from account number 20151-50300, Public Works Professional Engineering Services with a balance of \$148,396.92.

Chair: Shawn O'Neill

Motion to approve: Vice Chair Blow Councilor Tousignant

Second: Councilor Reid Vice Chair Blow

Vote: 4-0

AGENDA ITEM #7969

Discussion with Action: Approve the proposal from Wright Pierce for Construction Inspection Services for the Town Hall Tower Repairs in the amount of \$6,500.00, from account number 51002-50842 Town Hall Improvements Expense account with a balance of \$57,609.90.

Chair: Shawn O'Neill

Motion to approve: Councilor Tousignant

Second: Councilor Reid

Vote: 4-0

AGENDA ITEM #7970

Discussion with Action: Accept the proposal from McLaughlin Builders for the repair and replacement of existing roof railings at Town Hall in the amount of \$18,300.00 from account number 51002-50842 CIP Town Hall Improvements Expense account with a balance of \$57,609.90.

Chair: Shawn O'Neill

Motion to accept: Vice Chair Blow

Second: Councilor Reid

Vote: 4-0

AGENDA ITEM #7971

Discussion with Action: Award the proposal from Bergeron Protective Clothing for the purchase of Structural Firefighting Boots and Helmets in the amount of \$5,246.40 from CIP account 52002-50895 – with a balance of \$68,123.18.

Chair: Shawn O'Neill

Motion to award: Councilor Tousignant

Second: Councilor Reid

Vote: 4-0

Town Manager Asanza – Chief Gilboy and Deputy Chief Whitten did lots of legwork to find the best products available. It is a phased approach to equip the fire department with the best equipment available. Chief Gilboy – wear study – 3-4 manufacturers, 3 sets of gear worn by personnel.

AGENDA ITEM #7972

Discussion with Action: Renew the liquor license for Soho's Oceanic Inn Lounge/OOB Cafe, Jeff Corbin, (310-6-3), 43 West Grand Ave., m-s-v in a Hotel Class I-A.

Chair: Shawn O'Neill

Motion to approve: Councilor Tousignant
Second: Councilor Reid
Vote: 4-0

AGENDA ITEM #7973

Discussion with Action: Renew the liquor license for The Whaler, William P. Marshall, (206-31-17), 20 Staples St, m-s-v in a Class A lounge.

Chair: Shawn O'Neill

Motion to approve: Councilor Tousignant
Second: Vice Chair Blow
Vote: 4-0

AGENDA ITEM #7974

Discussion with Action: Renew the liquor license for the Strike Zone Restaurant, Robert Bouthot, (205-4-1-C), 20 Old Orchard St, m-s-v in a Class A restaurant/lounge.

Chair: Shawn O'Neill

Motion to approve: Vice Chair Blow
Second: Councilor Reid
Vote: 4-0

AGENDA ITEM #7975

Discussion with Action: Renew the liquor license for the Pirate's Patio & Galley, New England Restaurant Group, (304-2-9), 2 Walnut St., m-s-v in a Class A restaurant/lounge.

Chair: Shawn O'Neill

Motion to approve: Councilor Reid

Second: Vice Chair Blow

Vote: 4-0

AGENDA ITEM #7976

Discussion with Action: Convey foreclosed property identified as 15 FRANCIS STREET #7, Parcel Number 00205-00007-001-7 to owners of record SKILLINGS PAULA J ESTATE OF, for the total amount of \$64,338.50 in outstanding taxes and accumulated interest, due on the effective date of conveyance, including estimated taxes for FY24, plus any legal costs incurred by the Town of Old Orchard Beach, and delegate to the Town Treasurer the authority to sign all documents and undertake all actions necessary to accomplish the same.

Chair: Shawn O'Neill

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 4-0

AGENDA ITEM #7977

Discussion with Action: Approve the Pole Permit application from Central Maine Power Company for a pole to be installed on Smithwheel Road, 150 feet northerly of pole 29H.

Chair: Shawn O'Neill

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 4-0

Jerome Begert – thank Chief Chard for adding traffic calming signs – CMP needs to replace the light on the pole at the curve.

AGENDA ITEM #7978

Discussion with Action: To accept from Woodbridge Condominiums a permanent access and driveway easement of 331.5 square feet in area, 14 feet in width and 30 feet in length for the purposes of accessing the Portland Avenue Pump Station, and a temporary construction easement of 453 square feet in area for the purpose of entering the easement area during construction project to replace the Portland Avenue Pump Station, in substantially the same form as the easements included in the Council packet.

Chair: Shawn O'Neill

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 4-0

AGENDA ITEM #7979

Discussion with Action: Amend the Chamber of Commerce's approved Special Event Permit, approved on 04/05/2022, for the Car Show that is occurring on September 15th and 16th, by allowing volunteers to park in the Milliken Street parking lot on Saturday, the 16th without cost.

Chair: Shawn O'Neill

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 4-0

ADJOURNMENT

Chair: Shawn O'Neill

Motion to adjourn @ 7:34 pm:

Second: Vice Chair Blow

Vote: Councilor Reid

4-0