



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

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# **Regular Town Council Meeting Minutes**

*February 20, 2024*

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of 22 pages is a copy of the original minutes from the regular meeting of the Old Orchard Beach Town Council held on 2/20/2024.

Prepared By:	Tim Fleury
Approved By:	Old Orchard Beach Town Council
Approval Date:	3/5/2024

Respectfully  
Submitted,

Tim Fleury  
*Town Council*  
*Secretary*



## Town Council - Meeting Agenda

**Tuesday, February 20<sup>th</sup>, 2024 @ 6:30pm**

**Council Chambers - 1 Portland Avenue**

**To be immediately followed by an Executive Session**

*[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:**

Tim Fleury called roll. The following individuals were present:

Vice Chair Kenneth Blow  
Councilor V. Louise Reid  
Councilor Connor Rague  
Councilor Mike Tousignant

Town Manager Diana Asanza  
Council Secretary Tim Fleury

Chairman Shawn O'Neill had an excused absence.

### **ACKNOWLEDGEMENTS:**

## **GOOD & WELFARE:**

**Eileen Carboneau** -Gables Way – burnt out building on Union Street? Town Manager Asanza – owner addressing it

**Peter Mourmouras** 30 Saco Ave – 2 year-round businesses in Town – Tax business since 1991 – 2 council members announced at workshop that they were greedy and bad form – Local businessman concerned about Council actions – asked Council to retract statements – son will present Council's own words.

**Patrick Mourmouras** 11 Ocean Park Rd – updated eviction hearing on building in question – Theory Wellness will be knocked out of contention at planning stage – Mr. Mourmouras quoted Council comments at previous meetings – Mr. Mourmouras quoted town planner Jeffrey Hinderliter's comments from previous meetings – Mr. Mourmouras gave his opinion on the process of the adult use marijuana application process – Mr. Mourmouras asked questions regarding the application process -

**Tom Mourmouras** 11 Ocean Park Rd – trying to build trust back between Council and public – optics of process – Mr. Mourmouras gave his opinion on the 3 year process of the adult use marijuana licensing process -

**ACCEPTANCE OF MINUTES:**

**Accept the minutes of the 2/6/2024 Regular Town Council Meeting.**

Chair: Shawn O'Neill

**Motion to accept: Councilor Tousignant**

**Second: Councilor Reid**

**Vote: 4-0**

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

The Belanger Family Irrevocable Trust, Scott Belanger, (322-6-15), 22 Massachusetts Avenue, 1 (one) seasonal short-term rental.

Susan Njuguna, (312-11-9), 51 Atlantic Avenue, 1 (one) year-round short-term rental.

Jason Bicknell, (311-12-6), 18 Wesley Avenue, 1 (one) year-round short-term rental.

JLH Family LLC, Matt and Jacqueline Herling, (315-9-10), 26 Park Avenue, 1 (one) year-round short-term rental.

Annabelle Bassett, (205-16-3-2C), 9 Cascade Road #2C, 1 (one) year-round rental.

Kelly and Ryan Fleming, (313-2-2-3), 7 Bay Avenue #4, 1 (one) seasonal short-term rental.

Ceseretti Family Trust, (319-5-4-3), 17 Tunis Avenue #3, 1 (one) year-round short-term rental.

Kenneth Madore and Allison Busemeyer, (211-6-7), 1A William Street, 1 (one) year-round short-term rental.

Big Red Dog LLC, (313-4-3-2), 93 West Grand Avenue #2, 1 (one) seasonal short-term rental.

Chair: Shawn O'Neill

**Vice Chair Blow opened the hearing at: 6:43 PM**

**Motion to approve: Councilor Tousignant**

**Second: Councilor Rague**

**Vote: 4-0**

**Vice Chair Blow closed the hearing at: 6:44 PM**

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

RAR Surfside INC, Royal Anchor, (202-1-5), 203 East Grand Avenue, live music outside 10:00 AM to 9:00 PM Sunday through Saturday.

Chair: Shawn O'Neill

**Vice Chair Blow opened the hearing at: 6:45 PM**

**Motion to approve: Councilor Rague**

**Second: Councilor Reid**

**Vote: 4-0**

**Vice Chair Blow closed the hearing at: 6:46 PM**

## TOWN MANAGER REPORT



## **NEW BUSINESS:**

### **AGENDA ITEM #8099**

**Discussion with Action:** 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 throughway vehicles to a gross weight of 15,000 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.

Chair: Shawn O'Neill

This amendment was introduced by the Chief of Police to resolve the issues of large vehicles traveling and parking on Old Salt Road, which cause safety concerns for area residents. After the public hearing we received resident feedback and these changes address their concerns: To restrict throughway vehicles to a gross weight of 15,000 pounds or less, with the exception of emergency and municipal vehicles (Fire, EMS, PD, and PW), Casella trash pick-up services, heating fuel deliveries, and ground delivery trucks like Fed Ex, UPS and US Mail trucks.

