

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 *February 6th, 2024*

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of 34 pages is a copy of the original minutes from the regular meeting of the Old Orchard Beach

Town Council held on 2/6/2024.

Prepared By: Approved By: Approval Date: Tim Fleury Old Orchard Beach Town Council 2/20/2024

Respectfully Submitted,

Tim Fleury Town Council Secretary



Town Council - Meeting Agenda

February 6th, 2024 @ 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:

Chairman Shawn O'Neill Councilor V. Louise Reid Councilor Connor Rague Councilor Mike Tousignant Town Manager Diana Asanza Council Secretary Tim Fleury

Vice Chair Shawn Kenneth Blow had an excused absence.

ACKNOWLEDGEMENTS:

Councilor Reid – Chamber of Commerce 2024 Vacation planner recently came out and Councilor Reid thanked the Chamber for all of the hard work they do.

Storm Acknowledgement – Councilor Rague read off a statement (attached to the end of the minutes). The Town is working to improve response after the storm.

Cpl Germaine Retirement – Chairman O'Neill read a statement thanking Corporal Germaine for his dedication and hard work.

GOOD & WELFARE:

Nancy Frisco – Graham St – Diana does the jobs of 7 people, haven't had anyone run Old Orchard better than her. Entrances to the beach need to be maintained and need to hire someone specifically for that job. Want to put on ballot to change hours back to 10 am to walk dogs. Thanked Public Works for plowing the roads well. Need to work on sidewalks. Owners should be responsible for sidewalk in front of homes.

Paula Fontaine – Old Salt Road – Are there plans to retrieve benches in water? 11 benches in water today.

Chairman O'Neill – comment on sale of Old Orchard Village – private sale out of Town's responsibility and control – Town can monitor on behalf of residents but can not intervene in any way.

ACCEPTANCE OF MINUTES:

Accept the minutes of the 12/12/2023 Town Council Executive Session, the 1/2/2024 Regular Town Council Meeting, the 1/4/2024 Town Council Workshop, the 1/17/2024 Emergency Special Meeting and the 1/17/2024 Workshop.

Chair: Shawn O'Neill

Motion to accept: Councilor Tousignant Second: Councilor Reid Vote: 4-0

PUBLIC HEARING - ORDINANCE AMENDMENTS:

Shall the Town consider amending 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

This amendment is being brought forward by the Chief of Police in an attempt to resolve the issues of large vehicles traveling and parking on Old Salt Road, which cause safety concerns for area residents.

Town Manager Asanza has spoken with the resident on Old Salt Rd, the Chief and Deputy Chief on the proposed ordinance amendments and would like to include an additional amendment to ensure fuel delivery trucks, trash trucks, and other normal residential services are not prohibited.

Chairman O'Neill opened the hearing at: 6:42 pm

Guy Fontaine – thanked Town Council and Chief Chard in getting involved in situation down there, suggest a change from 9,000 to 15,000 pounds to cover tow trucks for car removal if needed. Would still keep large trucks out.

Town Manager Asanza – amendments to ordinance to clarify and allow for fuel delivery, trash trucks, and construction vehicles. Working with Chief

Chard and Mr. Fontaine. -

"Shall the Town consider amending the Code of Ordinances, Section 54- "Old Salt Road, from Temple Avenue to Spring Street and Spring Street, from Temple Avenue to Old Salt Road, restricting <u>through way trucks</u> with gross weight of 9,000 pounds or less, with the exception of emergency and municipal vehicles, municipal service vehicles, and delivery vehicles carrying special commodities to include home repair or construction deliveries, heating fuel, petroleum products, sewage from private septic tanks, or domestic ground delivery trucks such as Federal Express, United Parcel Service, or US Mail."

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

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Richard and Celeste Glover, (206-10-3), 17 Fern Park Avenue, one (1) seasonal short term rental.

Epoxy ME, Janet Peters, (309-10-5), 57 Saco Avenue, Retail License.

Robert M. Cash, Jr., (210-1-20-16), 39 Smith Wheel Road Unit #16, one (1) year round rental.

Nancy Williams, (319-5-4-2), 17 Tunis Avenue Unit #2, one (1) year round short term rental.

TNT Family Trust 2021, Tammie Mahoney, (313-2-2), 7 Bay Avenue Unit #15, one (1) seasonal short term rental.

Steve D. Youd, (323-11-6), 69 Temple Avenue, one (1) year round short term rental.

Michael McNeeley, (205-9-2), 13 Carll Avenue, two (2) year round short term rentals.

