



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

April 16th, 2024

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of 24 pages is a copy of the original minutes from the regular meeting of the Old Orchard Beach Town Council held on 4/16/2024.

Prepared By:	Tim Fleury
Approved By:	Old Orchard Beach Town Council
Approval Date:	5/7/2024

Respectfully
Submitted,

Tim Fleury
Town Council
Secretary



Town Council - Meeting Agenda

Tuesday, April 16th, 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:

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

Town Manager Diana Asanza
Council Secretary Tim Fleury

Chairman O'Neill had an excused absence.

ACKNOWLEDGEMENTS:

Councilor Reid: Wanted to wish Town Manager Asanza a happy birthday.

GOOD & WELFARE:

Peter Mourmouras: 30 Saco Ave – Mr. Mourmouras – asked by Robin Dayton, former Councilor, to read statement regarding the Town Comprehensive Plan.

Patrick Mourmouras: 11 Ocean Park – Read from annual reports on Comprehensive Plan and completion plans.

Tom Mourmouras: 30 Saco Ave – following up on procedural issues calling an executive session – read state statues on Executive Sessions and his complaint regarding the executive session. Vice Chairman Blow asked Town Manager Asanza to follow up with the town attorney Mr. Mourmouras' complaints.

Jerome Beggert – Gables Way – agenda items #8145 and #8146 – Need to add departments on agenda items to clarify where the money is moving from

PRESENTATION:

Veterans Memorial Park Committee – proposed park improvements presentation.

Larry Mead – Park Committee – gave a presentation on the proposed Veteran's Memorial Park improvements. The Committee has been working for the past several months to work on improvements on the park. Formal primary entrance area from Staples Street. Focus on pathways, seating, irrigation, and lighting/electrical in the park. Monument area to be revamped to bring focus to that area. Alternate bid option to add a sidewalk down Staples Street to increase safety.

ACCEPTANCE OF MINUTES:

Accept the minutes from the 4/1/2024 Council Workshop, 4/2/2024 Regular Council Meeting, and the 4/10/2024 Budget Workshop.

Vice Chair: Kenneth Blow

Motion to accept: Councilor Tousignant

Second: Councilor Reid

Vote: 4-0

PUBLIC HEARING:

Shall the Town discontinue a portion of Odena Avenue for 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.

Vice Chair: Kenneth Blow

Vice Chair Blow opened the hearing at: 7:04 pm

Jerome Beggert – will the property remain Town Property or will it become private space?

Chrin Neagle – attorney for residents initiating action – Town never owned Odena Avenue, has always been private property, 100+ years ago built neighborhood, section in the 1920's was accepted as a public street but was never built and never been used. State of Maine in 1970's passed law clarifying ownership of street up to center line of street. Clients want to build a garage on their property safely. Town can now assess the land. Town giving up right to possibly build street there.

Vice Chair Blow – satellite images show driveways and homes on that right of way. Town could not retake the area now.

Karen Fortier, Town Assessor – Ms. Fortier gave an overview of the public hearing process and future steps on the process – vote on item at least 10 days from this public hearing.

Councilor Rague – What would be the additional tax revenue the Town would see? – Karen Fortier – total estimated tax revenue \$1236.90 for all four properties at current tax rate.

Councilor Tousignant – How did the lots get divided? – doesn't look evenly split – Wants to make sure all parties are aware of the process. Attorney Neagle - land was divided by the deeds when it was originally sold – Karen Fortier – Seaside Ave residents brought issue to the Council in 1986 – land was written into deeds back then. Councilor Tousignant – Town never owned the land? Why is the Town the authority to release it? Attorney Neagle – Town accepted the street in 1920 for the right to build a street – developer owned the land and Town took the easement to build a street – Councilor Tousignant – Town is releasing an easement more than releasing land

Vice Chair Blow closed the hearing at: 7:15 pm

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Peggy Perrett & Roserie Rinaldi, Parrett Family Realty Trust A, (318-8-8), 41 Reggio Avenue, one (1) year-round short-term rental.

Ridge Realty LLC, Isaac Herman, (308-2-9), 28 Washington Avenue, five (5) year-round short-term rentals.

Potential LLC, (304-2-4), 73 East Grand Avenue, three (3) seasonal rentals.

