



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

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# **Town Council Regular Meeting Minutes**

*June 18th, 2024*

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of 26 pages is a copy of the original minutes from the regular meeting of the Old Orchard Beach Town Council held on 6/18/2024.

Prepared By:	Tim Fleury
Approved By:	Old Orchard Beach Town Council
Approval Date:	7/16/2024

Respectfully  
Submitted,

Tim Fleury  
*Town Council*  
*Secretary*



## Town Council - Meeting Agenda

**June 18th, 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:**

**ROLL CALL: All present**

### **ACKNOWLEDGEMENTS:**

#### **Rec Department - Rising Stars for Maine award**

Town Manager Asanza gave a quick introduction of the Rising Stars of Maine award.

Rec Director Jason Webber gave a quick speech to highlight the hard work the department has done to reach the highest rating possible in the new program. Mr. Webber thanked Nikki Duplisea for her hard work for the last 25 years to set the high standards the department follows to this day.

Ms. Duplisea thanked the Council, the Rec Department, and the OOB community for their support over the past 25 years.

Chairman O'Neill extended the Council's heartfelt gratitude towards Nikki and the Rec Department.

**GOOD & WELFARE:**

**PRESENTATION:**

**ACCEPTANCE OF MINUTES:**

**Accept the minutes from the 5/30/2024 Budget Workshop, 6/4/2024 Regular Meeting, and the 6/11/2024 Special Meeting.**

Chair: Shawn O'Neill

**Motion to accept: Councilor Reid**

**Second: Councilor Rague**

**Vote: 5-0**

**PUBLIC HEARING – LIQUOR LICENSE & APPROVALS:**

Shi Bin Zheng, Ocean Jade Kitchen, (305-4-4), 47 East Grand Ave, m-s-v in a class A restaurant.

Chair: Shawn O'Neill

**Chairman O'Neill opened the hearing at: 6:39pm**

**Motion to approve: Vice Chair Blow**

**Second: Councilor Reid**

**Vote: 5-0**

**Chairman O'Neill closed the hearing at: 6:40pm**

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

Michael Urbanski, (211-17-3), 186 Saco Ave, three (3) seasonal short-term rentals.

Heather Sadler, (210-2-53-3), 16 Smithwheel Rd #3, one (1) year-round rental.

Jonathan & Amal E Wing, (308-3-6), 77 Saco Ave, one (1) year-round short-term rental.

Moshe Agam, (205-4-3-B), 26 Old Orchard Street, victualers with prep and no alcohol.

Kevin Zheng, (305-6-9), 62 East Grand Ave, 25 unit motel (Green Dolphin Motel).

Kelly McCarthy, (206-17-2), 60 Fern Park Ave, one (1) year-round short-term rental.

Jeffrey Cormier, (315-12-9), 30 Seaview Ave, one (1) year-round short-term rental.

Casagrande Properties, LLC, (304-3-6), 75 East Grand Ave, three (3) year-round short-term rentals.

James Katz, (324-15-5), 9 Temple Ave, one (1) seasonal rental.

Henrike Huntress, (318-8-6-51), 146 West Grand Ave #51, one (1) year-round short-term rental.

Lindsay Arbour, (318-8-6-29), 146 West Grand Ave #29, one (1) seasonal short-term rental.

Ryan Koroknay, (107-1-413), 10 Kylie Ln, one (1) year-round rental.

Richard Seavey, (210-2-40), 7 Dewey Ave, one (1) year-round rental.

Richard Jacques, (311-11-15), 29 Fifteenth St, one (1) seasonal short-term rental.

Christian Beltran, (312-14-13), 49 Central Park Ave, one (1) year-round short-term rental.

Kristin Strout, Trustee of the Karen Strout Family Trust, (313-2-2-11), 7 Bay Ave #12, one (1) seasonal short-term rental.

Christian Beltran, (206-20-2), 7 Echo Ave, one (1) year-round short-term rental.

Scott Rubenstein, (304-1-8), 10 Brisson St, one (1) seasonal short-term rental.

Jessica Perkins, (316-1-1), 134 West Grand Ave, one (1) year-round short-term rental.

Alex Tsouvalas, (311-2-16), 130 Union Ave, one (1) year-round short-term rental.

Jared Blanchflower, (320-2-2), 42 Colby Ave, one (1) seasonal short-term rental.

Shi Bin Zheng, Ocean Jade Kitchen, (305-4-4), 47 East Grand Ave, victualers with prep and alcohol.