**Motion to amend the ordinances: Councilor Tousignant**

**Second: Councilor Reid**

**Vote: 4-0**

## AGENDA ITEM #8100

**Discussion with Action:** Accept the proposal from Woodard and Curran for the design, bidding, and permitting services for the renovation of the West Grand Comfort Station in the amount of \$124,500.00 from account #51002-50932 CIP West Grand Bathroom Upgrade with a balance of \$343,000.00.

Chair: Shawn O'Neill

**Town Manager Asanza** - The W. Grand Ave public bathroom was assessed November 2022 by Woodard & Curran because it is nearly 30 years old and is showing signs of aging. Council held workshops to discuss the condition and recommended improvements, and in the FY 24 budget Council appropriated capital funds along with ARPA funds earmarked for this purpose.

The summary of the existing conditions and the recommended improvements included improving the functionality of the facility for the public user, and the durability and longevity of the structure.

- It includes improving a defined entrance with more natural light.
- Improve the exterior building wrap to withstand the coastal environment and frequent exposure to freeze-thaw conditions.
- Improve the interior layout to provide a family restroom for those that need additional assistance and ensure ADA compliance.
- Install a new roof and replace windows with energy efficient insulated windows.
- Repair and paint walls and concrete flooring.
- Replace all interior fixtures and partitions to ensure ADA compliance.
- Provide an improved storage area for bathroom supplies.

This proposal is for design, permitting, bidding, construction administration and oversight.

Councilor Tousignant – intended to be done before next season? – Town Manager Asanza hoping, but may be in fall.

**Motion to accept: Councilor Rague**

**Second: Councilor Reid**

**Vote: 4-0**

## **AGENDA ITEM #8101**

**Discussion with Action:** Approve the proposal from Wright Pierce for the Capacity Assessment of wastewater pump stations 100 and 200 in the amount of \$9,800 from account #20151-50300 Public Works Professional Engineering with a balance of \$72,490.31.

Chair: Shawn O'Neill

The proposal for engineering services is to assess the two Town owned pump stations within Dunegrass, PS 100 and PS 200, because of the continued development within Dunegrass. Given the age of the two pump stations the Town is interested in evaluating the remaining capacity to be more responsive to requests from developers to connect to the existing wastewater collection system in this area.

**Motion to approve: Councilor Tousignant**

**Second: Councilor Rague**

**Vote: 4-0**

## **AGENDA ITEM #8102**

**Discussion with Action:** Approve the proposal from Wright Pierce for the design and bidding services for the Temple, Reggio, Williams, and Wilbur paving projects in the amount of \$17,100 from the \$1 million appropriation from the unassigned fund balance.

Chair: Shawn O'Neill

In FY 24 Council approved up to \$1 million from the general fund unassigned fund balance to address paving and reconstruction of priority roads in Town. Public Works worked with Wright Pierce to identify and prioritize the roads in poor condition that could be addressed immediately (no utility work required). Council held a workshop, and the following roads were identified as high priority:

- Temple Ave (between W. Grand Ave and Seaside Ave)
- Reggio Ave., (between W. Grand Ave and Seaside Ave.)
- Williams Street (off Temple Ave.)
- Wilbur Ave.

Wright Pierce will provide design, technical specifications, and bidding services.

Councilor Tousignant – before or after the summer? Town Manager Asanza – hoping for spring dates – Vice Chair Blow – do we normally have bidding process for paving? – Town Manager Asanza – WP had to do borings to assess the underlayment of the existing pavement – Councilor Tousignant – confirming it is just paving.

**Motion to approve: Councilor Tousignant**

**Second: Councilor Reid**

**Vote: 4-0**

## **AGENDA ITEM #8103**

**Discussion with Action:** Approve the proposal from Wright Pierce for the engineering, bidding, construction administration and oversight services for the Harmon, Murphy, and Michaud paving projects in the amount of \$196,300.00 from the \$1 million appropriation from the unassigned fund balance.

Chair: Shawn O'Neill

Like the previous agenda, in FY 24 Council approved up to \$1 million from the general fund unassigned fund balance to address paving and reconstruction of priority roads in Town. Harmon Ave, Murphy Ave, and Michaud Ave were identified as being in very poor condition. In addition, these three roads were also identified as requiring stormwater and sewer infrastructure repairs. The proposal is to complete the data collection, design, bidding, construction administration and oversight services for road paving, stormwater and sewer repairs.

Councilor Tousignant – coming out of the 1 million for paving? – Town Manager Asanza – confirmed yes -

**Motion to approve: Councilor Rague**

**Second: Councilor Reid**

**Vote: 4-0**

## AGENDA ITEM #8104

**Discussion with Action:** To award the bid for the Wastewater Treatment Facility and Pump Station Upgrade project to Apex Construction, Inc. in the amount of \$18,497,025.00 to be funded by a loan through the Clean Water State Revolving Fund authorized in the principal amount of \$23,500,000.00.

Chair: Shawn O'Neill

**Town Manager Asanza** - Woodard & Curran has reviewed the bids submitted for the WWTF and pump station upgrades project. The Town received three bids:

- Apex Construction, Inc., \$28,299,125
- Penta Corporation, \$29,507,000
- Waterline Industries Corporation \$35,938,454

Apex Construction is the lowest responsible bidder.

