



Town of Old Orchard Beach
Office of the Town Manager

1 Portland Ave, Old Orchard Beach, Maine

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www.oobmaine.com/town-council

Regular Town Council Meeting Minutes

December 3rd, 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 12/3/2024.

Prepared By:	Tim Fleury
Approved By:	Old Orchard Beach Town Council
Approval Date:	12/17/2024

Respectfully
Submitted,

Tim Fleury
Town Council
Secretary



Town Council - Meeting Agenda

December 3rd, 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

Town Manager Diana Asanza

Council Secretary Tim Fleury

Councilor Connor Rague

Councilor V. Louise Reid

Councilor Mike Tousignant

Vice Chairman Blow had an excused absence.

ACKNOWLEDGEMENTS:

GOOD & WELFARE:

Val Philbrick – Ms. Philbrick gave her opinion on the rental rates for units for

sale at the Old Orchard Village and Atlantic Village mobile home parks.

Mark Koenigs – 38 Fern Avenue – Conservation Commission – thanked the developers at tonight’s meeting for keeping the trails on their properties accessible for the public and would like to maintain connectivity of all trails.

PRESENTATION:

ACCEPTANCE OF MINUTES:

Accept the minutes from the 10/15/2024 and 11/19/2024 Regular Meetings and the 11/18/2024 Inaugural and Special Meetings of the Town Council.

Chair: Shawn O’Neill

Motion to accept: Councilor Reid

Second: Councilor Rague

Vote: 4-0

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Zhimin Zhou Living Family Trust, Zhimin Zhou, (312-13-9), 71 Atlantic Avenue, one (1) year-round rental.

Lucinda Rodrigues, (206-27-2) 29 Staples Street, two (2) year-round rentals.

Camp Comfort Holdings LLC, Suman Adhikari, (313-4-8), 6 Camp Comfort Avenue, five (5) seasonal short-term rentals.

31 West Old Orchard Ave LLC, Michael Libby, (312-6-1), 31 West Old Orchard Ave, six (6) year-round rentals.

Jeff Dobson, (103-5-6), 60 Milliken Mills Road, one (1) year-round short-term rental.

Judy Beale, (105A-1-803), 5 Woods Lane, one (1) seasonal short-term rental.

Jay and Francine Perkins, (305-4-1), 1 Cleaves Street Unit 307, one (1) year-round short-term rental.

Win Waste Innovations, 209 Nashua Road, Londonderry, NH, two (2) trucks waste hauler.

Chair: Shawn O'Neill

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

Motion to accept: Councilor Tousignant

Second: Councilor Rague

Vote: 4-0

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

PUBLIC HEARING:

Shall the Town consider a request from Mezoian Development, LLC, to accept title and to accept and establish as town ways those developed portions of Summer Long Drive and Winter Berry Lane together with any storm water runoff systems located within the right of way of said Summer Long Drive and Winter Berry Lane, fire hydrants, street signs, drainage easement areas and sewer pipes located therein or appurtenant thereto, sidewalks, trees, street lights, lighting facilities, lampposts, and all of the rights appurtenant to the foregoing, as shown on a plan entitled “Final Plan, Sumter Landing, Ross Road, Old Orchard Beach, Maine”, for Mezoian Development, LLC, dated January 2020 as revised through 9/18/20, by BH2M, Inc. As described in the Warranty Deed from Mezoian Development, LLC to the Town of Old Orchard Beach, Maine, dated, _____.

Chair: Shawn O’Neill

This public hearing is to consider street acceptance from Mezoian Development LLC (MD) to accept Summer Long Dr. and Winter Berry Ln., located in the Sumter Landing residential development. In addition to both roads and their right-of-way, Mezoian Development is requesting public acceptance of “any storm water runoff systems located within the right of way of said Summer Long Drive and Winter Berry Lane, fire hydrants, street signs, drainage easement areas and sewer pipes located therein or appurtenant thereto, sidewalks, trees, street lights, lighting facilities, lampposts, and all of the rights appurtenant to the foregoing.”

