



## Town Council - Meeting Agenda

**Tuesday, November 21<sup>st</sup>, 2023 @ 6:30 pm**  
**Council Chambers - 1 Portland Avenue**

*[www.oobmaine.com/town-council](http://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](http://oobmaine.com).)*

### **PLEDGE OF ALLEGIANCE:**

### **ROLL CALL:**

### **ACKNOWLEDGEMENTS:**

**Police Chief Chard – Swearing in of new Officers Jason Harmon and Philip Leblanc**

### **GOOD & WELFARE:**

### **ACCEPTANCE OF MINUTES:**

**Acceptance of the minutes from the 10/17/2023 Regular Town Council Meeting and the 11/8/2023 Town Council Workshop**

Chair: Shawn O'Neill

## **PUBLIC HEARINGS:**

### **Public Hearing #1**

Shall the Town consider whether to approve a Contract Zone Agreement between Seacoast Land Acquisitions, LLC and the Town of Old Orchard Beach, for the property located at 63-91 E. Emerson Cummings Blvd, MBL: 207-1-2, in the PMUD 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 61-unit single-family condominium project.

Chair: Shawn O'Neill

## Public Hearing #2

Shall the Town consider a request from Atlantic Developers to accept title in fee simple and to accept and establish town ways those portions of Mary's Way and Kylie Lane, together with any storm water drainage systems located within the right of way of said Mary's Way and Kylie Lane; two 50' x 50' turnaround and snow storage easements located on subdivision plan lots 4 and 5; 12' wide easement off Ross Road, as shown on the \_\_\_\_\_ plan dated \_\_\_\_\_, for the purposes of accessing storm water drainage systems within the open space area; 50' wide water, gas, and public access easement across the remaining land of Beaulieu from the terminus of Mary's Way to the Eastern Trail; 5' wide public access easement from Ross Road to Kylie Lane, as shown on the \_\_\_\_\_ plan dated \_\_\_\_\_, through the open space area; fire hydrants; street signs; together with the responsibility for trash removal, plowing of roads within the travelled way and all responsibilities of maintaining public road or way, except and specifically excluding a 15' wide utility easement located on subdivision lot 18; 10' wide utility easements located along subdivision lots 5 – 18 and open space area; open space areas; lawn care and maintenance of 12' wide Ross Road access easement, 5' wide public access easement, and 50' wide water, gas and public access easement; mailboxes and snow removal of the mailbox area; sidewalks and sidewalk maintenance including plowing and repairs; landscaping and maintenance of the cul-de-sac on Kylie Lane; street lights; lighting facilities; lampposts; lighting electricity costs; street trees; lawn and yard maintenance within the right of way; lawn irrigation systems within the right of way; storm water drainage systems outside of the right of way; non-traffic control signage such as the development sign. As described in the Warranty Deed from Atlantic Developers to the Town of Old Orchard Beach, Maine, dated, \_\_\_\_\_.

Chair: Shawn O'Neill

### **Public Hearing #3**

Shall the Town amend the Code of Ordinances, Chapter 54, Section 114, Milliken Street Parking Lot; Section 115, Memorial Park Parking Lot; Section 142, Parking at expired meters and overtime parking; Section 160, Motorcycles; Section 187, Restrictions and prohibitions, Town Hall, amending the effective date for parking permits and parking meters/kiosks from May 1st through September 30th to May 1st through Labor Day, and amending the \$300 overnight parking permit for the Milliken Street Parking Lot from May 1st through September 30th, to May 1st through October 31st.

Chair: Shawn O'Neill

**PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:**

Baird Holding LLC, Jerry Baird, (311-25-4), 111 Saco Ave, One (1) year round short term rental.

Whitney Ryan, (304-5-7), 2 Traynor St., Two (2) year round short term rentals.

Whitney Ryan, (304-5-6), 4 Traynor St., Two (2) year round short term rentals.

Adam Moon, (320-6-3), 43 Winona Ave, One (1) seasonal short term rental.

Sarabjeet Singh Chhatwal & Jaspreet Bhatta, (310-6-1-53), 39 West Grand Ave #53, One (1) year round short term rental.

Grey Tower LLC, Sam Wercinski, (319-4-10), 4 Hampton Ave, One (1) seasonal short term rental.

Christian Beltran, (205-1-15), 9 B Street Extension, One (1) year round short term rental.