Joseph Lonergan, (315-17-12), 38 Ocean Ave, one (1) year-round short-term rental.

Craig McCauley, (312-1-10), 55 Fern Ave, one (1) seasonal short-term rental.

Jessica and Douglas Rutamu, (311-21-4), 93 Saco Ave, one (1) year-round short-term rental.

Michael and Josee L'Heureux, (318-13-1), 1 Woodlawn Ave, one (1) year-round short-term rental.

Mitchell Waterman, (205-19-43), 11 Willow Creek Ln, one (1) seasonal short-term rental.

Christian Beltran, (316-13-17), 105 West Grand Ave, one (1) year-round short-term rental.

Daniel and Yume Molina, (312-1-6), 42 Highland Ave, one (1) year-round short-term rental.

Edward Pennell, (315-9-13), 37 Seaview Ave, one (1) seasonal 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: 6:44 pm**

**Chairman O'Neill – confirming that the Town will be issuing conditional licenses before the next meeting on the 3<sup>rd</sup> Tuesday of July.**

## **PUBLIC HEARING**

**Public Hearing:** Shall the Town Council approve amendments to a Contract Zone Agreement between MAKKA Builders LLC and the Town of Old Orchard Beach, for the property located at 60 Saco Ave, MBL: 206-10-1, 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 amend an approved Contract Zoning Agreement for a 6-unit residential condominium building by allowing removal of the brick portion of the existing building.

Chair: Shawn O'Neill

Earlier this year, 60 Saco Ave was sold to MAKKA Builders LLC (MAKA). MAKKA inherited the contract zone and now has full control of the property and 6-unit project. Land Matters LLC is no longer involved in any way. MAKKA and their engineer and architect reconsidered the approved project and found changes to the building were necessary. The approved CZA and associated plans kept the existing brick portion of the building and proposed an additional two stories on top of it. The amended proposal removes the entire brick building but keeps the foundation and adds a new three-story building on top of the existing foundation.

MAKA Builders LLC hired a structural engineer to inspect the existing building conditions and to determine structural integrity. The engineer's findings show that due to exposure and water damage, the building has sustained serious damage, and as a result, the new owner feels the brick portion of the building must be removed to ensure future occupants have a safe home.

## **Chairman O'Neill opened the hearing at 6:45pm**

**Brian O'Donnell** – 4 Fern Park Ave – Mr. O'Donnell wanted clarification on what is being changed between this amendment and what was approved at the previous meeting. He expressed his concerns on the loading dock area, sidewalk, rental limits, businesses, and trash removal.

**Jeffrey Hinderliter – Town Planner** – Sidewalk – shown 4ft on plan and 5 ft in agreement, applicant is changing it to 5ft during current planning board approval process – Businesses – GB2 standards are referenced in the contract zone because they still are in effect in that district – density requirement is the only change in the zoning district – Trash removal – caught in site plan process and working with new owner – Building footprint – will have to review rear portion in the loading dock area –

**Vice Chair Blow** – leaving the foundation behind the bricks? Builder – removing it down to the slab and redoing plumbing in the slab prior to construction. The rear section of the building will have mechanical rooms and better handicap access. Vice Chair Blow – office use in building? – Chairman O'Neill – came to Council due to density issues – Jeffrey Hinderliter – contract zone specific to 6 residential condo units, if that changed, it would have to go back through the entire process. Contract says 6 residential units. – Vice Chair Blow – what was going on in the loading dock area in the previous contract? – Structural engineer – brought in with new owner to assess the existing building – evolved from the old plans with brick to a new plan – Councilor Tousignant – would like to see language in there that states no businesses – concerns on short term rentals – Builder – can introduce that in condo documents – not at that point in the process yet – Councilor Tousignant – parking lot? Dumpster and snow removal? – Engineer – met parking regulations plus 3 additional spaces, snow removal in corners, and dumpster in middle to allow easy egress for trash truck – sidewalk adjusted to 5 ft. – Councilor Tousignant – do we need the 5 ft or does 4 ft work with the narrow street? – Vice Chair Blow – the sidewalk was the “public benefit” to allow the original contract zone – Jeffrey Hinderliter – will have to review the plans for confirmation, 4ft seems good – Vice Chair Blow – if 4ft doesn't



impact road and fire apparatus turning, does not see an issue – Councilor Tousignant – would like to see language to clarify the business question and measurements for the sidewalk area from edge of building – Chairman O’Neill – can the sidewalk be removed and the contract zone still meet the “public benefits”? – Jeffrey Hinderliter – the contract zone can be reviewed to make sure it meets the “public benefit” clause – Vice Chair Blow – short term rentals? – Councilor Rague – vacant building for years?

