



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

March 5th, 2024

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of 17 pages is a copy of the original minutes from the regular meeting of the Old Orchard Beach Town Council held on 3/5/2024.

Prepared By:	Tim Fleury
Approved By:	Old Orchard Beach Town Council
Approval Date:	3/16/2024

Respectfully
Submitted,

Tim Fleury
Town Council
Secretary



Town Council - Meeting Agenda

March 5th, 2024 @ 6:30pm

Council Chambers - 1 Portland Avenue

To Be Immediately Followed by an Executive Session

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

ACKNOWLEDGEMENTS:

Chairman O'Neill – fantastic ambulance service from personal experience. Kudos to Chief Gilboy and his crew for their wonderful work.

GOOD & WELFARE:

Gabriel Warren – 11 Ocean Park – 2/22/24 Follow-up to email – Mr. Warren presented his opinion on a conflict of interest with the town attorney.

Patrick Mourmouras – 11 Ocean Park – Mr. Mourmouras gave his opinion on the adult-use cannabis license and the process to award the license including the town planner's role in the process. Mr. Mourmouras gave his opinion on the ordinance as applied to the licensing process.

Peter Mourmouras – 30 Saco Ave – Mr. Mourmouras gave his opinion on the adult-use cannabis licensing process.

Chairman O’Neill – The Town planner has no role in license selection – code enforcement is in charge of licensing approval.

ACCEPTANCE OF MINUTES:

Accept the minutes from the 2/20/2024 Regular Town Council Meeting, the 2/20/24 Executive Sessions, and the 2/28/2024 Town Council Workshop.

Chair: Shawn O’Neill

Motion to approve: Councilor Tousignant

Second: Councilor Reid

Vote: 5-0

PUBLIC HEARING – LIQUOR LICENSE & APPROVALS:

Potential LLC, The Carolina Motel, (304-2-1), 1 Roussin Street, hotel mini bar 34 units.

Chair: Shawn O’Neill

Chairman O’Neill opened the hearing at 6:39 PM

Councilor Tousignant – a difficult spot with the location in the neighborhood

Alex Fabish – beer and wine in rooms, no amusement

Motion to approve: Councilor Tousignant

Second: Councilor Reid

Vote: 5-0

Chairman O'Neill closed the hearing at 6:41 PM

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Jade CO. Properties LLC, Brita Lappnow, (208-3-12-3), 189 Saco Avenue #3, one (1) seasonal short term rental.

The Friendship Motor Inn INC, (302-6-9), 25 Puffin Street, two (2) seasonal short term rentals.

Kemp Properties LLC, Paul Dunton, (315-15-3-1), 21 Union Avenue #1, one (1) year round short term rental.

42 11th Street LLC, (311-11-8), 42 Eleventh Street, one (1) year round short term rental.

Brooke Allen, (318-13-2), 3 Woodland Avenue, one (1) year round short term rental.

Denise Alphonse, (206-29-32), 60 School Street, one (1) seasonal short term rental.

Diane Wilson Johnson, (313-2-11-2), 3 Bay Avenue #21, one (1) year round rental.

Elizabeth Anne Michaud, (206-11-13), 58 Saco Avenue Unit B, one (1) year round short term rental.

Andrew J. Hodge, (103-7-7), 153 Portland Avenue, one (1) year round short term rental.

Brianna Masse, (315-15-3-3), 21 Union Avenue #3, one (1) year round short term rental.

Chair: Shawn O'Neill

Chairman O'Neill opened the hearing at 6:43 pm.

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 5-0

Chairman O'Neill closed the hearing at 6:43 pm

TOWN MANAGER REPORT

NEW BUSINESS:

AGENDA ITEM #8110

Discussion with Action: Appoint the following Democrats as ballot clerks, terms to expire 05/01/2026: Current Ballot Clerks—JoEllen Clark, Brenda Dowling, Walter Dowling, Andrea Dresser, Elizabeth Dunkerley, Anthony Eramo, Guy Fontaine, David Guay, Deborah Guimont, Mary Henaire, Roland Henaire, Gary Larkin, Lauren Manchester, Mary Rena, Robert Riley, Kevin Rioux, William Tullis, Deanna Weaver, Carol Wickens; additional ballot clerks nominated at Caucus—Martin Womer, Stacy Kilroy, Jane Mount, Suzanne Benoit, Guy Fontaine (existing ballot clerk).

Chair: Shawn O'Neill

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 5-0

AGENDA ITEM #8111

Discussion with Action: Appoint the following Republicans as ballot clerks, terms to expire 05/01/2026: Current Ballot Clerks—David Baird, Margaret Bayles, Richard Bayles, Darlene Bourgeois, Linda Bromage, James Cocker, Marcia Cocker, Judith Colby, William Conlan, Sheila Flathers, Patricia Griffin, William Jones, Janice Joubert, Janet Lavenbein, Mark Lowell, George Monteith, Betty Robidoux, Heather Siebert.

Chair: Shawn O'Neill

Motion to approve: Councilor Reid

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8112

Discussion with Action: To consider the proposed discontinuance of a portion of Odena Avenue approximately 205 feet beginning at West Grand Avenue to Seaside Avenue, as more particularly shown on the Town's Tax Map 316 on file with the Town Assessor, and to send notices to all abutters.

Chair: Shawn O'Neill

The assessing office received a request from a property owner regarding discontinuance of a portion Odena Avenue, (approximately 51 feet wide and 205 feet long), because they want to build a garage behind their driveway and most of it will be on this portion of Odena Ave.

The Town Assessor researched this section of Odena Ave and discovered that this was originally laid out as a public street by the Town in 1926, however there is no evidence of any public street at this time, nor any time in the past. This portion of Odena Ave has not been kept passable or maintained for vehicle use by the Town for any time after 1945. There are four parcels that abut this portion of Odena Ave., between W. Grand Ave and Seaside Ave.