Nulbelcy Grajales, (304-7-1-19), 98 East Grand Ave unit 207, One (1) year round short term rental.

Eber Weinstein, (206-27-5-1), 5 Sunset Drive unit 1, One (1) year round rental.

Leigh Pulford, (205-6-6-7), 6 Imperial Street unit 7, One (1) year round short term rental.

Colonial Motor Court LLC, Craig Millet, (210-10-3), 15 Ocean Park Road, Rental of merchandise including self-storage.

1031 Portland Rd, LLC, Steven Hanscom, (316-13-11), 14 Union Ave, two (2) year round, short-term rentals. (Tabled from 10/17/23 meeting).

Chair: Shawn O'Neill

## **TOWN MANAGER REPORT**

### **TABLED ITEMS:**

#### **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

**NEW BUSINESS:**

**AGENDA ITEM #8039**

**Discussion with Action:** To accept the donation in the amount of \$5,000.00 from the Paul T. Landry Foundation account # 30170-51028 for the Old Orchard Beach Public Safety Social Services Department to be distributed in emergency situations to help promote self-sufficiency and dignity for Old Orchard Beach residents.

Chair: Shawn O'Neill

**AGENDA ITEM #8040**

**Discussion with Action:** Set the date of December 5, 2023 to hold a public hearing to amend the Code of Ordinances, Chapter 78, Article I, Sec. 78-1; Article VI, Sections:

- 78-487 (6);
- 78-488 (1);
- 78-517 (8);
- 78-518 (9);
- 78-547 (7);
- 78-548 (1);
- 78- 577 (7);
- 78-578 (8);
- 78-607 (6);
- 78-608 (1);
- 78-717 (1) (p), (3) (d);
- 78-747 (1) (t), (3) (d);

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- 78-802 (14);
- 78-803 (10);
- 78-832 (10);
- 78-833 (8);
- 78-868 (a) (1) (e), (2) (e), (3) (e), (4) (d);
- 78-869 (a) (1), (b) (1), (c) (1);
- 78-902 (10);
- 78-903 (7) (a), (b);
- 78-962 (9);
- 78-963 (1);
- 78-992 (1);
- 78-993 (1);
- 78-1002 (7);
- 78-1003 (1);
- 78-1022 (2);
- 78-1023 (21);
- 78-1133 (4);
- 78-1134 (11);
- Article VII, Sec. 78-1272;
- Article VIII, Sec. 78-1383,

by adding the underscored language and deleting the strikethrough language. These amendments propose changes to comply with the state housing opportunity program law (LD 2003) to allow for additional density for affordable housing developments in certain areas, multiple dwelling units on lots designated for housing, and one accessory dwelling unit located on the same lot as a single-family dwelling unit in any area housing is permitted.

Chair: Shawn O'Neill



### **AGENDA ITEM #8041**

**Discussion with Action:** Approve the quote from Jordan Equipment Company for an 84” sweeper bucket attachment for the Bobcat Skid Steer in the net amount of \$5,845.00 to be paid from account # 20151-50452 Public Works Operating Equipment Repair with a balance of \$111,403.68. This quote includes a trade-in of an unused snow blower attachment.

Chair: Shawn O’Neill

### **AGENDA ITEM #8042**

**Discussion with Action:** Approve the quote from Hayes Pump Inc. for a rebuild kit for the Moyno pump #2 in the amount of \$23,617.00 to be paid from account # 30181-50551 Sewer Reserve Fund Operating Equipment Capital with a balance of \$963,037.84.

Chair: Shawn O’Neill

### **AGENDA ITEM #8043**

**Discussion with Action:** Approve the quote from Automatrix for spare PLC hardware in the amount of \$36,344.00 to be paid from account # 30181-50551 Sewer Reserve Fund Operating Equipment Capital with a balance of \$963,037.84.

Chair: Shawn O’Neill

### **AGENDA ITEM #8044**

**Discussion with Action:** Approve the quote from Aerzen USA Corporation for a spare Aerzen compressor in the amount of \$38,856.12 with \$33,844.92 to be paid from account # 53002-50846 CIP Wastewater Treatment Plant Equipment with a balance of \$38,856.12 and \$5,011.20 from account # 20161-50330 WWTF Equipment Replacement with a balance of \$20,501.90

Chair: Shawn O'Neill

### **AGENDA ITEM #8045**

**Discussion with Action:** 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

### **AGENDA ITEM #8046**

**Discussion with Action:** 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

### **AGENDA ITEM #8047**

**Discussion with Action:** Shall the Council consider amendments to 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-minute spaces to free 30-minute parking spaces, and adding nine free one-hour handicap spaces.

