



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

October 3rd, 2023

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of 29 pages is a copy of the original minutes from the regular meeting of the Old Orchard Beach Town Council held on 10/3/2023.

Prepared By:	Tim Fleury
Approved By:	Old Orchard Beach Town Council
Approval Date:	10/17/2023

Respectfully
Submitted,

Tim Fleury
Town Council
Secretary



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Regular Town Council Meeting Minutes

October 3rd, 2023

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Prepared By:

Tim Fleury

Approved By:

Old Orchard Beach Town Council

Approval Date:

Respectfully
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Town Council - Meeting Agenda

October 3rd, 2023 @ 6:30 pm
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: all present

ACKNOWLEDGEMENTS:

Councilor Mead – kudos to Fallfest participants and organizers – a great success and well attended.

GOOD & WELFARE:

Scott Taylor – 11 Woods Lane – trash issue – They received a flyer at the home indicating they would get new trash cans. No cans are delivered because they are a private road. They pay taxes and do not receive the same benefits as the rest of the town.

Peter Mourmouras – Mr. Mourmouras asked for an explanation of a councilor's comments.

Patrick Mourmouras – spoke to citizens directly – election in November, 2 seats up, 3 running for position – Mr. Mourmouras gave his endorsement on his election opinions.

PRESENTATION:

Town Clerk – Historic annual reports update – Kim McLaughlin, Charlene LoPresti, Jeffrey Thompson – The Town Clerk thanked her staff for their efforts to scan and archive historic town reports.

Chairman O’Neill – great honor to dedicate the annual report to a citizen of the town for their work above and beyond for the town. Please see the attached dedication.

ACCEPTANCE OF MINUTES:

Acceptance of minutes from the 9/19/2023 Regular Town Council Meeting.

Chair: Shawn O’Neill

Motion to accept: Councilor Mead

Second: Councilor Reid

Vote: 5-0

Town Council Dedication

Paul Landry

December 2, 1959–May 11, 2022



We always look at the dates above as the beginning and the end, but we forget that the most important part is the dash. The dash is how we lived our lives and those we impacted during that time.

Paul Landry lived his dash as a loving son, brother, father, grandfather, partner, and friend.

Paul was born on December 2nd, 1959, to Roland and Marguerite Landry. He was a successful businessman who believed in true customer service and providing for others.

Paul graduated from St. Dominic's High School as well as the University of Maine at Orono, where he majored in Chemical Engineering and Business. In high school, he played hockey, soccer, and baseball. He earned a college scholarship for soccer. Paul went on to continue his love of sports by coaching hockey along with any other sports his children had interest in.

Paul was the owner of Landry's Quick Stop in Greene, Maine. There, his talents, and personality helped make the community prosperous. He was also a partner in various business ventures that helped make the community and his partners successful. He was a dedicated friend to many since childhood and was truly loved by them all.

He was the owner of Landry's Shop n' Save Supermarket and Landry's Cascade Plaza, located in Old Orchard Beach. Paul was a devoted and selfless man. During the harshest times, Paul was fully involved and committed to assisting those in need throughout his community. Paul elevated those around him and always wanted to give others the opportunity for success. Paul pretty much knew all the residents by name and never failed to stop to have a chat with customers. During the pandemic, Paul was the first to offer help to the community, from hosting "stuff a truck" to finding creative ways to get food to the community.

PUBLIC HEARING – ORDINANCE AMENDMENTS:

Public Hearing #1

Shall the Town Council consider amendments to the Code of Ordinances, Section 54, Traffic and Vehicles, Section 187 (a), Restrictions and Prohibitions. This amendment proposes changes on Colby Avenue, by changing the time allowed to park on the southwest side (right side facing the ocean) from West Grand to Seaside Avenue from Five-minute parking to Fifteen-minute parking.

Chair: Shawn O’Neill

Chair O’Neill opened the hearing at 6:44 pm

Town Manager Asanza gave a background for the ordinance change.

