



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

September 5th, 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 9/5/2023.

Prepared By:	Tim Fleury
Approved By:	Old Orchard Beach Town Council
Approval Date:	9/16/2023

Respectfully
Submitted,

Tim Fleury
Town Council
Secretary



Town Council - Meeting Agenda

September 5th, 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 Larry Mead
Councilor Mike Tousignant
Councilor V. Louise Reid

Town Manager Diana Asanza
Council Secretary Tim Fleury

Councilor Mead had an excused absence.

ACKNOWLEDGEMENTS:

GOOD & WELFARE:

PRESENTATION:

PD Presentation – Chief Chard

FY 2022 Audit Presentation – RHR Smith & Co.

ACCEPTANCE OF MINUTES:

Acceptance of Minutes from the 8/15/2023 Regular Council Meeting.

Chair: Shawn O’Neill

Motion to accept: Councilor Reid

Second: Councilor Tousignant

Vote: 4-0

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Sonia Persechiri, (206-29-15), 6 A Street, one seasonal short-term rental.

AGH Properties, Dan Hoffman, (205-1-3), 44 Adelaide Rd., one year-round short-term rental.

Bluestone Partners LLC, John and Petra Donovan, (312-7-12) 53 West Old Orchard Ave., one year-round long-term rental.

Colm Hogan, (318-8-6-14), 146 West Grand Ave #14, one year-round short-term rental.

Eric Hobin, (106-5-17), 9 Birch Lane, one year-round short-term rental.

Marshal and Julie Armitage, (318-8-1), 29 Reggio, two year-round short-term rentals.

Danielle Chapman, (316-3-7-A & B), 4 Odessa Ave. Units A & B, two seasonal, short-term rentals.

Chair: Shawn O’Neill

Vice Chair Blow opened the hearing at: 6:50pm

Motion to approve: Councilor Reid

Second: Councilor Mead

Vote: 4-0

Chair O’Neill closed the hearing at: 6:51 pm

TOWN MANAGER REPORT

UNFINISHED BUSINESS:

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.

Tabled at 8/15/2023 Regular Town Council Meeting.

Chair: Shawn O'Neill

Motion: Councilor Mead

Second: Councilor Reid

Vote: 3-1 Vice Chair Blow, no

Amendment motion: Councilor Mead

Second: Councilor Reid

Vote: 3-1, Vice Chair Blow no

Councilor Mead – sponsored the ordinance, through the concern of the spread of STR in OOB. More licenses issued at every meeting for STRs – losing year-round housing and real opportunities in OOB – drives costs up – intention to introduce a moratorium as soon as possible to go into effect – won't affect renewing licenses or change of ownership within 12 months – amend to remove the emergency section of the amendment and schedule a public hearing at the next town council meeting – removed emergency language as it needs a super-majority – amendment to remove emergency

language in heading and next to last, effective date changes to 180 days, delete both references and schedule public hearing at next public meeting on Sept 19th – confirmed with the Town Clerk that Councilor Mead is correct in the

Jerome Beggert – look into STR’s operating without licenses

Elinda Bones - 32 West Old Orchard – no information received about this until today – no information sent to property owners – VRBO sent an email regarding the meeting tonight – how will the town notify property owners regarding the public hearing at the next meeting? Vice Chair Blow – differs in opinion with Councilor Mead – wants to make sure public hearing happens – Elinda Bones – why was it brought to the moratorium? And how will the public know? – Councilor Mead – town manager will promote public hearings and meetings happening in towns – Town Manager Asanza – agenda are posted each week online – can sign up for notifications for town information – Elinda Bones – heard opinion of Councilor Mead, backing the agenda item, was there a study done or any other information? Councilor Mead – at the public hearing next week – Vice Chair Blow – will make sure information is presented at the next meeting –

Councilor Tousignant – supports moratorium – not meant to be a negative – moratorium is to give Council time to gather information and make educated decisions – number of off-season residents and if they will be rented in the off-season, seasonal community, lack of residents in off-season restricts year-round businesses operating in town – Councilor Tousignant – no negatives coming out of this – can we take time and ask questions – Vice Chair Blow – drawing conclusion – Councilor Tousignant – not meant to be conclusions – lots of HOA’s with STR restrictions – research on those issues – Julie Bayley – vacation owner and renter – concern to be notified, affecting investments and owners in town – historically a vacation community, unlike large cities – would like to see all parties work together –

NEW BUSINESS:

AGENDA ITEM # 7980

Discussion with Action: 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

Motion to approve: Councilor Mead

Second: Councilor Reid

Vote: 4-0

Associate planner Mike Foster – Town Manager Asanza – complies with MS4 stormwater permit – Mike Foster – update is for MS4 and sites with stormwater plans – amendment gives time limit to address deficiencies and when – the timeline currently doesn't exist.