Thomas and Mary Beth Bryant LLC, (313-2-11-6), 3 Bay Avenue Unit #25, one (1) year round short term rental.

Wavelet Group LLC, (205-1-25), 14-20 Portland Avenue, eleven (11) Unit Inn.

Donna Stearns, (314-10-9), 56 Seaview Avenue, one (1) year round short term rental.

Daniel, Leigha, and Brian Mount, (105A-1-600-11B), 52 Wild Dunes Way # 11B, one (1) year round short term rental.

Jason, James, and Melissa Bicknell, (303-6-2), 1 Graham Street, one (1) year round rental.

Eber and Luba Weinstein, (206-27-5-1), 5 Sunset Drive Unit #1, one (1) year round rental.

Chair: Shawn O'Neill

Chairman O'Neill opened the hearing at: 6:48 pm

Motion to approve: Councilor Tousignant Second: Councilor Reid Vote: 4-0

Chairman O'Neill closed the hearing at: 6:49 pm

PUBLIC HEARING - SPECIAL AMUSEMENT PERMITS & APPROVALS:

Dominator Golf LLC, Dunegrass Golf Club, (105A-1-200) 65 Wild Dunes Way, weddings inside and outside 4:00pm to 10:00pm Sunday through Saturday.

Chair: Shawn O'Neill

Chairman O'Neill opened the hearing at: 6:49 pm

Motion to approve: Councilor Rague Second: Councilor Reid Vote: 4-0

Chairman O'Neill closed the hearing at: 6:49 pm

TOWN MANAGER REPORT



2/6/24

Town Manager's Report

Reporting Storm Damage:

I would like to review how the Town prepares for storm events. Chief Gilboy is the Town's Emergency Management Director, and he works hand in hand with York County EMA as they issue storm forecast updates. York County EMA will hold Zoom meetings for storm events like the January 10th and 13th storms. These meetings include all York County communities, and Old Orchard Beach essential town staff, which includes me, Police, Fire, Public Works, and Wastewater.

Beyond that Chief Gilboy will schedule internal meetings to ensure we are fully prepared. These pre-planning meetings with York County EMA and the preparation meetings with essential staff play a crucial role in ensuring that we are well-prepared to handle possible challenges.

Chief Gilboy is the contact person for all emergency management questions, and as I mentioned before, he works hand in hand with York County EMA and Maine EMA.

At this time, MEMA and FEMA are jointly assessing property damage from the January coastal storms. On Monday, January 29th, we met with them and visited several properties as examples of the damage to homes and buildings.

It is important that both individuals and businesses report damages from the January 10th and 13th storms to the State, even though the Maine website may say the deadline for reporting has passed. The message from MEMA is to continue to fill out the survey report. (Just this morning I met with Pam Buck the new State Office Rep for Senator Collins with the same message – fill out the survey). You can do this by dialing 211 or visiting the Maine Emergency Management website. We have added this same information on the Town's website which will have links to the State's survey form, or you can call Chief Gilboy or my office if you have any questions.

It's important to know that filling out the damage survey report is not an application for financial assistance; the information will help the State measure the full impact of storm damage to see if it meets federal assistance options. Chief Gilboy and I are also looking into other Hazard Mitigation Programs through MEMA and met with the State's Hazard Mitigation Officer to discuss opportunities available to the Town that focuses on infrastructure, natural-based solutions and climate resilience efforts. I will follow up as I have more information.

Marsh Assessment Grant: The Town was awarded a Community Resiliency grant for \$50,000 to assess the tide gate operation and evaluate the salt marshes' existing condition. The project goal for this grant award is to evaluate salt marshes' current water-carrying capacity based on the existing conditions ensuring long-term marsh health and resilience relative to sea level rise, storm surge, and stormwater runoff and to determine if the tide gate settings are optimal.

Wright-Pierce has historically worked on tide gate protocol and marsh health for Old Orchard Beach, and they are the engineers for this project. The project team includes the Conservation Commission since they are essential to this work and have provided a lot of historical data to complement the reports previously issued by Wright-Pierce. Once the evaluation and assessments are done, we will hold a public meeting to share information about the overall project. The date for this is yet to be determined but most likely in the fall.