Chair O’Neill closed the hearing at 6:46 pm

Public Hearing #2

Shall the Town Council consider amendments to the Code of Ordinances, Section 54, Traffic and Vehicles, Section 187 (a), Restrictions and Prohibitions. This amendment proposes changes on Bay Avenue, by designating no parking on the parking space closest to 1 Bay Avenue (MBL 313-2-1) on the right side of the road.

Chair: Shawn O'Neill

Chair O'Neill opened the hearing at 6:46 pm

Chair O'Neill closed the hearing at 6:46 pm

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Cary Seamans, (105A-1-813), 10 Mickelson Way, one year-round short-term rental.

Cary Seamans, (105A-1-818), 4 Mickelson Way, one year-round short-term rental.

John Orthmann, (211-7-52), 158 Temple #C, one seasonal short-term rental.

Chair: Shawn O’Neill

Chair O’Neill opened the hearing at: 6:47pm

Scott Taylor 11 Woods Lane – residential neighborhood approved by town – single family homes approved for 2 parking spots – no parking on roads at that development – STR bring more parking – would not like to see more rentals in the neighborhood.

Janet Taylor – 11 Woods Lane – walking down the road and saw traffic – crazy drivers on the road from short-term renters – spoke to a renter and let them know that they can’t park on the street – emergency vehicles won’t fit down the road with cars parked on side of the road – frustrated with town response.

Robin Wilson – 3 Woods Lane – part of Turn at Dunegrass HOA – brought covenant to the meeting – no business licenses allowed – know it is issue between HOA and owners – can town grant a license if not allowed in HOA? – how does HOA fight license approvals – wants the town to check into licenses if allowed in neighborhoods with HOAs.

Ed Bones – 32 West Old Orchard – ask to approve licenses – issues spoken about is HOA issue, not the rest of the community.

Michelle Sweet – 1 Woods Lane – purchased property in residential neighborhood, not rental area – mix of licensed and unlicensed renters – oppose license.

Vice Chair Blow – do we have legal right to refuse license if in HOA? – no right to govern and enforce HOA rules – Town Manager Asanza – between homeowner and HOA – Scott Taylor – can license be granted in single family residential neighborhood – Town Manager Asanza – rental license can be granted in all neighborhoods, business licenses in general have restrictions – Scott Taylor – still a residential neighborhood – can police enforce parking – Vice Chair Blow – no

Ed Bones – to rent home, license is needed – Town Manager Asanza – correct – Ed Bones – not all licenses are STR

Robin Wilson – what is the STR license and the distinction between a rental license and a STR license – can he switch to STR? – Town Manager Asanza – yes

Arlene Smith – 5 Mickelson Way – single-family homes turned into businesses – long-term or short-term rentals – where is the line drawn? – Single-family residences – 20 families in community – didn't buy into neighborhood expecting rentals all around

Chairman O'Neill – Council recognizes the need to have a discussion on STR – HOAs are governing bodies for neighborhoods – Chairman O'Neill – the town will have to look into legal issues if the town can deny a license if not allowed by HOA

Councilor Tousignant – lives in HOA and had to take action against neighbor – HOA won after 3-year court battle – Town puts HOA into position to fight something that they shouldn't have to fight about – moratorium discusses this situation – misinformation that town would shut down all rentals – last meeting dominated by those opposed to the moratorium – rentals licenses cannot be taken away, moratorium was to put stay on future STR's – question

was added to rental license if STR to gather information – moratorium was not about STR's, it was about residential neighborhoods – workshops in future regarding this – licenses put to the board tonight pass muster and should be approved.

Vice Chair Blow – if we move forward and we are able to enforce HOAs make sure HOA documents do not allow rentals – town issues rental licenses – public parking issues can be addressed by the PD, can't enforce on private roads – Councilor Tousignant – misspoke about STR's not allowed in presented HOA documents.

Scott Taylor – what do taxes go towards? – Can't believe the town can give licenses in residential neighborhoods – wants to know what road needs to do to become public – current public roads exist in town in worse shape – Arlene Smith – looking for consistency – roads better than public roads in town.

Chairman O'Neill – consistency in road acceptance, roads accepted to standards of the time – roads were built to remain private – Town Manager Asanza – spoke on plans registered with York County – Arlene Smith – spoke to Rick Haskell – and was told the road was to be turned over to be public.

