



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

November 21, 2023

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of 27 pages is a copy of the original minutes from the regular meeting of the Old Orchard Beach Town Council held on 11/21/2023.

Prepared By:	Tim Fleury
Approved By:	Old Orchard Beach Town Council
Approval Date:	12/5/2023

Respectfully
Submitted,

Tim Fleury
Town Council
Secretary



Town Council - Meeting Agenda

Tuesday, November 21st, 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:

Police Chief Chard – Swearing in of new Officers Jason Harmon and Philip Leblanc – Chief Chard introduced Officers Harmon and Leblanc and gave a quick background of each officer.

Town Clerk McLaughlin swore the new officers in.

GOOD & WELFARE:

Guy Fontaine – congratulate newest Councilor tonight – questioned transfers present on agenda tonight.

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

Motion to accept: Councilor Reid

Second: Vice Chair Blow

Vote: 5-0

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

Chairman O'Neill opened the hearing at: 6:38 pm

Kendra Ramsell – engineer with Sebago Technics representing applicant, Seacoast Land Applications – Ms. Ramsell gave a brief history of the project and the workshop findings and the changes made to the project and the contract zone per Council requests after the workshop.

Chairman O'Neill thanked the engineer and developer for their participation in the workshop and the changes made to reflect Council concerns.

Public input at 6:49 pm.

Guy Fontaine – previous development required a larger sewer line, does this require that? Saco and Goodwin Ave. – Vice Chair Blow – money proposed from previous developer was money paid towards impact fees – older proposal required entire sewer replacement – after camera inspections, smaller impact on lines – Town Manager Asanza – confirmed the current repair on the sewer lines by the town – Vice Chair Blow – repair needed regardless of proposed project.

Chairman O'Neill – planning board has recommended the project

Chairman O'Neill closed the hearing at: 6:53 pm

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

Chairman O'Neill opened the hearing at: 6:55 pm

Chairman O'Neill – gave a brief history of the project

Guy Fontaine – asking roads to be accepted to town? Has town questioned the tax impact on these roads?

Chairman O'Neill closed the hearing at: 6:57 pm

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

Chairman O'Neill – gave a quick overview of the \$300 permit.

Chairman O'Neill opened the hearing at: 6:59 pm

Chairman O'Neill closed the hearing at: 6:59 pm

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

Chairman O'Neill opened the hearing at: 7:01 pm

Motion to approve all, less 14 Union: Vice Chair Blow

Second: Councilor Reid

Vote: 5-0

Town Manager Asanza – requested that 14 Union Ave be separated to approve conditionally with one complaint triggering an Administrative Review hearing.

Motion to approve 14 Union conditionally: Councilor Tousignant

Second: Councilor Reid

Vote: 5-0

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

TOWN MANAGER REPORT

Vice Chair Blow – clarified that the traffic study has never been put aside and Council and the Town have been working on the project continuously.

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

Chairman O'Neill – gave a brief history of the project. Chairman O'Neill – questioned the number of bedrooms in the new proposal – Attorney Braun presented the new contract zone with bedrooms restricted in the updated contract zone, up to 18 bedrooms total – Chairman O'Neill – contract zone addresses density of the building – Vice Chair Blow – flex rooms, can they be turned into bedrooms? – Attorney Braun – occupancy permits are required and planning board can make requirements on final plan – Vice Chair Blow – still concerned on renovating flex rooms into bedrooms – Attorney Braun – codes have enforcement capabilities, and condo association has control and enforcement of units –

Motion to approve: Vice Chair Blow motion to accept as written.

Second: Councilor Reid

Councilor Reid – good oversight will be required. Chairman O'Neill – important 18 bedroom stands as part of agreement – Vice Chair Blow – if approved and passed through planning board can Council still restrict rooms?

- Town Manager Asanza - can be added in contract zone - Attorney Braun -
bedroom limit listed in updated contract zone - Exhibit B - Section A - 6 units
with up to 3 bedrooms each -

Vote: 4-0, Councilor Rague abstained

NEW BUSINESS:

AGENDA ITEM #8039

Discussion with Action: To accept the donation in the amount of \$5,000.00 from the Paul R. 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

Motion to accept: Councilor Reid with great thanks.

Second: Councilor Rague

Vote: 5-0

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, Sec. 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); 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

Motion to set the date: Vice Chair Blow

Second: Councilor Reid

Councilor Tousignant – sad day when State can come in and tell community that they must change ordinances – State forcing local rule change – negates work of planning boards on a local level – neighborhood design thrown out the window.

Vote: None taken

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 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

Motion to approve: Vice Chair Blow

Second: Councilor Tousignant

Vote: 5-0

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

Motion to approve: Councilor Reid

Second: Councilor Rague

Vote: 5-0

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

Motion to approve: Councilor Tousignant
Second: Councilor Rague
Vote: 5-0

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 Wastewater Treatment Plant Equipment Capital with a balance of \$33,844.92 and \$5,011.20 to be paid from account # 20161-50330 WWTF Equipment Replacement with a balance of \$20,501.90

Chair: Shawn O'Neill

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 5-0

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

Motion to approve: Councilor Tousignant

Second: Councilor Rague

Vote: 5-0

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

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 5-0

Councilor Rague – property manager sent memo to Town? – Town Manager Asanza – sent to Chief Chard – Councilor Rague – concern on removing parking close to the beach, could compact cars be restricted there? – David Hemingway – space located between garage and condo exit – agree that taking away parking is not ideal – looking at more parking opportunities
Guy Fontaine – could be motorcycle parking – Councilor Rague – defer to Chief Chard and Hemmingway on their safety assessment – Chief Chard – eliminate any guess work on size on vehicle parking if no parking is allowed.

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

Motion to approve: Vice Chair Blow

Second: Councilor Rague

Vote: 5-0

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 3rd, 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

Motion to approve: Vice Chair Blow

Second: Councilor Tousignant

Vote: 5-0

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

-CONTINUED ON NEXT PAGE-

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

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 5-0

Vice Chair Blow – address Mr. Fontaine’s concerns – had information prior to meeting and could question Town Manager and Finance Director on transfer items – moving money in business is common, has full confidence in Finance Director – Finance Director asks for receipts for all items, including community garden expenses – no different than any private business – does not see need to discuss at meeting the reasoning for transfers – Chairman O’Neill – previously transfers under a certain amount were not brought to Council, now made transparent for the public – funds moving within the budget, not spending over budget.

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

Motion to approve: Councilor Tousignant

Second: Vice Chair Blow

Vote: 5-0

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

Motion to approve: Vice Chair Blow

Second: Councilor Tousignant

Vote: 5-0

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

Motion to approve: Councilor Tousignant

Second: Councilor Rague

Vote: 5-0

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

Motion to approve: Vice Chair Blow

Second: Councilor Rague

Councilor Tousignant – what does this cover? – Town Manager Asanza – designing the improvements and engineered plans, bidding and construction management.

Vote: 5-0

ADJOURNMENT

Chair: Shawn O'Neill

Motion to adjourn @ 7:58: Vice Chair Blow

Second: Councilor Reid

Vote: 5-0