Chair: Shawn O'Neill

### **AGENDA ITEM #8048**

**Discussion with Action:** Approve the Special Event Permit application for the Chamber of Commerce to hold their Celebration-by-the-Sea winter event. Set-up and takedown from 3:00 pm to 6:00 pm and the event from 3:00 pm-5:30 pm in Memorial Park on Sunday, December 3<sup>rd</sup>, 2023, to include a tree lighting in Memorial Park. Request to close First Street from the Memorial Park parking lot to Staples Street.

Chair: Shawn O'Neill

## AGENDA ITEM #8049

**Discussion with Action:** Approve the FY 23 Line Item Transfer of \$93,241.70 from the following accounts with credit balances:

- \$67,437.97 from account 20118-50350 Contingency expense with a balance of \$87,387.06
- \$4,225.93 from account 20102-50549 Miscellaneous expense with a balance of \$4,225.93
- \$3,240 from account 20102-50525 Video Taping Expenses with a balance of \$3,240
- \$2,384.14 from account 20102-50402 Phone expense with a balance of \$2,384.14
- \$9,507 from account 20102-50300 Professional Engineering with a balance of \$9,507
- \$5,440.39 from account 20102-50315 User License Expense with a balance of \$5,440.39
- \$1,006.27 from account 20102-50251 Conferences/Training with a balance of \$2,308.23

Total Credit to be Transferred: \$93,241.70

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To the Following Accounts with Deficit Balances:

- \$18,588.44 to account 20102-50106 Full time Employee Expense with a balance of (\$18,588.44)
- \$12,671.25 to account 20102-50258 Employment Testing with a balance of (\$12,671.25)
- \$50,793.76 to account 20102-50301 General Legal Services with a balance of (\$50,793.76)
- \$11,188.25 to account 20102-50454 Computer Support with a balance of (11,188.25)

Total Deficit: \$93,241.17

Chair: Shawn O'Neill

## AGENDA ITEM #8050

**Discussion with Action:** Approve the FY 23 Line Item Transfer of \$11,772.12 from the following accounts with credit balances:

- \$9,140.08 from account 20118-50350 Contingency Expense with a balance of \$19,949.09
- \$2,632.04 from account 20107-50501 Operating Supplies with a balance of \$5,273.76

Total Credit to be Transferred: \$11,772.12

To the following account with a deficit balance:

- \$11,772.12 to account 20107-50106 Part Time Employee expense with a balance of (\$11,772.12)

Total deficit: \$11,772.12

Chair: Shawn O'Neill

## **AGENDA ITEM #8051**

**Discussion with Action:** Approve the FY 23 Line item transfer of \$42,403.63 from the following accounts with credit balances:

- \$22,126.96 from account 20196-50390 Tax Abatements/Overlay with a balance of \$42,827.40
- \$17,638.60 from account 20106-50107 Part time Employee Expense with a balance of \$17,638.60
- \$2,638.07 from account 20106-50300 Professional Engineering with a balance of \$6,000

Total Credit to be transferred: \$42,403.63

To the following accounts with deficit balances:

- \$32,367.05 to account 20106-50101 Department Head Salary with a balance of (\$32,367.05)
- \$10,036.58 to account 20106-50106 Full Time Employee Expense with a balance of (\$10,036.58)

Total deficit: \$42,403.63

Chair: Shawn O'Neill

**AGENDA ITEM #8052**

**Discussion with Action:** Approve the quote from Port2Port Construction for the replacement of the Harmon Museum Roof in the amount of \$32,250 to be paid from insurance proceeds and recoverable depreciation up to \$24,046.79 and the balance to be paid from account 51002-50901 CIP Town Building Reserve with a balance of \$258,300.42.

Chair: Shawn O'Neill

**AGENDA ITEM #8053**

**Discussion with Action:** To approve the proposal from Woodard & Curran for the Veterans Memorial Park Improvement Project in an amount not to exceed \$59,300.00 for design and engineering services to include construction documentation, permitting, and bidding services, from account # 50002-50812 Memorial Park Improvements with a balance of \$693,755.44.

Chair: Shawn O'Neill

**ADJOURNMENT**

Chair: Shawn O'Neill