Vice Chair Blow – should move forward with licenses – different discussion

Ed Bones – bought into a neighborhood with an HOA and is now asking the town to fix issues – HOA issue.

Kevin Phillips – Atlantic Ave – narrow street in summer with parking – HOA issue but feels trash should be issued and police should have authority to issue tickets.

Robin Wilson – police and fire engines come to assist the neighborhood, just not parking –

Kevin Phillips – The town should understand HOA bylaws – and follow bylaws – Vice Chair Blow trying to work towards that and checking on it –

Motion to approve: Vice Chair Blow

Second: Councilor Mead

Councilor Mead – heard from residents in the neighborhood – a reason why we need STR workshops – particular subdivision went through planning and was approved for single-family residential neighborhood – 24 homes in subdivision – 6 or 8 properties doing STRs – understand frustrations from residents – workshops can talk about this kind of issues – thanked residents to come and share stories – will vote to pass license as it meets current rules – recommend consulting with an attorney on HOA issues.

Vote: 5-0

Chair O'Neill closed the hearing at 7:24 pm

PUBLIC HEARING – SPECIAL AMUSEMENT PERMITS & APPROVALS:

Jumpin' Jake's Restaurant and Fish Market, Bryan Gale, (208-3-3), 181 Saco Ave,
1-3 person acoustic /plug in and DJ 12:00 pm to 10:00 pm.

Chair: Shawn O'Neill

Chair O'Neill opened the hearing at 7:24 pm.

Motion to approve: Councilor Tousignant

Second: Councilor Reid

Vote: 5-0

Chair O'Neill closed the hearing at 7:25pm

TOWN MANAGER REPORT



10/3/2023

Town Manager's Report

Town Hall Tower repair project is now completed, but they will be coming back to finish up a few punch list items according to the last inspection by Wright Pierce. The new towers look beautiful and at night the lighting really makes them stand out. You may have noticed the Town Hall sign was removed from the front of the building. We are working to have it restored and will have it rehung. The next improvements that will be done is to repair the front parking lot curbing, the pavement, and restore the monument dedicated to one of the Town's founding fathers E.C. Staples and his daughter Helena Adelaide or Addie Staples Ryan. Our Town Clerk and staff are researching additional information through the Historical Society on this important part of Old Orchard Beach's history.

Community Action Grant: I received notification that the Town was awarded a Community Action Grant in the amount of \$33,500 from the Governor's Office of Policy Innovation and the Future or GOPIF as part of the Community Resiliency Partnership. This grant will be used to complete energy audits of all municipal buildings to develop an energy efficiency implementation plan. This is the 2nd grant that the Town applied for received through the Governor's Resiliency initiative. The first was the grant to assess the Ocean Park marshes. I want to thank Mike Foster, Associate Planner and Tim Fleury, Executive Asst. for their work to help make this happen.

Encore Renewable Energy NEBC Agreement: I recently received an update on the solar farm project and the Town's Net Energy Billing Credit Agreement with Encore Renewable Energy. The Pleasant St. Solar Farm

project in Athens Maine is mechanically complete, and they are currently going through the final commissioning process with CMP and are expected to begin producing power next week. What this means for Old Orchard Beach is a savings in electricity costs, projected at approximately 18%. We should start seeing NEB credits on the utility bills within 90 days. This is great news for the Town and another step in the right direction for renewable energy and resiliency initiatives.

Reminder there will be a workshop this Thursday October 5th at 6:00 pm here in the Council Chambers on the Eastern Trail Subdivision Street acceptance application.

Thank you,
Diana H. Asanza,
Town Manager

NEW BUSINESS:

AGENDA ITEM #8009

Discussion with Action: Enact an 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 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

Chairman O'Neill – well attended public hearing at last meeting, over 2 hours long.