This agenda item, if Council approves, will begin the process by sending notices to abutters regarding the proposal for discontinuance of a public street. Then at the March 19th Council meeting, consideration and vote will be taken to set a public hearing for April 2, 2024, and at the April 16, 2024, meeting, Council will vote to finally approve the discontinuance of this portion of Odena Ave.

The Town Assessor has reviewed the proposal and the process with the Town's attorney to ensure compliance with State statutes.

Town Manager Asanza – the first step in a lengthy process – Council approval of this item will allow notices to be sent to abutters.

Karen Fortier – Town Assessor – 4 meeting process – today’s agenda item is to send notices – the next meeting will be the discussion on the topic and setting a public hearing –

Councilor Rague – has research been done on other public property? – Karen Fortier – other paper streets in town that were claimed in 1994 – it is up to the property owner to bring the request to Council – Chairman O’Neill – Woodland Ave is another paper street, contacted to see if Town would be releasing land – value of land today makes it difficult to give public land away – Vice Chair Blow – on GIS map it shows homes built on the roadway – started the process in 1986 but never followed through – agree that it is tough giving away public land, but this situation has homes built on property – would like to see value given to the land and charged to abutters – Councilor Tousignant – not land locking anything? – Karen Fortier – no – Councilor Tousignant – have to look at each example individually due to locations of the land –

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 5-0

AGENDA ITEM #8113

Discussion with Action: Approve the Special Event Permit application for 5k Sports Race Management to hold a road race on Saturday, March 23rd, 2024, from 8 a.m. to Noon. Two Old Orchard Beach police officers are required, and must be booked at least two weeks prior to the event; any cancellation of the event must be at least one week prior to the event. Insurance, listing the Town of Old Orchard Beach as additionally insured, must be provided to the Town Clerk’s Office at least two weeks in advance of the event.

Chair: Shawn O’Neill

Councilor Tousignant – cancellation terms new to him – Chief Chard – put in there for scheduling reasons, not paid if cancellation out a week.

Motion to approve: Councilor Rague

Second: Councilor Reid

Vote: 5-0

AGENDA ITEM #8114

Discussion with Action: Approve the Special Event Permit application for the Salvation Army to hold their evening programs in the Square; July 24th through July 29th, 2024, including set-up and takedown. Inspection by Fire Prevention and Code Enforcement of the stage constructed in the Square to ensure compliance with applicable fire and building codes, to take place prior to any performance. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk's Office at least one month in advance of the event.

Chair: Shawn O'Neill

Motion to approve: Councilor Rague

Second: Councilor Tousignant

Vote: 5-0

AGENDA ITEM #8115

Discussion with Action: Approve the quote from ENS for the three (3) year renewal subscription for the Sophos Anti-Virus, Spam Filtering and Sophos Firewalls support services in the amount of \$11,039.09 from account 20102-50454 Computer Support/Service with a balance of \$60,204.29

Chair: Shawn O'Neill

This was included in the FY 24 operating budget, and it is for the renewal of support services for the Town's anti-virus and firewall software that protects the Town's network infrastructure.

Motion to approve: Councilor Tousignant

Second: Councilor Reid

Vote: 5-0

AGENDA ITEM #8116

Discussion with Action: Approve the line item transfer of \$15,000 from account 20196-50390 Abatement/Overlay with a balance of \$39,380.94 to account 20132-50836 Sign Expense with a balance of \$(6,336.36).

Chair: Shawn O'Neill

This is a request to address the budget overrun for Town signage this year. The Police Department has been working to repair and replace damaged signs in Town.

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 5-0

AGENDA ITEM #8117

Discussion with Action: Approve the purchase of Crosstalk-SZ-10 Flashing School Zone Sign from K & K Systems in the amount of \$6,168.57 from account 20132 – 50836 Parking Enforcement Signs with a balance of \$8,663.64.

Chair: Shawn O'Neill

This crosswalk sign was damaged by the sidewalk plow during the last snowstorm and needs to be replaced.

Councilor Rague – which sign is this one? – EC – sign repaired from snowstorm snow removal incident –

Motion to approve: Vice Chair Blow

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8118

Discussion with Action: To approve the Consent Agreement between HFY Enterprises, Inc and the Town of Old Orchard Beach in consideration of mutual agreement that the Town shall not seek any action against the property owner, its successors in interest, heirs or assigns, with respect to the encroachment as shown on the Mortgage Loan Inspection which revealed a twenty two foot (22') encroachment of the road frontage, and a two foot (2') encroachment of the side setback.

Chair: Shawn O'Neill

This consent agreement is to address setback issues at 1 Captains Road, where the mortgage lender title search revealed a 22' deficit for road frontage on Ross Road (its 178' and should be no less than 200'), and a 2' encroachment for the side yard set back (its 23' and should be 25').

Originally this parcel was planned with 228' of frontage to meet the zoning requirements, which included 50' of the private drive called Captains Road. This private drive services the dwelling on 1 Captains Road and the dwelling on 2 Captains Road. The property boundary shifted because 2 Captains Road required at least a 50' frontage to Ross Road to prevent it from becoming a landlocked parcel, which resulted in 1 Captains Road with only 178' of frontage.

Motion to approve: Vice Chair Blow

Second: Councilor Tousignant

Vote: 5-0

Motion to enter into Executive session at 7:15 PM : Councilor Tousignant

Second: Councilor Reid

Vote: 5-0

Motion to leave Executive session at 7:32 PM: Councilor Tousignant

Second: Councilor Reid

Vote: 5-0

Motion to adjourn: Councilor Tousignant

Second: Councilor Reid

Vote: 5-0

ADJOURNMENT

Chair: Shawn O'Neill