Builder – wants to clarify that tonight’s meeting was for the contract zone – Chairman O’Neill – clarified the public hearing process and voting process – no delay in the project from Council approval – Councilor Tousignant – planning process? Jeffrey Hinderliter – site plan review just started last week and is in progress and should be complete in August.

**Chairman O’Neill closed the hearing at 7:26 pm.**

## **TOWN MANAGER REPORT**

**NEW BUSINESS:**

**AGENDA ITEM #8181**

**Discussion with Action:** Set the public hearing date of July 18th, 2024 to 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 Labor Day to the Friday before Memorial Day through Labor Day, and amending the \$300 overnight parking permit for the Milliken Street Parking Lot from May 1st through September 30th, to the Friday before Memorial Day through October 31st.

Chair: Shawn O'Neill

This request comes from the Council and their desire to make the parking more conducive to off-season use.

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

**Second: Councilor Reid**

**Vote: 5-0**

## **AGENDA ITEM #8182**

**Discussion with Action:** Authorize the Town Manager to apply for a grant in the amount of up to \$2,500,000 for design, engineering, and construction costs through the Maine Infrastructure Adaptation Fund to adapt critical infrastructure needs to increase resilience to future storm and flooding impacts. The grant award will require a 5% local match in the amount of up to \$125,000 to be funded from account number 50002-50831 CIP Stormwater Infrastructure Improvements with a balance of \$925,617.50.

Chair: Shawn O'Neill

The Town will be applying for a grant to address the flooding issues from Randall Avenue to Porter Road, from Seaside Avenue to the beach.

This grant was introduced in February by Governor Mills to invest over \$50M to help communities build or rebuild infrastructure and enhance climate resiliency. The program is called the Maine Infrastructure Adaptation Fund, and the goal is to provide one-time funding for critical infrastructure improvements to reduce vulnerability to climate change.

Municipalities can apply for up to \$75,000 for design and engineering and up to \$4M for implementation and construction. The local match is 5%. The application for Old Orchard Beach will be \$2.5M for design and construction with a 5% local match of \$125,000. It is a highly competitive grant and has a two-year completion deadline, therefore the scope of work for this grant will be from Randall Ave to Porter Road, from Seaside Avenue to the beach. Storm drainage infrastructure stops at Randall Ave. to the Saco town line.

**Motion to approve: Vice Chair Blow**

**Second: Councilor Tousignant**

**Vote: 5-0**

## AGENDA ITEM #8183

**Discussion with Action:** Shall the Town Council repeal Ch. 70 (Floods), Article II (Floodplain Management Ordinance), Secs. 70-26 – 70-38 and referenced Flood Insurance Rate Maps and adopt Ch. 70 (Floods), Article II (Floodplain Management Ordinance), Secs. 70-26 – 70-41 and referenced Flood Insurance Rate Maps. This proposal replaces the current floodplain management ordinance and flood insurance rate maps with an updated floodplain management ordinance and flood insurance rate maps. To continue participation in the National Flood Insurance Program the Town is required to adopt the ordinance and maps no later than 17 July 2024.

Chair: Shawn O’Neill

If OOB wants to continue its participation in the National Flood Insurance Program (NFIP), we are required to adopt the new Flood Insurance Rate Maps (FIRMs) and floodplain management ordinance no later than 17 July 2024. According to FEMA, “Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93 234) as amended, and 44 CFR Part 59.24.”

What this means is if OOB does not adopt the FIRMs and floodplain management ordinance by 17 July, OOB will be suspended from the NFIP on 18 July 2024. Suspension would significantly impact the Town and property owners as it could prevent those in the floodplain from securing flood insurance as well as the Town’s ability to secure disaster relief from flooding events.

**Motion to approve: Vice Chair Blow**  
**Second: Councilor Reid**  
**Vote: 5-0**

## **AGENDA ITEM #8184**

**Discussion with Action:** Approve the quote from HVAC Services Inc. in the amount of \$10,000.00 to replace heat exchangers in four roof top HVAC Units from account number 52002 – 50917 CIP Police Department Building Repairs and Maintenance with a balance of \$72,449.25.

Chair: Shawn O'Neill

This repair was recommended based on a recent service of the system in which it was discovered the heat exchangers for all four of the rooftop HVAC Units were beginning to fail.

