



**Town of Old Orchard Beach**  
*Office of the Town Manager*

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# Regular Town Council Meeting Minutes

*January 2nd, 2024*

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 1/2/2024.

Prepared By:	Tim Fleury
Approved By:	Old Orchard Beach Town Council
Approval Date:	2/6/2024

Respectfully  
Submitted,

Tim Fleury  
*Town Council*  
*Secretary*



## Town Council - Meeting Agenda

**January 2<sup>nd</sup>, 2024 @ 6:30pm**  
**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:**

Chairman O'Neill asked for a motion to appoint Fran Beaulieu as secretary pro-temp for the meeting.

Motion to appoint: Councilor Reid

Second: Councilor Rague

Vote: 5-0

### **ROLL CALL:**

Fran Beaulieu called roll. The following individuals were present:

Chairman Shawn O'Neill

Vice Chairman Kenneth Blow

Councilor Connor Rague

Councilor Mike Tousignant

Councilor V. Louise Reid

Town Manager Diana Asanza

**ACKNOWLEDGEMENTS:**

Chairman O'Neill extended a thank you to Fire Police for 3am call for accident traffic control for over 8 hours of work.

Chairman O'Neill - New Year's Eve fireworks were phenomenal and had a large turnout. Thanked OOB 365 and their volunteers for making it happen.

**GOOD & WELFARE: none**

**PRESENTATION:**

**Jordan Miles, Finance Director – FY 2024 YTD Financial Status**

**ACCEPTANCE OF MINUTES:**

**Accept minutes of the 12/5/2023 Regular Town Council Meeting and the 12/12/2023 Town Council Workshop.**

Chair: Shawn O'Neill

**Motion to accept: Vice Chairman Blow**

**Second: Councilor Reid**

**Vote: 5-0**

**Tabled from 12/5/23**

**PUBLIC HEARING – ORDINANCE AMENDMENTS:**

Shall the Town consider amending 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);
- 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);
- CONTINUED ON NEXT PAGE

- 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

### **Chairman O'Neill opened the hearing at 7:00 pm**

Associate Planner Mike Foster gave a quick presentation on LD 2003 covering the history of the new law and town compliance with the changes. He continued by answering Council questions from the last public hearing.

Councilor Tousignant – asked the associate planner about ADU requirements and setback requirements including the variance procedure. Councilor Tousignant would still like the residents to vote on accepting the state law or not. He expressed his concerns on the density allowances as well. Chairman O'Neill – sad that it came upon Council so quickly – Councilor Tousignant – initially presented for locations 10,000 residents or more, dropped towards

the end of the process – asked local state level representatives to attend the meeting – not present.

Guy Fontaine – Old Salt Road – Difference between Charter and Zoning changes – wanted to confirm that ADUs can be allowed on non-conforming lots as long as they don't increase the non-conformity.

Councilman Rague read a resident letter and expressed his thoughts on state law.

Eileen Charbonneau – Gables Way – Do ADUs require related residents? – Town Manager Asanza – current ordinance restricts that – legacy ordinances on ADUs remain in place.

Chairman O'Neill thanked staff and residents for coming out and participating in the public hearing on such a complicated topic.

**Chairman O'Neill closed the hearing at 7:32 pm**

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

Carla and James Jennison, (206-28-25), 20 School Street, one (1) year-round, short-term rental.

Kierstead Properties LLC, Stephen Kierstead, (206-10-2), 15 Fern Park Ave., three (3) year-round, short-term rentals.

William Kelly, (310-6-1-410), 39 West Grand Ave #410, one (1) seasonal short-term rental.

Wavelet Group LLC, King Weinstein, (205-1-25), 14-20 Portland Ave, eleven (11) unit inn.

Richard and Elizabeth Annese, (321-25-8), 12 Tioga Avenue, one (1) seasonal short term rental.

Nina Farley and Steffen Lizier, (308-1-220), 12 Evergreen Avenue, one (1) year round short term rental.

Adamo Properties LLC, Jason Adamo, (103-1-418), 9 Bouchard Court, one (1) year round short term rental.

Anny Sanchez-Rossetto and Andrea Rossetto, (312-15-20), 18 Atlantic Avenue, one (1) year round short term rental.