Dune Restoration: I am also working with the Conservation Commission and State Representative Lori Gramlich on options for dune restoration. January 5th, the Conservation Commission met with Peter Slovinsky, a Maine Geologist with the Dept of Agriculture Conservation and Forestry, to walk the beach in Ocean Park, particularly around Porter Ave, to get their recommendations for dune restoration and to better understand permitting requirements. This was just the initial meeting and there will be more to come. An immediate option is dune fencing, which will help trap sand and build up the natural dune ridge. This is a priority for the Conservation Commission, and I agree that this task will provide immediate positive measures in restoring the dunes. It will also help prevent people from walking in sensitive dunes and protect beach habitats like piping plovers. I will meet with the Conservation Commission and Representative Gramlich on the next steps.

This is a brief overview of what we are working on in pursuit of hazard mitigation efforts.

New Salt Road: Bids for the New Salt Road reconstruction project are in, and two bids were received. One from Shaw Bros of Gorham at \$265,000 and the other from Cooker Construction at \$495,000. Wright-Pierce has reviewed the bids and recommends Shaw Bros, as low bidder, and this item is on the agenda for Council consideration this evening.

Public Bathroom Assessment:

We held a workshop on January 17th to discuss the public bathroom assessment and the possible location of two public bathrooms which were approved in the FY 24 capital budget. The bathroom structures vary in size from 14 X 8 to 11 X 8, with two or three restrooms and a separate storage area. The prefabricated structures are a sustainable choice made of recycled PET plastic by a company called OpBox located in Woolwich, ME. Woodard & Curran assessed beach entrance locations with direct water and sewer connections. The locations include:

1. Mullen St.

- 2. Brown St.
- 3. Old Orchard St.
- 4. Staples St Extension
- 5. Fernald St
- 6. Atlantic Ave
- 7. Ocean Ave
- 8. Temple Ave

Council is considering two locations, Ocean Ave. and Brown St. We will send notices to residents in the area and may schedule a public meeting to keep the public informed on the goals of what we are trying to do here. Public Bathrooms have been a priority of mine and of this Council.

Extended Traffic Study: Gorrill Palmer continues to work on the extended traffic study that includes the I-195 spur to the Halfway Intersection, and we will be scheduling a public meeting this Spring to present the engineer's recommendations.

NEW BUSINESS:

AGENDA ITEM # 8076

Discussion with Action: Shall the Town 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);
- 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);

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- 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

A Workshop was held November 28th on these ordinance amendments, and the Public hearing was held January 2nd. The recommended edits from these meetings include:

- To reduce the size of the ADU from 1000 square feet to 600 square feet with not off-street parking requirements.
- However if the applicant wishes to build an ADU over 600 square feet

(with a max of 1000) then off-street parking is required.

- Added language that parking "should" be provided to meet the needs of occupants of ADU
- ADU's are no longer allowed within an existing detached accessory structure, such as a detached garage. It would be allowed in a newly built accessory structure.
- Restrict short term rental in the ADU as well as the single family residence.

Associate Planner Mike Foster gave a rundown of the amendments and the recommended edits.

Councilor Tousignant -2 parking spaces over 600 square feet? Mike Foster yes, over 600 square feet requires 2 spaces.

Town Manager Asanza – change to ADU's allowed in existing detached structures – detached garage – Councilor Tousignant – if detached garage is attached to home with breezeway can an ADU be allowed? Mike Foster – Yes, as the ordinances are written now. Councilor Tousignant understands it's a concession in the conversations.

Chairman O'Neill – state law effective January 1st – will state still acknowledge this ordinance? – Town Manager Asanza – yes. Thanked Mr. Foster in creating the ordinance, Councilor Tousignant thanked Mike Foster and entire planning department for working with what was presented to them. Motion to approve: Councilor Tousignant Second: Councilor Rague Vote: 4-0

Discussion with Action: Approve the quote from Tyler Technologies in the amount of \$5,000.00 for the purchase of a Property Room Bar Code Kit from account *#* 20131-50503 Police Department Investigative Supplies Expense with a balance of \$7,867.75.

Chair: Shawn O'Neill

This is the hardware necessary to implement a new bar-coding system as part of the transition to a new reporting software system that the Police and Fire Department are moving to.

Motion to approve: Councilor Tousignant Second: Councilor Rague Vote: 4-0

Deputy Chief David Hemmingway – transitioning from older software to an updated system requiring a new system. Integrates with new software. Catalogs evidence and all property received by the PD.

Discussion with Action: Approve the quote from Setronics in the amount of \$25,595.00 for the installation of security cameras and 2 year maintenance agreement in the Town Hall building, \$24,500 from account *#* 51002-50924 Town Hall Security/Access Control Capital with a balance of \$24,500.00 and \$1,095.00 from account *#*20115-50450 Town Hall Building Repair Maintenance Expense with a balance of \$24,980.40.