Lori Shelton – 26 Walnut Street – would like to find ordinances – Town Manager Asanza – gave location on the website to find ordinances – Mike Foster – sites that require annual certification are sent to code office to identify and correct deficiencies – Councilor Tousignant- are deficiencies sent to DEP? – Mike Foster – annual, no, 5 year, yes – Councilor Tousignant – missed opportunity for missing deficiencies – Mike Foster – gives time period to enforce deficiencies – Kim McLaughlin – when adopting ordinances –public hearing is placed on Town Council public hearing notices on the website with strikeouts and all information – Jerome Beggert, Gables way – thanked citizen for asking questions – existing ordinance doesn't have teeth and new ordinance has – important wording on deficiencies lacking – pleads for clarification on terms and definitions on what a deficiency is – no expectations listed – citizens don't know what deficiencies are.

AGENDA ITEM # 7981

Discussion with Action: 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

Motion to approve: Councilor Mead

Second: Councilor Tousignant

Vote: 4-0

Mike Foster – ordinance exists – amendment adds clarification language and adds the requirement for any building permits to have stormwater plans, gives code officer power to waive on small projects, outlines inspection procedures and enforcement language – Councilor Mead – ordinance applies to all construction regardless to size, next page applies to areas greater than 1 acre – Mike Foster – applicability falls under MS4 chapter 500 requirements – larger areas need to meet chapter 500 requirements and smaller projects do not.

AGENDA ITEM #7982

Discussion with Action: Approve the purchase and delivery to the Fire Department of 2, 40' storage containers from IPL Management LLC for \$12,460.00 from account #52002-50813 CIP Facility Improvements, Fire with a balance of \$154,025.24.

Chair: Shawn O'Neill

Motion to approve: Councilor Tousignant

Second: Councilor Mead

Vote: 4-0

AGENDA ITEM #7983

Discussion with Action: Award the proposal from Fire Tech & Safety of New England, Inc. in the amount of \$65,095.00 for the purchase of Structural Firefighting Turnout Gear from account # 52002-50895 CIP Fire Equipment/Gear with a balance of \$65,922.54

Chair: Shawn O'Neill

Motion to award: Councilor Tousignant

Second: Councilor Mead

Vote: 4-0

Town Manager Asanza – FD did a 3-month service test of multiple vendors before choosing the vendor.

AGENDA ITEM #7984

Discussion with Action: Set the date of September 19, 2023 to hold a public hearing to consider whether to approve a Contract Zone Agreement between Land Matters, LLC and the Town of Old Orchard Beach, for the property located at 60 Saco Ave., Map 206, Block 10, Lot 1 in the GB2 district, pursuant to 30A M.R.S.A., Section 4352 (8), Chapter 78, Section 78-31 and Chapter 78, Article IX of the Old Orchard Beach Zoning Ordinance, and Section 410 of the Old Orchard Beach Charter. The purpose of the Contract Zone is to allow the establishment of a 6-unit residential condominium building.

Chair: Shawn O'Neill

Motion to set the date: Councilor Mead

Second: Councilor Reid

Vote: 4-0

Councilor Tousignant – the original agreement between owner and applicant was running out in April – looking for a commitment of property – Town Manager Asanza – will find information

AGENDA ITEM #7985

Discussion with Action: Appoint Edwin Bones as an associate member of the Zoning Board of Appeals, term to expire 12/31/24.

Chair: Shawn O'Neill

Motion to appoint: Councilor Tousignant

Second: Councilor Mead

Vote: 4-0

AGENDA ITEM #7986

Discussion with Action: Approve the Special Event Permit application for 5k Sports Race Management to hold a road race on Sunday, October 8th, 2023, from 9 a.m. to 1 p.m. Two Old Orchard Beach police officers are required, and must be booked at least two weeks prior to the event; any cancellation of the event must be at least one week prior to the event.

Chair: Shawn O'Neill

Motion to approve: Councilor Mead

Second: Councilor Reid

Vote: 4-0

AGENDA ITEM #7987

Discussion with Action: Set the public hearing date of September 19th, 2023, to amend the Code of Ordinances, Section 54, Traffic and Vehicles, Section 187, Restrictions and Prohibitions, York Street, changing the designation of the first two parking spaces on the left side facing the ocean, from East Grand Avenue, as handicap parking, to designating the second and third parking spaces on the left side facing the ocean, from East Grand, as handicap parking spaces.