Lorrie Lutz, (102-3-6), 15 Ross Road, retail shop.

Alexander and Benjamin Fabish, (304-2-1), 1 Roussin Street, twenty six (26) seasonal short term rentals to year round short term rentals and eight (8) to remain seasonal short term rentals.

Chair: Shawn O'Neill

**Chairman O'Neill opened the hearing at 7:33 pm**

**Motion to accept: Councilor Tousignant**

**Second: Councilor Rague**

**Vote: 5-0**

**Chairman O'Neill closed the hearing at 7:34 pm**

**PUBLIC HEARING – SPECIAL AMUSEMENT PERMITS & APPROVALS:**

Patron Mexican Restaurant, Anel Sema, (206-27-13), 8 Heath Street, live music inside Friday and Saturday 6pm to 9pm and DJ inside Friday and Saturday 9pm to 1am. (tabled from 12/5/2023 meeting)

Oceanside Grille @ the Brunswick, HFY Enterprises Inc, Thomas J. Lacasse, (310-6-1), 39 West Grand Ave, live entertainment inside and outside 1:00 pm to 12:30 am.

Chair: Shawn O'Neill

**Chairman O'Neill opened the hearing at 7:35 pm**

**Motion to separate the 2 items for discussion: Councilor Tousignant**

**Second: Vice Chair Blow**

**Vote: 5-0**

**Motion to amend the Patrons time to 12:30 am and to approve the permit contingent on compliance with code and fire: Vice Chair Blow**

(Discussion recorded below)

**Second: Councilor Tousignant**

**Vote: 5-0**

**Lisa Jessick – 7 Heath Street – expressed her concerns about the exits in the building with the size of the crowds at the restaurant. Fire Chief Gilboy spoke to the exits and the history of requests made to the restaurant.**

**Motion to approve the Oceanside Grille: Vice Chair Blow**

**Second: Councilor Reid**

**Vote: 5-0**

**Chairman O'Neill closed the hearing at 7:43 pm**



# TOWN MANAGER REPORT



1/2/2024

## Town Manager's Report

**New Salt Road:** Bids for the New Salt Road reconstruction project are in and two bids were received. Shaw Bros of Gorham submitted the low bid of \$265,020, and Crooker Construction from Topsham submitted a bid of \$494,765. The bids have been reviewed by the engineer, and we will place this on the January 16<sup>th</sup> agenda for Council consideration. The project is anticipated to be funded by FEMA under the disaster relief fund from the December 2022 storm and this project is scheduled to be completion by early May 2024.

**Senior Tax Assistance Program:** For those eligible residents that applied for the Town's senior tax assistance program, checks were mailed December 20<sup>th</sup>, and for those that chose to have the amount credited to their tax bill, the Tax Dept has applied the credit to this year's tax bill. However, there is a change to this year's program due to the total number of the applications received, and the available funds appropriated.

Normally the Town's program would match \$ for \$ to what the applicant received from the State's Property Tax Fairness Credit program. But because we received applications that exceeded the amount budgeted of \$25,000, the amount applicants received had to be prorated accordingly. Applications for this program are due annually by November 1<sup>st</sup>, of each year, and the applications are available on the Town's website or directly from the Tax or Assessing departments.

It's important to mention that along with the Town's Senior Property Tax Assistance Program this year, Senior Citizens were also eligible for the State of Maine's Property Tax Stabilization Program, which allowed seniors 65 and older to freeze their tax bill at last year's tax bill amount. This program is only in effect for this year's real estate tax bill

because as of July 6, 2023, Maine Legislature repealed this bill effective October 11, 2023.

For this fiscal year Senior Citizens were eligible for three different types of tax relief programs: the State's Property Tax Fairness Credit Program, the Town's Senior Property Tax Relief Program, and the newly implemented (albeit for 1 year) State Property Tax Stabilization Program for Senior Citizens. If you have any questions on any of these programs, please reach out to either the Assessing Department or the Tax Department.

**Thursday's Workshop:** This Thursday Council will hold a workshop here at 6:00 pm to discuss the Capital Improvement Roadway Paving Project and the status of the Adult Use Marijuana Application Process.