Nicholas Andrews, (105-4-4), 98 Ross Road, one (1) year-round short-term rental.

Phillip Malonson, (305-6-11-4), 66 East Grand Avenue #4, one (1) year-round short-term rental.

Kenneth & Debora McPhillips, (312-11-8) 49 Atlantic Avenue, one (1) year-round short-term rental.

Paul & Leslie Puchalski, (304-4-3), 6 York Street, one (1) seasonal short-term rental.

Chris & Meredith Beletti, (309-2-10), 5 Washington Avenue, one (1) year-round short-term rental.

Steven & Jo Ann Fontaine, (316-5-1), 8 Seaside Avenue, one (1) year-round rental.

Vice Chair: Kenneth Blow

Vice Chairman Blow opened the hearing at 7:17 pm

Motion to accept: Councilor Tousignant

Second: Councilor Reid

Councilor Rague – asked for an update on STR project at the next meeting.

Vote: 4-0

Vice Chairman Blow closed the hearing at 7:18 pm

TOWN MANAGER REPORT:

Vice Chairman Blow is excited on the traffic improvements planned for the Halfway Intersection and Spur area.



4/16/2024

Town Manager's Report

Halfway Intersection Feasibility Study:

Update on the I-195 Ocean Park Rd. and Halfway Intersection traffic study. There will be a public meeting here in the Chamber on June 12 at 6 pm to review the concept plans the engineers have developed to receive feedback from the Council and the public.

This extended study has taken longer than anticipated, but Gorrill Palmer is finishing the concept plan designs and will be ready to publish them for June 12th.

The purpose of this study along the Ocean Park Road corridor, from I-195 to the Halfway Intersection, is to improve safety while maintaining reasonable mobility and accessibility for all modes of transportation, both now and in the future.

It includes improving safety and speed calming in high-crash locations like Smithwheel Rd. I am hoping for a good turnout at the June 12th workshop, so we will post the meeting on the Town's website and send it to all those who subscribe to notifications.

Union Ave:

You may have noticed the construction crew on Union Ave. Shaw Bros began the paving project and will be milling, crack sealing and shimming the road this week. Surface paving is scheduled for May 14th through the 20th, and final marking will be completed by May 23rd. Hopefully weather will hold out with the goal of completing the job by Memorial Day. This project is in partnership with PACTS and ME DOT. The Town's share is \$167,000 (total cost of project 607,500) and ME DOT is \$440,500.

FEMA:

I wanted to remind residents that experienced damage from the January 2024 storms, you may be eligible for FEMA grant for damages to your property according to the disaster declaration. You have till May 20, 2024, to apply and you can do so by calling FEMA Disaster assistance at 800-621-3362 or visiting their website at [disaster assistance.gov](https://www.disasterassistance.gov).

We have also posted information on the Town's website on the front page, that includes links to the FEMA website and instructions on how to apply as well as an FAQ from their website.

Ocean Park and Beach Entrance Flooding:

I am also meeting with Wright Pierce, and Public Works the week of April 29th to discuss drainage issues in Ocean Park around Sandpiper Road, as well as other beach entrance roadways that are dealing with flooding issues more often. I have received numerous calls from residents, and I want you to know that we are working on this. As soon as I have more information, I will let you know.

Thank you,
Diana H. Asanza, Town Manager

NEW BUSINESS:

AGENDA ITEM #8137

Discussion with Action: Approve the Memorandum of Agreement between York County and the Town of Old Orchard Beach to formalize the commitment of the Town and to outline a framework for the use and funding of dredging operations in Old Orchard Beach, to address dune restoration and beach nourishment mitigation efforts, which will later be memorialized in a formal contract and to authorize the Town Manager to sign the Memorandum of Agreement.

Vice Chair: Kenneth Blow

This Memorandum of Agreement between York County and OOB is for the use of the dredge owned by York County which was purchased 2 years ago. York County is committed to getting the dredge up and running and in the water to be used by participating York County Towns when needed. In speaking with the York County Director, York County will be responsible for the initial start-up costs associated including assembly maintenance, including preventive maintenance, staffing, and any administrative oversight and record keeping of the dredging process. However collectively York County will coordinate engineering and professional services for each participating Town and invoice each Town for the engineering costs that are incurred.