The option to repair the units rather than replace seems to be the most effective solution at this time. HVAC Services Inc. Currently services the Police Department HVAC System providing regular maintenance.

**Motion to approve: Councilor Tousignant**

**Second: Vice Chair Blow**

**Vote: 5-0**

**AGENDA ITEM #8185**

**Discussion with Action:** Canvass and Certify the results of the June 11th, 2024 RSU #23 Budget Validation Referendum and the Special Municipal Referendum Election.

Chair: Shawn O'Neill

**Motion to approve: Vice Chair Blow**

**Second: Councilor Reid**

**Vote: 5-0**

**AGENDA ITEM #8186**

**Discussion with Action:** Cancel the regular meeting of the Old Orchard Beach Town Council on July 2<sup>nd</sup>, 2024.

Chair: Shawn O'Neill

**Motion to approve: Councilor Rague**

**Second: Councilor Reid**

**Vote: 5-0**



## AGENDA ITEM #8187

**Discussion with Action:** Approve and grant an abatement in the amount of \$260.54 for FY22 and \$248.47 for FY23 to Empire Development LLC because this entity was not the owner of the parcel located on Kapok Street, parcel number 00404-00002-00001, for FY22, & FY23.

Chair: Shawn O'Neill

King Weinstein, the principal for the Empire Development LLC, notified the Assessing office that Empire Development LLC is not the owner of the vacant parcel located on an undeveloped portion of Kapok Street, parcel number 00404-00002-00001, and that he sold the parcel to the abutting property owners.

Over the years, the tax bills for the subject property were paid by Empire Development LLC through to FY21. It was not until 2024 that the principal, King Weinstein notified the Assessing office of this error. An abatement for FY22 and FY 23 is recommended because Empire Development LLC is not the owner of the subject parcel as of April 1, 2021, and April 1, 2022, respectively.

Because the abatement to Empire Development is after one year but within three years from commitment (FY22 tax commitment date was 8/15/2021), the Town Council, as the municipal officers, can issue the abatement pursuant 36 M.R.S §841(1) Abatement Procedures.

A supplemental tax cannot be issued to the owner of the subject property for FY22, FY23 nor FY24 because the owner has already been assessed for the parcel Map/Block/Lot 103/1/3 which should have included the subject property. Assessing has made the correction. The subject parcel has been merged into parcel Map/Block/Lot 103/1/3 and will be assessed accordingly moving forward.

Karen Fortier – Town Assessor – gave a background on the parcels and taxes -

**Motion to approve: Councilor Tousignant**

**Second: Vice Chair Blow**

**Vote: 5-0**

## **AGENDA ITEM #8188**

**Discussion with Action:** Approve the FY 24 Budget Carry Forward of \$50,000 from Account 20197-50330 Debt Service with a balance of \$102,187.84 to the FY 25 Operating Budget account number 20197-50330 Debt Service with a FY 25 balance of \$455,500. This will fund the remount of the 2017 Ambulance.

Chair: Shawn O'Neill

The \$50,000 is the estimated lease payment for the remount of the 2017 Ambulance chassis. The chassis is finally in stock, however we are waiting for pricing from the vendor. The request for a budget carry forward is needed since the lease-purchase agreement will be completed in July.

**Motion to approve: Vice Chair Blow**

**Second: Councilor Reid**

**Vote: 5-0**

## **AGENDA ITEM #8189**

**Discussion with Action:** Approve the FY 24 Operating Budget carry forward in the amount of \$50,000 from account 20131-50251 Police Department Conferences/Training with a balance of \$53,065.63, to the FY 25 Operating Budget account number 20131-50251, Police Department Conferences/Training with a FY 25 balance of \$40,000.

Chair: Shawn O'Neill

This account has a surplus as part of the Academy certified training reimbursement because of the resignation of a fully trained police officer that left to work for another community. The budget carry forward funds will be used in the next fiscal year to offset the Academy certified training cost for the new police officer recently hired.

**Motion to approve: Vice Chair Blow**

**Second: Councilor Reid**

**Vote: 5-0**

## **AGENDA ITEM #8190**

**Discussion with Action:** Approve the FY 24 Operating Budget Carry Forward in the amount of \$48,000 from 20151-50300 Public Works Professional Engineering with a balance of \$58,773.09, to the FY 25 Operating Budget, account number 20151-50300, Public Works Professional Engineering with a FY 25 balance of \$100,000

Chair: Shawn O'Neill

These funds are being carried forward for 2 purposes. The first is \$40,000 for catch basin cleaning that Public Works continues to work on, and the additional \$8,000 is for ongoing MS4 requirements for the department.