Chair: Shawn O'Neill

This was approved as part of the FY 24 capital budget. The security camera system will integrate with the town-wide security camera system managed by the Police Dept.

Motion to approve: Councilor Reid Second: Councilor Rague Vote: 4-0

Discussion with Action: Order a new Official Zoning Map per Section 78-457 of the Old Orchard Beach Zoning Ordinance and request the signature of the Chair of the Town Council to sign the updated Zoning Map, with the following information: By official action of the Town Council, the following changes were made to the Official Zoning Map: On November 21, 2023, change the zoning district designation to Contract Zone 4 on a property located at 60 Saco Ave., MBL: 206/10/1. On December 5, 2023, change the zoning district designation to Contract Zone 5 on the property located at 63-91 East Emerson Cummings Blvd., MBL: 207/1/2. Entry shall be signed by the Chair of the Town Council and attested by the Town Clerk.

Chair: Shawn O'Neill

This is to finalize the zoning district changes for the approved contract zone agreements for 60 Saco Ave., and 63-91 E. Emerson Cummings Blvd.

Motion to approve: Councilor Tousignant Second: Councilor Rague Vote: 4-0

Discussion with Action: The "Back to the Beach" Corvette Weekend Special Event Permit for June 7th and 8th, 2024 was approved by the Town Council on December 21, 2021. Request to amend the date to June 14th and 15th, 2024.

Chair: Shawn O'Neill

Motion to approve: Councilor Rague Second: Councilor Reid Vote: 4-0

Discussion with Action: Approve the bid from Shaw Brothers Construction in the amount of \$265,020.00 for the New Salt Road reconstruction project to be funded in part by FEMA Disaster Relief Fund and Old Orchard Beach Capital Road Improvement Fund, account *#* 50002-50506 with a balance of \$958,846.72.

Chair: Shawn O'Neill

This is for the New Salt Rd reconstruction project that was damaged by the December 2022 storm. Two bids were received, and we are recommending the contract to Shaw Bros as the low bidder.

- 1. Shaw Bros \$265,020
- 2. Cooker Construction \$494,765

Motion to approve: Councilor Tousignant Second: Councilor Rague Vote: 4-0

Councilor Tousignant – is this enough to do the full project? – Town Manager Asanza – fully funded by FEMA less 25% – additional expense of approximately \$15,000 for additional rip rap.

Sarah Petrin – 178 West Grand Ave – addressed the Council a few weeks ago, thanked Town work done after storms – extent of damage from New Salt Road – Ocean Park Community interested in plans on making that are more resilient – plan to consider area around Goosefare Brook to mitigate future storm surge areas – County specific disaster made – disaster relief area – post disaster relief recovery center to allow public to ask questions and receive referrals for assistance – formally bring issues to Council and other officials – feels plan is insufficient in addressing future plans of rising seas surge.

Discussion with Action: Approve the quote from Peter Petit Excavating for \$47,640.00 for the replacement of 212' of sewer line on Roussin Street and approve the quote from Peter Petit Excavating for \$55,400.00 for the replacement of 260' of sewer line on Brisson Street for a total of \$103,040.00 from account #50002-50508 Sewer Maintenance and Improvement Capital Reserve with a balance of \$1,042,843.83.

Chair: Shawn O'Neill

The condition of the sewer lines for both roads are in poor condition with several sags, intruding lateral which require regular maintenance and flushing.

We received two bids:

- 1. Shaw Bros for \$199,353
- 2. Peter Petit Excavation for \$103,040.

Motion to approve: Councilor Tousignant Second: Councilor Rague Vote: 4-0

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

Chair: Shawn O'Neill

Council recently approved mutual aid agreements for Biddeford and Scarborough, and this is the other mutual aid agreement that is up for renewal.

Motion to approve: Councilor Rague Second: Councilor Reid Vote: 4-0

Discussion with Action: Discussion with Action: Move Irvin Paradis from Associate member of the Zoning Board of Appeals to a regular member, term to expire 12/31/2026.

Chair: Shawn O'Neill

Motion to approve: Councilor Tousignant Second: Councilor Rague Vote: 4-0

Discussion with Action: Appoint Graham Roeber as a regular member of the Finance Committee, term to expire 12/31/25.