Chair O’Neill opened the hearing at: 6:45 pm

Chairman O’Neill – read a public comment presented via email

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

TOWN MANAGER REPORT

NEW BUSINESS:

AGENDA ITEM #8650

Discussion with Action: Shall the Town consider a request from Homewood Park Road Association to accept title and to accept and establish as town ways those developed portions of Homewood Blvd, Kapok St, and Juniper St together with all rights appurtenant thereto and all improvements situated therein or thereon, including, without limitation, any and all stormwater runoff systems, electrical, water, sewer, gas, or other utility infrastructure, bollards, lamp posts, lights and lighting facilities; expressly including any and all stormwater infrastructure shown on a plan entitled "Plan of Street Rights of Way Homewood Park, Portions of Homewood Boulevard, Juniper Street, and Kapok Street, Old Orchard Beach, Maine" prepared by Jones and Associates, last revised February 21, 2018, except the ponds shown on "Pond #1 Easement Area" located on Lots 14, 15, 17 and 18 and "Pond #2 Easement Area" located on Lots 7, 8 and 9. As described in the Quitclaim Deed Without Covenant from Homewood Park Road Association to the Town of Old Orchard Beach, Maine, dated, _____.

Chair: Shawn O'Neill

Council hosted a public hearing on November 19th on the Homewood Park Road Association (HRPA) proposal for public acceptance of the recently improved portions of Homewood Blvd., Juniper St., and Kapok St. Based on the original deed language above there are amendments that Council recommends for acceptance, as follows:

The recently developed portions of Homewood Blvd, Kapok, and Juniper Street and the 50' ROW, all stormwater systems within the ROW, and hydrants. The amended deed would read as follows:

Shall the Town approve a request from Homewood Park Road Association to accept title and to accept and establish as town ways those developed portions of Homewood Blvd, Kapok St, and Juniper St together with all rights appurtenant thereto and all improvements situated therein or thereon, including, without limitation, any and all stormwater runoff systems and infrastructure, electrical, water, sewer, gas, or other utility infrastructure, bollards, lamp posts, lights and lighting facilities; expressly including any and all stormwater infrastructure and hydrants as shown on a plan entitled "Plan of Street Rights of Way Homewood Park, Portions of Homewood Boulevard, Juniper Street, and Kapok Street, Old Orchard Beach, Maine" prepared by Jones and Associates, last revised February 21, 2018, except the ponds shown on "Pond #1 Easement Area" located on Lots 14, 15, 17 and 18 and "Pond #2 Easement Area" located on Lots 7, 8 and 9. As described in the Quitclaim Deed Without Covenant from Homewood Park Road Association to the Town of Old Orchard Beach, Maine, dated, _____.

Chairman O'Neill thanked Vice Chair Blow for his work in bringing this item to Council and help push it through.

Councilor Tousignant inquired about the trail brought up in Good and Welfare

Mark Koenigs – brought sketch to Council to clarify trail off of Kapok Street – wanted to confirm that the pavement at the end of Kapok Street will still be Town owned property and not used for parking of property –

Bob Bouchard – confirmed that the paved area at the end of road is part of public way – suggested signage clarifying that it is public way

Councilor Tousignant – wants to make sure it's clear in the deed that the right of way remains clear for the trail – would like it in the minutes that the access is public and remains public.

Motion to accept amended deed: Councilor Tousignant

Second: Councilor Rague

Vote: 4-0

AGENDA ITEM #8651

Discussion with Action: Shall the Town:

1. Accept trail easements from Seacoast Land Acquisitions, LLC for the construction, maintenance, repair and replacement of a non-exclusive pedestrian walking trail for use by the general public across the Easement A Area and Easement B Area;
2. Accept a parking easement from Seacoast Land Acquisitions, LLC for the parking of vehicles on, over, across, and along those certain thirteen (13) parking spaces depicted as the “Public 8 Parking Spaces” and “5 Public Parking Spaces” on the on the Plan for use by the general public in connection with use of the Trail.
3. Accept a right of way and easement from Seacoast Land Acquisitions, LLC for the passage and accommodation of persons and vehicles at any and all times, on, across and through the common roads (including Sugar Bush Lane and Black Bush Lane) and sidewalks shown on the Plan to access the Trail and the Parking Easement Area to and from E. Emerson Cummings Boulevard.
4. Accept sanitary sewer easements from Seacoast Land Acquisitions LLC for the use, maintenance, repair, and replacement of the Sewer Facility over, under and across the Easement B Area and the Easement C Area, including the right to enter into Easement B Area and the Easement C Area;
5. Grant a temporary construction easement to Seacoast Land Acquisitions LLC, over, under and across the Easement D Area to enable workers, construction equipment, and materials to enter onto the Easement D Area, in order to facilitate the construction and installation of the Sewer Facility and a

walking trail.