**Motion to approve: Councilor Tousignant**

**Second: Councilor Rague**

**Vote: 5-0**

## **AGENDA ITEM #8191**

**Discussion with Action:** Approve the FY 24 Operating Budget Carry Forward of \$50,000 from account 20110-50310 Planning Department Service Contracts with a balance of \$50,000, to the FY 25 Operating Budget, account number 20110-50310, Planning Department Service Contracts with a FY 25 balance of \$50,000.

Chair: Shawn O'Neill

This is to carry forward \$50,000 for the completion of the Comprehensive Plan and the consulting work to be completed by Southern Maine Planning and Development Commission. This work is proposed to be completed between September and December 2024.

**Motion to approve: Vice Chair Blow**

**Second: Councilor Reid**

**Vote: 5-0**

## **AGENDA ITEM #8192**

**Discussion with Action:** To authorize the Town Manager to enter into an agreement with Multivision LLC for the placement of a public bathroom on Union Ave, MBL 315-16-1, starting May 25, 2024, through June 30<sup>th</sup>, 2024, for the total amount \$612.91 (prorated May amount and \$500 for June) from account number 20151-50511 Public Works Grounds Maintenance with a balance of \$1,174.25, and from July 1<sup>st</sup>, 2024 through September 2<sup>nd</sup>, 2024 for a fee of \$500 monthly from account number 20151-50511 Public Works Grounds Maintenance with a FY 25 balance of \$95,000.

Chair: Shawn O'Neill

This agreement is with the new property owner for the placement of public bathrooms on Union Ave. At this time there are five portable bathrooms there until the Town installs a permanent bathroom structure, connected to water and Town sewer.

**Motion to approve: Vice Chair Blow**

**Second: Councilor Reid**

**Vote: 5-0**

**Chairman O'Neill would like to revisit the location of the bathrooms – Vice Chair Blow – concern on yearly contract when the Town would own the building. Rates could rise in subsequent years.**

**Town Manager Asanza – would recommend that the contract is amended through summer dates and not annual – Vice Chair Blow – would like to try that.**

## **AGENDA ITEM #8193**

**Discussion with Action:** Authorize the Town Manager to enter into an agreement with the Town of Scarborough to provide Dispatch and Public Safety Answering Point (PSAP) and Core Public Safety Software suite services in the amount of \$557,027.00 from account number 20131-50310 Police Service Contracts with a FY25 balance of \$638,604.00.

Chair: Shawn O'Neill

The Town has contracted with the Town of Scarborough for the past nine years for public safety dispatch services, and this is a contract renewal. This was part of the FY 25 operating budget approval.

**Motion to approve: Vice Chair Blow**

**Second: Councilor Reid**

**Vote: 5-0**



## **AGENDA ITEM #8194**

**Discussion with Action:** Approve the Special Event Permit Application for MAPS to hold their annual Breakaway 5K Road Race on Saturday, August 17th, 2024, 6:00a.m. to 10a.m. starting in the Square. Also, to set up a tent on the grass area by the restrooms at the Milliken Street Municipal Parking Lot for pre-registered runners to pick up their race packets on Friday, August 16th, and Saturday, August 17th. Insurance, listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town Clerk's Office at least two weeks prior to the event.

Chair: Shawn O'Neill

**Motion to approve: Vice Chair Blow**

**Second: Councilor Tousignant**

**Vote: 5-0**

## **AGENDA ITEM #8195**

**Discussion with Action:** Approve the Special Event Permit application for Streets Charity Basketball and the Old Orchard Beach Recreation Department to hold a charity basketball tournament to raise money for charities in the hope of one day renovating and building courts in impoverished areas. There will be raffles, a wheel spin, prizes, food and one Food Truck, that will be parked in the Memorial Park Parking Lot. The event will take place at the Memorial Park Basketball Courts on Sunday, July 28th, 2024 from 9 a.m. to 5 p.m., including set up and takedown. The rain date will be on Sunday, August 4th, same times.

Chair: Shawn O'Neill

**Motion to approve: Councilor Rague**

**Second: Councilor Reid**

**Vote: 5-0**

## **ADJOURNMENT**

**Motion to adjourn at 8:09 pm: Vice Chair Blow**

**Second: Councilor Reid**

**Vote: 5-0**

Chair: Shawn O'Neill