Councilor Mead – answered numerous emails and apologized if he missed any – intention to withdraw the proposal for a moratorium – feels availability of long-term rentals/year-round housing is dropping due to STRs – heard from neighborhood tonight that character of that neighborhood has changed – believes it is a valid issue but the process was counterproductive and cut off dialog with the community – wants dialog – poor judgment in choosing moratorium as means for this issue – convene workshops to act on ordinances as needed and engage with residents – not opposed to STRs, resort community needs tourists and STRs to operate – a long tradition on STRs in Old Orchard Beach – visitors choose OOB to vacation at a location, need to fill the demand for rooming for visitors – need long term housing and short term rentals to balance needs for towns.

Vice Chair Blow – tools available in current ordinances to pertain to current issues facing town with STRs – would like to know if STR licenses are new or reclassified as STRs from existing rental licenses – look forward to workshops

to work with Council and residents to

Arlene Smith – do workshops trump decisions already made on STRs? – Does it stop STRs? – Workshops can't do anything to licenses coming to the Council

Councilor Tousignant – moratorium – would stop licenses being issued before licenses

Kevin Phillips – short-term license issued should hand out bylaws for town to renters –

Chairman O'Neill – upset this was on the agenda – no dialog prior to it being added to the agenda as an emergency item – votes weren't there and shifted to non-emergency – created distrust in the community in the Council – does not want distrust in community, does not allow moving forward – does not support having this moratorium – thanked Councilor Mead for patience working through issues – topic needs to be addressed but should not have been presented this way – workshops should have been first item – no crisis to bring as emergency item – options to move forward this evening, vote item down to show trust in Council, can't table it, has to come back on future agendas – Councilor Tousignant – can remove without prejudice? – If voted against, can come back in one year.

Motion to oppose #8009: Vice Chair Blow

Second: Councilor Mead – second for a vote

Vote:

Vice Chair Blow removed the motion and Councilor Mead removed the second

Motion to enact ordinance as written – Vice Chair Blow

Second: Councilor Mead

Councilor Mead - discussion - wants to be sure that residents he contacted prior to the meeting that he was presenting the idea to remove moratorium - remove without prejudice is a fair way to dispose of the item - chair prefers to vote down - agree to go to vote - will vote against the motion
Vice Chair Blow - at no time did he believe that Councilor Mead would bring back moratorium if removed - not his intention in asking it to go to vote.

Roll called - all no, moratorium voted down.

Councilor Tousignant - would like to set workshop date - TM potential dates - Chairman O'Neill - wait until after the elections if possible.

Chairman O'Neill - would like to know what the goals of the workshop are before setting a date - would like to know what the endgame is at the start of workshops.

AGENDA ITEM #8010

Discussion with Action: Shall the Council 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

Chairman O'Neill – request from applicant to table as they were not able to make it to the meeting tonight.

Motion to table: Vice Chair Blow

Second: Councilor Mead

Vote: 5-0

AGENDA ITEM #8011

Discussion with Action: Shall the Council 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 amend: Vice Chair Blow

Second: Councilor Mead

Vote: 5-0

AGENDA ITEM #8012

Discussion with Action: Award the proposal from Knowles Industrial Services Corporation in the amount of \$58,076.00 for building repairs to the fire station from CIP account 52002-50813 CIP Public Safety Facility Improvements - Fire, with a balance of \$141,565.24.

Chair: Shawn O'Neill

Motion to award: Councilor Mead

Second: Vice Chair Blow

Vote: 5-0

AGENDA ITEM #8013

Discussion with Action: Approve the quote from Eagle Network Solutions for the upgrade and licensing of 4 virtual servers in the amount of \$8,463.00 from account 51002-50923 CIP IT Infrastructure Account with a balance of \$45,641.11. This was approved as part of the FY 24 CIP budget.

Chair: Shawn O'Neill

Motion to approve: Vice Chair Blow

Second: Councilor Mead

Vote: 5-0

AGENDA ITEM #8014

Discussion with Action: Set the public hearing date of October 17th, 2023 to amend the Code of Ordinances, Section 54 Traffic, sub-section 187, Old Orchard Street, by changing all of the two-hour parking spaces and free 15-minutes spaces to free 30-minute parking spaces, and adding nine free one-hour handicap spaces.