Council held a workshop on January 17<sup>th</sup> to discuss the bids and the current funding secured for this project because the current secured funding is less than the Total Bid Price. The secured funding from the Clean Water State Revolving Fund is \$23,500,000, and the remaining funds after completion of the Walnut St. sewer project, purchase of equipment as part of the project, and engineering costs is \$18,500,000.

Therefore, the recommendation is for Council to proceed with a project that meets the current funding at this time, which will allow for additional time to secure supplemental funding to include all the work that was bid at a later time. The contractor is aware of this with the condition that a change order be prepared to be executed no later than June 30, 2024, which will provide the time needed to bring this to the voters at the June 11<sup>th</sup> election according to the Charter. In addition, we are also working on several grant opportunities:

- CDS grant in March.
- Clean Water SRF loan/grant in April
- Disaster Relief Funding – this is a new opportunity that engineer will be working on with the wastewater department based on resiliency funding awarded across the US from the December 2022 storm event. Old Orchard Beach may be eligible since we were named as a declared disaster area from the 2022 storm event.
- USDA funding is also available at 3%

Councilor Tousignant – \$23,500,000 loaned – less prior expenses is \$18,500,000 – making up difference between total of \$28m – Town Manager Asanza – looking for additional \$9m to complete project – Councilor Tousignant – asking for \$9m from voters in June election in case grants don't get approved

**Motion to approve: Councilor Tousignant**

**Second: Councilor Rague**

**Vote: 4-0**



## **AGENDA ITEM #8105**

**Discussion with Action:** Convey foreclosed property identified as 2 POND VIEW ROAD, Parcel Number 00105-00004-00016 to owners of record JEANETTE FRENETTE, for the total amount of \$40,348.76 in outstanding taxes and accumulated interest, due on the effective date of conveyance, FY15, FY16, FY17, FY18, FY19, FY20, FY21, FY22, FY23, FY24 including estimated taxes for FY25, plus any legal costs incurred by the Town of Old Orchard Beach, and delegate to the Town Treasurer the authority to sign all documents and undertake all actions necessary to accomplish the same.

Chair: Shawn O'Neill

**Motion to approve: Councilor Reid**

**Second: Councilor Rague**

**Vote: 4-0**

## **AGENDA ITEM #8106**

**Discussion with Action:** Approve the quote from Mechanical Solutions Incorporated for the purchase of a Hydromatic 5hp wastewater pump in the amount of \$5,507.00 from account #30181-50551 Sewer Reserve with a balance of \$999,567.23.

Chair: Shawn O'Neill

Wastewater department's standard operating procedure is to keep a spare pump for each pump station, and because they recently used the spare on had for this pump station, they are requesting a replacement.

Councilor Tousignant – budgeted item – Chris White, Wastewater Public Works Superintendent – failure of pump, replaced pump, this is spare pump – Vice Chair Blow – does Waste Water repair pumps? – Chris White – if less than 50% of pump cost, yes, sent out for repair.

**Motion to approve: Councilor Reid**

**Second: Councilor Rague**

**Vote: 4-0**

## **AGENDA ITEM #8107**

**Discussion with Action:** Renew the liquor license for RAR SURFSIDE INC, Steve Cowan and Michelle Cowan, Royal Anchor Resort, (202-1-5), 203 East Grand Avenue, m-s-v in a hotel – food optional.

Chair: Shawn O'Neill

**Motion to approve: Councilor Tousignant**

**Second: Councilor Reid**

**Vote: 4-0**

## **AGENDA ITEM #8108**

**Discussion with Action:** Approve the Special Event Permit application for the Eastern Trail Alliance to hold the "Maine Lighthouse Bike Ride" Saturday, September 7<sup>th</sup>, 2024, from 7 a.m. to 3 p.m.; Rest stop in Memorial Park and Heath Street. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided at least one month prior to the event.

Chair: Shawn O'Neill

**Motion to approve: Councilor Rague**

**Second: Councilor Reid**

**Vote: 4-0**

## **AGENDA ITEM #8109**

**Discussion with Action:** Approve the Special Event Permit application for Maine Ultimate to hold their Beach Ultimate Frisbee Tournament on Friday, September 13<sup>th</sup>, 2024 from 2 p.m. to 6 p.m. on the beach in front of the Brunswick. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided at least one month prior to the event.

Chair: Shawn O'Neill

**Motion to approve: Councilor Tousignant**

**Second: Councilor Reid**

**Vote: 4-0**

**Motion to move to Executive Session 1 @ 7:15 pm: Councilor Tousignant**

**Second: Councilor Reid**

**Vote: 4-0**

**Motion to come out of Executive Session 1 @ 7:50 pm: Councilor Rague**

**Second: Councilor Reid**

**Vote: 4-0**

**Motion to move to Executive Session 2 @ 7:51 pm: Councilor Rague**

**Second: Councilor Reid**

**Vote: 4-0**

**Motion to come out of Executive Session 2 @ 8:30 pm: Councilor Rague**

**Second: Councilor Reid**

**Vote: 4-0**

**Motion to adjourn @ 8:31 pm: Councilor Rague**  
**Second: Councilor Reid**  
**Vote: 4-0**