



Town of Old Orchard Beach
Office of the Town Manager

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www.oobmaine.com/town-council

Regular Town Council Meeting Minutes

June 4th, 2024

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of 18 pages is a copy of the original minutes from the regular meeting of the Old Orchard Beach Town Council held on 6/4/2024.

Prepared By:	Tim Fleury
Approved By:	Old Orchard Beach Town Council
Approval Date:	6/18/2024

Respectfully
Submitted,

Tim Fleury
Town Council
Secretary



Town Council - Meeting Agenda

June 4th, 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 were present:

Shawn O'Neill, Chair
Kenneth Blow, Vice-Chair
V. Louise Reid, Councilor
Connor Rague, Councilor
Michael Tousignant, Councilor

Diana Asanza, Town Manager
Tim Fleury, Town Council Secretary

ACKNOWLEDGEMENTS:

GOOD & WELFARE:

John Laroche – 2 Ocean Ave – thanked Council and Manager for not installing public restroom at end of road – beach cleanliness – haven't seen raking on beach like in years past.

Thomas Mourmouras – 11 Ocean Park Road – Mr. Mourmouras explained the lawsuit facing the Town in the last 30 days and how the Town reacted to the lawsuit. Questioning the Town's use of tax funds in the lawsuit.

Patrick Mourmouras – 11 Ocean Park Road – Executive session was after the briefs – work with Towns in southern Maine – Mr. Mourmouras gave his opinion on how the Town is run –

Dan Patry – 1 Temple Ave – Mr. Patry gave his opinion of how the Town is run based on the previous public input – thanked the Council on how the Town is run.

ACCEPTANCE OF MINUTES:

Accept the minutes of the 5/21/2024 Regular Town Council meeting, 5/23/2024 Budget Workshop, and the 5/28 Executive Session.

Chair: Shawn O'Neill

Motion to accept: Councilor Rague

Second: Councilor Tousignant

Vote: 5-0

PUBLIC HEARING – ORDINANCE AMENDMENTS:

Public Hearing: Shall the Town Council consider amendments to 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 references 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

FEMA provided notice to OOB by letter dated January 17th, 2024 that the flood hazard determinations for OOB are considered final.

If OOB wants to continue its participation in the National Flood Insurance Program (NFIP), we are required to adopt the new FEMA Insurance Rate Maps and floodplain management ordinance no later than July 17th, 2024. According to FEMA, “Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in NFIP. Which 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.

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

Jeffrey Hinderliter, Town Planner, presented the updated maps and gave a background of the FEMA mapping process in Old Orchard Beach. Mr. Hinderliter gave a broad overview of the FEMA process and how the flood maps work. Rick Haskell, Code Officer, was introduced as the flood plain management overseer. Each individual property has a different situation

associated with it and Mr. Hinderliter recommended making individual appointments for specific properties with himself or Mr. Haskell.

John Montembeau - 196 East Grand Avenue - had a question on the elevation designations and how it works with mortgage companies and flood insurance

Councilor Rague - contact insurance agency, as an insurance agent gave a quick overview of the insurance side of things -

Bill Kerrigan - Colby Ave - asked how to see the difference between the old and new maps - JH gave a quick overview of using the GIS website to compare the old maps to the new maps -

Mr. Hinderliter received a round of applause

Lori Gramlich - Temple Ave - asked what would happen if the Town did not pass the ordinances and was dropped by the NFIP - Councilor Rague - read the explanation off the Town's website - Ms. Gramlich - asked if the Council was aware of any other municipalities up and down the coast are experiencing the same issues - Town Manager Asanza - gave a quick explanation.

Steve Zannoni - 12 Ancona - asked when the Town will be voting - what surrounding communities have approved it? - Chairman O'Neill - unknown at this time

Chairman O'Neill closed the hearing at 7:25 pm

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Danicha LLC, Richard Cyr, (314-17-1), 88 Union Avenue Units 101, 102, 201, 202 and 302, five (5) seasonal short term rentals.

Sunflower Realty LLC, Nevena N. Djuranovic, (207-2-13-113), 161 Saco Avenue #113, one (1) year-round rental.

Ocean and Mountain LLC, Alex Bakman, (310-6-1-44), 39 West Grand Avenue #44, one (1) year-round short-term rental.

Christian Scarpelli, (312-8-10), 47 Cedar Avenue, one (1) year-round short-term rental.

The Friendship Motor Inn Inc., John Donovan, (302-7-5), 164 East Grand Avenue, four (4) seasonal short-term rentals.

Robert and Deborah Millette, (302-2-6) 16 Smithwheel Road #14 and #17, two (2) year-round rentals.

Russell Tetreault, (319-12-6), 20 Pavia Avenue, one (1) seasonal rental.

Adam Goodwin, (211-5-1), 2 Williams Street, one (1) seasonal short-term rental.