Chair: Shawn O'Neill

Motion to set the date: Councilor Mead

Second: Vice Chair Blow

Vice Chair Blow – changing parking dates on the next agenda as well

Vote: 5-0

AGENDA ITEM #8015

Discussion with Action: Approve the FY 23 Line Item Transfer in the amount of \$170,725.00 from the following accounts with credit balances:

\$170,725 from account 20131-50106 Police Department Full Time Wage Expense with a balance of \$171,446.46

To the following accounts with deficit balances:

\$58,655.59 to account 20131-50101 Police Department Head Salary with a balance of (\$58,655.59)

\$18,081.53 to account 20131-50109 Police Department Seasonal Overtime Wage Expense with a balance of (\$18,081.53)

\$17,719.55 to account 20131-50111 Police Department Overtime Wage Expense with a balance of (17,719.55)

\$57,929.13 to account 20131-50251 Police Department Conferences/Training with a balance of (\$57,929.13)

\$18,339.20 to account 20131-50453 Police Department Vehicle Repair/Tire with a balance of (\$18,339.20)

Total Deficit: \$170,725

Chair: Shawn O'Neill

Motion to approve: Councilor Mead

Second: Vice Chair Blow

Vote: 4-0

AGENDA ITEM #8016

Discussion with Action: Approve the FY 23 Line Item Transfer in the amount of \$47,552.04 from the Following Accounts with Credit Balances:

\$45,091.39 from account 20131-50104 Police Department Seasonal Reserve Wage Expense with a balance of \$194,665.08

\$1,528.50 from account 20132-50108 Parking Enforcement Seasonal Employee Wage Expense with a balance of \$1,528.50

\$932.15 from account 20132-50106 Parking Enforcement Full Time Employee Wage Expense with a balance of \$955.87

Total Credit Balance to Transfer: \$47,552.04

To the Following Accounts with Deficit Balances:

\$30,700.79 to account 20132-50450 Parking Enforcement Debit Card Fees with a balance of (\$30,700.79)

\$11,118.69 to account 20132-50836 Parking Enforcement Sign Expense with a balance of (\$11,118.69)

\$5,732.56 to account 20132-50310 Parking Enforcement Service Contracts with a balance of (\$5,732.56)

Total Deficit: \$47,552.04

Chair: Shawn O'Neill

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 5-0

AGENDA ITEM #8017

Discussion with Action: Per Section 50-111 of the Code of Ordinances, the Town Council, for E-911 services, is naming the following private ways:

- Summer Winds Drive
- R and R Lane
- Bordeaux Drive

Chair: Shawn O'Neill

Motion to approve: Councilor Mead

Second: Councilor Reid

Vote: 5-0

AGENDA ITEM #8018

Discussion with Action: Approve the Special Event Permit application for Special Olympics to hold their annual Lobster Dip on Monday, January 1st, 2024 from 8am to when the “Dip” takes place at noon; clean up by 2pm. Parking allowed on one side of West Grand Avenue; two police officers required. Applicant must confirm and coordinate with the OOB Fire Department the following: that the Major Medical Emergency Response Team and the Maine State Police Dive Team will be available; and availability of on duty crews transport-incident dependent. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided one month prior to the event.

Chair: Shawn O’Neill

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 5-0

AGENDA ITEM #8019

Discussion with Action: Renew the liquor license for The Shack, Kevin Mcallister, (307-1-3), 27 West Grand, m-s-v in a restaurant.

Chair: Shawn O'Neill

Motion to renew: Councilor Reid

Second: Councilor Tousignant

Vote: 5-0

AGENDA ITEM #8020

Discussion with Action: Renew the liquor license for Jumpin' Jake's Restaurant and Fish Market, Bryan Gale, (208-3-3), 181 Saco Ave, m-s-v in a restaurant.

Chair: Shawn O'Neill

Motion to renew: Councilor Tousignant

Second: Councilor Reid

Vote: 5-0

ADJOURNMENT

Chair: Shawn O'Neill

Motion to adjourn at 8:06 pm: Vice Chair Blow

Second: Councilor Mead

Vote: 5-0