The above is described as Easement A, B, C, D Areas, parking areas, and common roads and sidewalks are shown and depicted on plan entitled “Condominium Plat Plan” prepared by Atlantic Resource Consultants dated May 8, 2024, and recorded in the York County Registry of Deed in Condo Book 1055, Page 1. As described in the Quit Claim Easement Deed from Seacoast Land Acquisitions LLC to the Town of Old Orchard Beach, Maine, dated, _____ and Sewer Easement Agreement between the Town of Old Orchard Beach and Seacoast Land Acquisitions LLC.

Chair: Shawn O’Neill

The Forest is a 61-unit single-family residential project located at 63-91 E. Emerson Cummings Blvd. Council may recall reviewing the project as a contract zone which was approved earlier this year. Following contract zone approval, the project secured applicable planning board approvals.

The Forest developer, Seacoast Land Acquisitions LLC, is now moving forward with steps needed to begin construction. One of these steps involves securing easements. The Forest proposal includes five easements- one is for the trail easements, one is a parking easement, one is a public access to parking and trail systems easement, one is a sewer easement, and one is a temporary construction easements.

Jeffrey Hinderliter – Finalizes Town permitting and allows them to move forward

Chairman O’Neill – thanked the Town staff and developers for making this work – Town Planner Hinderliter – applauded the Council for including truly affordable housing and trail systems

Motion to accept: Councilor Rague

Second: Councilor Reid

Vote: 4-0

AGENDA ITEM #8652

Discussion with Action: Re-appoint Kim McLaughlin as Registrar of Voters, term to expire 12/31/26.

Chair: Shawn O'Neill

Motion to accept: Councilor Rague

Second: Councilor Reid

Vote: 4-0

AGENDA ITEM #8653

Discussion with Action: Approve the line item transfer of \$20,246 from account # 20197-50330 Debt Service Equipment Replacement with a balance of \$30,763.30 and \$24,104 from account 52002-50919 CIP Public Safety Power Lift with a balance of \$31,500 to account 52002-50861 CIP Public Safety SCBA Equipment with a balance of \$7,366.86 for the purchase of a Bauer Veritecon Legacy 10 HP compressor SCBA Filling station for \$44,350.

Chair: Shawn O'Neill

This item is to replace a 20+ year-old SCBA compressor and fill station. This item was approved in the FY 25 CIP budget and the Fire Department sent out requests for quotes to replace the aging system. It was initially approved as a lease purchase based on the replacement costs of the entire system of approximately \$90,000, however after meeting with vendors it was determined that the storage cylinders did not need to be replaced, which resulted in cost savings. Because of the lower cost, it is recommended as a purchase instead of a lease purchase.

Councilor Tousignant would like to acknowledge the cost savings – **Fire Chief Gilboy** – able to reuse power system and cascade bottles.

Motion to accept: Councilor Tousignant

Second: Councilor Rague

Vote: 4-0

AGENDA ITEM #8654

Discussion with Action: Adopt the Personnel Policy Manual as required by Charter Section 502.8 with additions to Article VII Section 7-9 section B to add language regarding the Paid Family Medical Leave to be in compliance with State of Maine Law.

Chair: Shawn O'Neill

On July 11, 2023, Governor Mills signed a historic budget that includes the creation of a paid family and medical leave program, making Maine the 13th state to establish one.

Maine's PFML law provides up to 12 weeks of paid leave for family leave, and medical leave. This law went into effect in October 2023, with the major components of the law having 2025 and 2026 implementation dates. The Maine Department of Labor (MDOL) is responsible for the implementation of this new program.

The state will determine the mandatory contribution rate to be shared equally between the Town and employee. The contribution rate effective January 1, 2025 is 1% (0.50% Town, and 0.50% employee).

Beginning in 2026, eligible workers in the private and public sector will have 12 weeks of paid time off available to them for family or medical reasons.

Motion to accept: Councilor Rague

Second: Councilor Reid

Vote: 4-0

ADJOURNMENT

Chair: Shawn O'Neill

Councilor Tousignant – asked about Town roll in Mobile Home stabilization ordinance – **Town Manager Asanza** – currently working on FAQ for website with legal and planning – no violation enforcement in ordinance -

Motion to adjourn @ 7:22 pm:

Second: Councilor Rague

Vote: 4-0