As discussed with the Director, on an ongoing basis York County will invoice the Town when the Town uses the dredge to put sand back on the beach similar to if the Town were to go out to bid for dredging services with a third party dredging operation, at a per yard fully burdened rate (cost to man the dredge, depreciation, fuel, indirect costs, etc.). Because the January 2024 storm event has been declared a federal disaster, the cost of dredging is

eligible for reimbursement through FEMA at 75% federal, 15% state, and 10% local share.

The following Towns have or will be signing the Memorandum of Agreement:

- Saco
- Biddeford
- Wells
- Ogunquit
- Kennebunk

Motion to approve: Councilor Rague

Second: Councilor Reid

Vote: 4-0

Jerome Beggert – Gables Way – operational costs paid by Town to dredge, is the Town charged for the actual sand? Town Manager Asanza – the cost is to dredge and deposit the sand.

Vice Chairman Blow – dredge purchased with ARPA funds, moving forward, ongoing maintenance costs could be an issue. Would like to see how the maintenance costs will be split between the Towns involved. Would like to see how it would be manned, year-round? Or only when needed. Concerned that costs will be passed along to residents. Believes the dunes need to be restored and the dredge can be used for that. Costs of hiring a dredge versus signing on to this agreement – Town Manager Asanza – proposed agreement is non-binding – Jerome Beggert – Does this have an established operating budget by York County? Town Manager Asanza – not currently, this agreement is a commitment to show Town interest in opportunity, non-binding for costs. Vice Chairman Blow – concern is on unforeseen repairs, maintenance, crew costs. Concern that taxes from York County would increase to cover these unforeseen costs. Still supports the effort.

Jerome Beggert – concern that dunegrass died off in the past from dredged sediment deposited on beach.

AGENDA ITEM #8138

Discussion with Action: Act on Warrant and Notice of Election calling a Regional School Unit No. 23 Budget Validation Referendum on June 11th, 2024.

Vice Chair: Kenneth Blow

The RSU is asking to table this item because they need more time to prepare the warrant. They have asked if a special meeting can be held on April 30th when Council is scheduled to meet for a budget workshop.

Motion to table: Councilor Reid

Second: Councilor Rague

Vote: 4-0

AGENDA ITEM #8139

Discussion with Action: Approve the contract between the Town of Old Orchard Beach and the Old Orchard Beach Waste Water Employee's Association effective May 1, 2024 through June 30, 2027.

Vice Chair: Kenneth Blow

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

AGENDA ITEM #8140

Discussion with Action: Approve the quote from O'Connor Motor Company not to exceed \$75,200 for the purchase of a 2018 Freightliner M2 Plow Truck, with stainless steel body, plow and wing, and painting body to match fleet, to be funded through at line item transfer in the amount of \$112,521.91 from account #20151-50106 Public Works Full-Time Wages with a balance of \$288,881.44 to account #50002-50551 Public Works Operating Equipment Capital with a balance of (\$37,321.91).

Vice Chair: Kenneth Blow

This is an opportunity to acquire a main-line truck in good condition and put it into service immediately. It currently takes about a year to get a main line truck like this Freightliner. The 2018 Freightliner will replace the 2013 International that is currently out of service because it requires \$15,000 worth of work.

Public Works Director was requesting a new main line truck in the FY 2025 capital budget to replace the 2013 main line replacement, therefore by purchasing the used 2018 Freightliner this will allow Public Works to reduce their capital budget request by \$280,000 and have it in service immediately.

We learned late Friday, O'Connor Motor Company is offering \$16,000 for the 2013 International truck as a trade in value, therefore bringing the cost of the 2018 Freightliner main line truck to \$59,200.

Motion to approve: Councilor Rague

Second: Councilor Reid

Vote: 4-0

Chris White – WW and PW superintendent – used trucks brought to attention – new vehicle is around \$280,000 right now and last roughly 10 years.

Vice Chairman Blow – opportunity to trade in out of commission Freightliner for \$16,000 – saw both trucks offered, both were in great shape but need to be painted orange to match fleet –

Councilor Tousignant – buying truck for \$59,000 with the trade in? Town Manager Asanza – yes – Councilor Tousignant – do we need to reduce the amount transferred? Jordan Miles – will only transfer what is needed.
Councilor Tousignant – why is there excess money in wages? – Town Manager Asanza understaffed department – vacancies posted.