This fiscal year Council appropriated funds from undesignated fund balance to address roadway paving in Town. Public Works has been working with the Town's engineer to research and prioritize the roads in need of repairs. At the workshop we will present these findings to Council so that we can finalize the list of roads to then develop a bid package.

The other topic that will be discussed at the workshop will be the status of the Adult Use Retail Marijuana Application Process.

**Transfer Station** is still open and will remain open till Saturday January 6<sup>th</sup> for leaves, brush and Christmas Tree disposal. Tomorrow it will be open from 8 – 2:30 and Saturday from 8 – 3pm. It has remained open a little later this year than usual, because of the milder weather we've had, however this Saturday will be the last day till re-opens in the spring.

**Snow Parking Bans:** As a reminder since snow is forecasted for this Sunday, parking bans may be forthcoming. During winter storm parking bans off-street parking is available at Milliken Parking Lot, Memorial Parking Lot, and Ocean Park Square.

The Town uses several outlets to notify residents, like local television and radio stations, as well as the Town's website and electronic signs. You can also sign up to receive email notifications on winter parking bans by going to the Town's website and click on "Subscribe to News".

**NEW BUSINESS:**

**AGENDA ITEM # 8061**

**Discussion with Action:** Approve the Mutual Aid MOU between the Old Orchard Beach Fire Department and the City of Biddeford Fire Department.

Chair: Shawn O'Neill

**Motion to approve: Vice Chair Blow**

**Second: Councilor Reid**

**Vote: 5-0**

**AGENDA ITEM # 8062**

**Discussion with Action:** Approve the Mutual Aid MOU between the Old Orchard Beach Fire Department and the Town of Scarborough Fire Department.

Chair: Shawn O'Neill

**Motion to approve: Councilor Tousignant**

**Second: Councilor Reid**

**Vote: 5-0**

**AGENDA ITEM # 8063**

**Discussion with Action:** Accept the quote from M.S. Babin Carpentry in the amount of \$8,300.00 for the repair of the Police Department garage mezzanine from account # 20131-50450 Police Department Building Repair with a balance of \$29,283.21.

Chair: Shawn O'Neill

**Motion to accept: Councilor Tousignant**

**Second: Vice Chair Blow**

**Vote: 5-0**

## AGENDA ITEM # 8064

**Discussion with Action:** Accept the quote from Casco Bay Ford in the amount of \$70,528.00 for a 2024 Ford F-550 truck cab chassis and the quote from Messer for an aluminum platform body, plow install, and a liftgate in the amount of \$24,135.50 for Public Works. The total purchase price of \$94,663.50 will be financed through a lease-purchase agreement with Gorham Leasing Group at 5.74% (tax exempt) with 5 annual payments in the amount of \$21,102.76 from account # 20197-50330 Debt Service Equipment Replacement with a balance of \$250,995.20.

Chair: Shawn O'Neill

**Motion to accept: Vice Chair Blow**

**Second: Councilor Tousignant**

**Vote: 5-0**



**AGENDA ITEM # 8065**

**Discussion with Action:** Approve the quote from AC Electric in the amount of \$5,120.00 for the repair of pump #4 at the West Grand Pump Station from account # 20161-50330 Wastewater Equipment Replacement with a balance of \$14,990.70

Chair: Shawn O'Neill

**Motion to approve: Councilor Tousignant**

**Second: Councilor Rague**

**Vote: 5-0**

## **AGENDA ITEM # 8066**

**Discussion with Action:** Approve the quote from Peter Petit Excavating Inc. in the amount of \$24,450.00 for the emergency repair of the Rousin Street Sewer System from account #30181-50551 Sewer Reserve Fund Expense Account with a balance of \$963,037.84.

Chair: Shawn O'Neill

**Motion to approve: Vice Chair Blow**

**Second: Councilor Reid**

**Vote: 5-0**

**AGENDA ITEM # 8067**

**Discussion with Action:** Approve the quote from Kevin Lessard and Sons in the amount of \$5,876.04 for repairs to the exterior lighting at the Public Works Building from account #20151-50450 Public Works Department Building Repair and Maintenance with a balance of \$14,156.55.