Chair: Shawn O'Neill

Motion to set the date: Councilor Mead

Second: Councilor Reid

Vote: 4-0

AGENDA ITEM #7988

Discussion with Action: Approve the FY 23 Line Item Transfer of \$209,445.20 from the following accounts with credit balances:

- \$4,342.40 from account 20119-50115 Separation Pay with a balance of 4,342.40
- \$14,640.29 from account 20119-50124 In Lieu of Health Insurance with a balance of \$14,640.29
- \$32,059.69 from account 20119-50203 ICMA 457 Employer Share with a balance of \$32,059.69
- \$50,000 from account 20119-50209 Health Savings account with a balance of \$50,000
- \$96,364.55 from account 20119-50210 Health Insurance with a balance of \$96,364.55
- \$6,730.39 from account 20119-50211 Dental Insurance with a balance of \$6,730.39
- \$1,788.95 from account 20119-50212 IPP Insurance with a balance of \$1,788.95
- \$1,763.48 from account 20119-50213 Life Insurance with a balance of \$1,763.48
- \$896.44 from account 20119-50373 Unemployment Compensation with a balance of \$896.44
- \$859.01 from account 20118-50350 Contingency Expense with a balance of \$90,635

Total to be Transferred: \$209,445.20

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To the Following Accounts with Deficit Balances:

- \$8,121.02 to account 20119-50201 FICA and Medicare Expense with a balance of (\$8,121.02)
- \$58,545.90 to account 20119-50202 Maine State Retirement with a balance of (\$58,545.90)
- \$129,103.98 to account 20119-50214 Workers Comp with a balance of (\$129,103.98)
- \$13,674.30 to account 20119-50371 General/Vehicle/Flood Insurance with a balance of (\$13,674.30)

Total Deficit: \$209,445.20

Chair: Shawn O'Neill

Motion to approve: Councilor Tousignant

Second: Councilor Reid

Vote: 3-0

AGENDA ITEM # 7989

Discussion with Action: Approve the FY 23 Line Item Transfer of \$2,388.93 from account 20118-50350 Contingency expense with a balance of \$89,775.99 to account 20115-50310 Town Hall Service Contracts with a balance of (\$2,388.93).

Chair: Shawn O'Neill

Motion to approve: Councilor Reid

Second: Councilor Tousignant

Vote: 3-0

AGENDA ITEM # 7990

Discussion with action: Approve the FY 23 Line Item Transfer of \$103,557.19 from account 20139-50106 Code Enforcement Full time Employee Expense with a balance of \$109,125.67 to the following accounts with deficit balances:

\$75,590.88 to account 20139-50101 Code Enforcement Department Head Salary with a balance of (\$75,590.88)

\$27,966.31 to account 20139-50107 Code Enforcement Part time Employee with a balance of (\$27,966.31)

Total Deficit: \$103,557.19

Chair: Shawn O'Neill

Motion to approve: Councilor Reid

Second: Councilor Tousignant

Vote: 4-0

AGENDA ITEM # 7991

Discussion with Action: Accept the proposal from Androscoggin Bank for the lease purchase of three 2021 Hyundai Kona's and 1 2020 Hyundai Ioniq for the price of \$89,872. The total purchase price of \$89,872 will be financed through a lease purchase agreement with Androscoggin Bank at 4.99% (Tax Exempt) with 5 annual payments of \$19,766.10 from account 20197-50330 Debt Service Equipment Replacement with a balance of \$470,239.28. The town previously leased these vehicles for free and will now be buying them out at the end of the lease term. This purchase was approved as part of the FY 2024 Debt service Budget.

Chair: Shawn O'Neill

Motion to accept: Councilor Tousignant

Second: Councilor Reid

Vote: 4-0

Councilor Mead – the town has had vehicles for 3 years at no cost.

AGENDA ITEM # 7992

Discussion with Action: Amend OOB365's approved Special Event Permit, approved on 08/16/2022, for an event that includes Fireworks on the beach in front of the Brunswick, by moving the date of the event from September 11th, 2023 to October 8th, 2023, and moving the location from in front of the Brunswick to in front of Palace Playland.

Chair: Shawn O'Neill

Motion to amend: Councilor Mead

Second: Councilor Tousignant

Vice Chair Blow – would like to amend to allow on-street parking on West Grand Avenue for the event – Police Chief Chard – has no issues with allowing street parking – ordinance in place but she is good with Council giving exception – Councilor Tousignant – similar to Lobster Dip allowances? – The sponsor would like to make it easy for elderly event participants – Councilor Tousignant – still going to need to trolley folks in – Councilor Reid – any issues from the police chief? – Chief Chard - no

Vote: 4-0

ADJOURNMENT

Chair: Shawn O'Neill

Motion to adjourn at 7:51pm Councilor Mead

Second: Councilor Reid

Vote: 4-0