AGENDA ITEM #8141

Discussion with Action: Approve the quote from AAA Police Supply in the amount of \$25,220.30 for the purchase of ammunition, simunition, and other training aids for the Police Department from account #20131-50501 with a balance of \$41,201.84

Vice Chair: Kenneth Blow

This is part of the FY 24 operating budget appropriation.

Motion to approve: Councilor Rague

Second: Councilor Reid

Vote: 4-0

AGENDA ITEM #8142

Discussion with Action: Approve the Special Event Permit application from Impact Melanoma and the Town of Old Orchard Beach to set up shade umbrellas, tables and chairs, in the Square, to provide educational materials, free resources, and conducting surveys of teenagers from Monday, August 5th to Friday, August 9th, 2024 from 11 a.m. to 6 p.m. Permission to close the Square if Police deem necessary.

Vice Chair: Kenneth Blow

Motion to approve: Councilor Tousignant

Second: Councilor Rague

Vote: 4-0

AGENDA ITEM #8143

Discussion with Action: Approve the Special Event Permit application for the Old Orchard Beach Recreation Department to hold Boy's Round Robin Basketball Games at the Memorial Park Basketball Courts on Saturday, July 13th, 2024, from 7 a.m. to 7 p.m., including set-up and takedown. Rain date July 14th, 2024, same times.

Vice Chair: Kenneth Blow

Motion to approve: Councilor Tousignant

Second: Councilor Rague

Vote: 4-0

AGENDA ITEM #8144

Discussion with Action: Approve the Special Event Permit application for the Old Orchard Beach Recreation Department to hold Girl's Round Robin Basketball Games at the Memorial Park Basketball Courts on Saturday, July 20th, 2024, from 7 a.m. to 7 p.m., including set-up and takedown. Rain date July 21st, 2024, same times.

Vice Chair: Kenneth Blow

Motion to approve: Councilor Tousignant

Second: Councilor Reid

Vote: 4-0

AGENDA ITEM #8145

Discussion with Action: Approve the FY 24 Line item transfer of \$170,000 from account 20131-50104 Seasonal Reserves with a balance of \$243,450.25 to account 20131-50106 Full time Employee wages with a balance of \$153,333.31.

Vice Chair: Kenneth Blow

Police Department

Motion to approve: Councilor Reid

Second: Councilor Rague

Vote: 4-0

Councilor Tousignant – what is driving this?

Town Manager Asanza - This is due to the union contract settlement after the FY 24 budget was adopted. The Chief worked with the Finance Director and there is a surplus in the Seasonal Reserve budget that can be used to supplement the Full-Time wage budget.

AGENDA ITEM #8146

Discussion with Action: Approve the FY 24 line item transfer of \$30,000 from account 20131-50109 Seasonal Overtime with a balance of \$33,187 to account 20131-50111 Overtime Wage Expense with a balance of (\$2,736.15).

Vice Chair: Kenneth Blow

Police Department

The Chief worked with the Finance Director to address the overtime account that is over budget.

Motion to approve: Councilor Reid

Second: Councilor Tousignant

Vote: 4-0

Councilor Rague – another staffing issue? – Chief Chard – short staffed, 4 vacancies, also increase in wages in union contract effects the overtime wages as well.

AGENDA ITEM #8147

Discussion with Action: Approve the quote from Hill View Mini Barns in the amount of \$8,618.60 for the purchase of a 10x16' Storage Shed from account #50002-50826 Public Works Building Improvements with a balance of \$11,793.29

Vice Chair: Kenneth Blow

Town Manager Asanza - Council would like the Transfer Station to open full time 5 – days a week and Public Works staff have been working to get this done. The structure will be used as an office/shelter.

Motion to approve: Councilor Tousignant

Second: Councilor Reid

Vote: 4-0

ADJOURNMENT

Vice Chair: Kenneth Blow

Vice Chairman Blow – would like to publicly apologize for losing composure in Good and Welfare – Town Attorney addressed all issues brought forward in the executive session – the Town is following Town Attorney advice – took comments personally from public speaking at podium.

Motion to adjourn: Councilor Tousignant

Second: Councilor Reid

Vote: 4-0