Chair: Shawn O'Neill

**Motion to approve: Councilor Reid**

**Second: Councilor Rague**

**Vote: 5-0**

## **AGENDA ITEM # 8068**

**Discussion with Action:** Approve the quote from Weirs GMC in the amount of \$7,300 to repair the transmission on the 2017 GMC Truck from account number 20151-50452 Public Works Department Operating Equipment with a balance of \$68,700.26.

Chair: Shawn O'Neill

**Motion to approve: Vice Chair Blow**

**Second: Councilor Tousignant**

**Vote: 5-0**

**AGENDA ITEM # 8069**

**Discussion with Action:** Approve the new private street name of Bogey Way for a two (2) single-family dwelling development on Dunegrass Hole #16 accessed from Ross Road.

Chair: Shawn O'Neill

**Motion to approve: Councilor Tousignant**

**Second: Councilor Rague**

**Vote: 5-0**

**AGENDA ITEM # 8070**

**Discussion with Action:** Accept the resignation, with regret, of Dawn-Marie Dunbar from the Conservation Commission and appoint Mary Pat Donnellon as an alternate member to the Conservation Commission, term to expire 12/31/2024.

Chair: Shawn O'Neill

**Motion to accept and appoint: Vice Chair Blow**  
**Second: Councilor Rague**  
**Vote: 5-0**

## **AGENDA ITEM # 8071**

**Discussion with Action:** Set a public hearing date of January 16<sup>th</sup>, 2024 to amend the Code of Ordinances, Section 54-187, Old Salt Road, from Temple Avenue to Spring Street and Spring Street, from Temple Avenue to Old Salt Road, restricting vehicles to a gross weight of 9,000 pounds or less, unless they are emergency or municipal vehicles.

Chair: Shawn O'Neill

**Motion to set the date: Councilor Tousignant**

**Second: Vice Chair Blow**

**Vote: 5-0**

**Police Chief Chard spoke on the issues brought to their attention on these roads.**

**Guy Fontaine – thanked Council for addressing the issues.**

**Roger Bouchard – Old Salt Road – gave his concerns on the safety of the road and thanked Council for looking into it.**

**The Council discussed the weight limit proposed and other options to alleviate traffic issues.**

**AGENDA ITEM # 8072**

**Discussion with Action:** Consider the request from 24 LRR, LLC to accept title through a warranty deed a strip of land along Little River Road and to accept and establish that land as part of an expanded town way along Little River Road. As described in the Deed from 24 LRR, LLC to the Town of Old Orchard Beach, Maine dated \_\_\_\_\_.

Chair: Shawn O'Neill

**Motion to accept: Councilor Rague**

**Second: Councilor Tousignant**

**Vote: 5-0**



## **AGENDA ITEM # 8073**

**Discussion with Action:** Shall the Town approve a revised 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. The revisions change from the warranty deed reference to a purchase and sale agreement reference and change language to ensure future planning board plan approvals are incorporated into the agreement.

Chair: Shawn O'Neill

**Motion to approve: Councilor Tousignant**

**Second: Vice Chair Blow**

**Vote: 5-0**

**AGENDA ITEM # 8074**

**Discussion with Action:** Renew the liquor license for the Oceanside Grille @ the Brunswick, HFY Enterprises INC, Thomas Lacasse, (310-6-1) 39 West Grand Avenue, m-s-v in a class A restaurant/lounge.

Chair: Shawn O'Neill

**Motion to approve: Vice Chair Blow**

**Second: Councilor Rague**

**Vote: 5-0**

**AGENDA ITEM # 8075**

**Discussion with Action:** Council to communicate to Town Manager guidance regarding the FY25 Municipal Budget pursuant to Charter, Article VII, Sec 702.

Chair: Shawn O'Neill

**Vice Chair Blow – attempted to put a cap of 3% increase in the past – try to increase municipal budget in line with increased added revenue from taxes coming in**

**Council discussed options and ideas.**

**Motion to approve guidance: Vice Chair Blow**

**Second: Councilor Reid**

**Vote 5-0**

**ADJOURNMENT**

**Motion to adjourn at 8:21 pm: Vice Chair Blow**

**Second: Councilor Reid**

**Vote: 5-0**

Chair: Shawn O'Neill