Chair: Shawn O'Neill

Motion to approve: Councilor Rague Second: Councilor Reid Vote: 4-0

Discussion with Action: Approve the quote in the amount of \$127,346.12 from Freightliner and Western Star of Maine for a 2024 Freightliner 108SD Plow Truck and extended warranty and the quote from Viking Cives (USA) to outfit the truck with plow, wing, sander in the amount of \$122,376.12 for a total amount of \$251,296.12 to be financed through a lease purchase agreement with Gorham Leasing Group at 5.74% (tax exempt) with five annual payments in the amount of \$56,143.25 from account #20197-50330 Debt Service Equipment Replacement with a balance of \$214,835.45.

Chair: Shawn O'Neill

This was approved as part of the FY 24 budget. This will replace the 2006 International Harvester and is expected to be delivered to the dealership this month, where it will be outfitted in time for next winter with stainless steel dump body, sander, plow and wing.

Motion to approve: Councilor Tousignant Second: Councilor Rague Vote: 4-0

Discussion with Action: Approve the Council Order 2024-1 entitled "Order to authorize the Lease Purchase of a Freightliner Plow Truck in the Principal Amount of \$251,296.12."

Chair: Shawn O'Neill

Motion to approve: Councilor Rague Second: Councilor Reid Vote: 4-0

Discussion with Action: Approve the applications for Pole Permits from Central Maine Power for the following poles: Ross Road, 1340' Northeasterly of the intersection of Portland Avenue; Walnut Street, 65 feet North of the intersection of Milliken Street; Smithwheel Road, 65 feet North of the intersection of Mayflower Drive; West Grand Avenue, 70 feet Southwest of the intersection of Old Orchard Street; and East Grand Avenue, 200 feet North of the intersection of Cleaves Street.

Chair: Shawn O'Neill

Motion to approve: Councilor Tousignant Second: Councilor Rague Vote: 4-0

Discussion with Action: Approve the Special Event Permit application for the Town of Old Orchard Beach to hold the annual Memorial Day Parade to honor our country's veterans. The parade will be on Monday, May 27th, 2024, from 1:00p.m. to approximately 3:00 p.m. with an anticipated parade start at the Ball Park, traveling down Saco Ave, to Old Orchard Street, followed by First Street with an end at Memorial Park.

Chair: Shawn O'Neill

Motion to approve: Councilor Rague Second: Councilor Reid Vote: 4-0

Discussion with Action: Approve the Special Event Permit application for Tony Myatt to hold a 10k on the beach and East Grand Avenue on Sunday, October 13th, 2024, 9:00 am to 1:00 pm. They will race on the beach from the Pier to Pine Point and race back on East Grand Avenue ending in the Square. Request to close the square during the race hours, for the finish line. Requirement of one police officer for traffic control. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk's Office a least one month prior to the event.

Chair: Shawn O'Neill

Motion to approve: Councilor Reid Second: Councilor Tousignant Vote: 4-0

Councilor Tousignant – Is this the first time the event is being held? – Police Chief Elise Chard – This is the second time the event is being held.

ADJOURNMENT

Chair: Shawn O'Neill

Motion to adjourn @ 7:29: Councilor Tousignant Second: Councilor Reid Vote: 4-0



Town Of Old Orchard Beach 1 Portland Ave, Old Orchard Beach, ME 04064 207.937.5626 www.oobmaine.com

We extend our heartfelt gratitude on behalf of the Town Council to the entire staff for their exceptional dedication and hard work during the consecutive storm events on January 10th and January 13th. These storms led to severe flooding and property damage, particularly impacting oceanfront properties and Ocean Park. The unprecedented combination of astronomical high tide, heavy rain, and recordbreaking storm surges resulted in damage and flooding on an unprecedented scale.

We want to commend Chief Gilboy, the Town's Emergency Management Director, Town Manager Diana Asanza, Police Chief Elise Chard, Deputy Chief David Hemingway, Chris White, Director, and Mike Hersey, Deputy Director of Wastewater and Public Works, along with all essential staff members. Their tireless efforts and unwavering commitment to the safety and well-being of our community deserve recognition. Despite the challenging circumstances, the staff remained focused and diligent in carrying out their duties, ensuring that our residents had access to essential services and resources.

On behalf of the Town Council, we express our sincere thanks for your outstanding service and for going above and beyond the call of duty. Your dedication and commitment are truly appreciated, and we are grateful to have such a talented and compassionate team of staff members. Once again, thank you for your hard work and unwavering commitment to our community.