Zach O'Brien, (311-24-3), 12 Thirteenth Street, two (2) seasonal short-term rentals.

18 Highland Avenue LLC, Timothy and Ranu Rooney, (312-3-1), 18 Highland Avenue, one (1) year-round short-term rental.

Sugar Planet, Shlomi Laria, (205-4-1), 20-22 Old Orchard Street, retail (candy store).

Chair: Shawn O'Neill

Chairman O'Neill opened the hearing at: 7:28 pm

Motion to accept: Councilor Tousignant

Second: Councilor Rague

Vote: 5-0

Chairman O'Neill closed the hearing at: 7:28 pm

TOWN MANAGER REPORT

Councilor Tousignant asked Town Manager Asanza to speak on the school budget and what it means to the tax rate – Town Manager Asanza – gave a breakdown of all budgets involved in the tax rate – school, York county, and municipal.

George Kerr – 206 East Grand Avenue – thanked Town Manager Asanza and Town Council on behalf of Park Commission – Veteran’s Park is a vital draw to Town – Council appropriated almost \$1m towards park improvements – would like to see it go to bid sooner so costs don’t continue to rise – thanked Council for the job they do, it’s not an easy one.

NEW BUSINESS:

AGENDA ITEM #8174

Discussion with Action: Appoint Daniel Patry as an alternate member of the Board of Assessment Review, expires 12/31/2024.

Chair: Shawn O'Neill

Motion to appoint: Vice Chair Blow

Second: Councilor Rague

Vote: 5-0

Councilor Tousignant welcomed Mr. Patry back to the board – Mr. Patry gave a quick overview of the Board and what he's expecting with the revaluation coming up. Mr. Patry gave a quick background on his experience in assessments and valuations.

AGENDA ITEM #8175

Discussion with Action: Set the date of June 18, 2024 to hold a public hearing to consider whether to approve amendments to a Contract Zone Agreement between MAKA 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 MAKA Builders LLC (MAKA). MAKA 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. MAKA and their engineer and architect reconsidered the approved project and found changes to the building were necessary. The new owner, MAKA, hired a structural engineer to inspect existing building conditions and make a determination of structural integrity. The engineer's findings show that due to exposure and water damage, the building has sustained serious damage. As a result of these findings, the new owner feels the brick portion of the building must be removed to ensure future occupants have a safe home.

Motion to set the date: Vice Chair Blow

Second: Councilor Reid

Vote: 5-0

Councilor Tousignant – is it to take the whole building down? – Town Planner, Jeffrey Hinderliter – only the foundation would remain with this proposal

AGENDA ITEM #8176

Discussion with Action: Shall the Town Council of the Town of Old Orchard Beach amend section 54-187, Restrictions and Prohibitions, East Grand Avenue, by adopting the underscored language:

Sec. 54-187. - Restrictions and prohibitions.

East Grand Avenue. No parking will be permitted on either side of East Grand Avenue from Old Orchard Street to the Scarborough line. Except that parking shall be allowed on the ocean side of East Grand Avenue from Kinney Avenue to Walnut Street. Loading and unloading only will be permitted at the locations defined by the chief of police and designated by proper signage. 15-minute parking spaces will be permitted on the west side (non-ocean side) of East Grand Avenue from the intersection of Walnut Street in a southerly direction for 85 feet. Three free 30-minute parking spaces will be allowed on the East Side (Ocean Side) of East Grand Avenue in front of the following addresses; Two spaces in front of 13 East Grand Avenue MBLU 306-3-2, and one space in front of 19 East Grand Avenue MBLU 306-4-3.

Chair: Shawn O'Neill

This request is from Council to continue promoting businesses downtown by allowing three free 30-minute parking spaces on the east side (ocean side) of East Grand Ave., allowing two spaces in front of 13 East Grand Ave, and one space in front of 19 East Grand Ave.

Motion to accept: Vice Chair Blow

Second: Councilor Reid

Vote: 5-0

AGENDA ITEM #8177

Discussion with Action: Accept the bid from Shaw Brother's Construction for the paving of Temple Avenue (between West Grand and Seaside Avenue), Reggio Avenue (between West Grand and Seaside Avenue), Williams Street, and Wilbur Avenue (between Melvin Avenue and Old Orchard Road), in the amount of \$350,697.00 from the \$1 million dollar appropriation from the undesignated fund balance with a remaining balance of \$786,600.

Chair: Shawn O'Neill

The Town received one bid for this paving project, which is part of the FY 24 road infrastructure improvement project Council approved utilizing \$1,000,000 of the Town's unassigned fund balance. Shaw Bros has successfully completed many paving projects for the Town and the cost of this contract was close to the original estimate of probable costs.

Motion to accept: Vice Chair Blow

Second: Councilor Reid

Vote: 5-0

AGENDA ITEM #8178

Discussion with Action: Authorize the Town Manager to enter into a contract with the Greater Portland Council of Governments (GPCOG) for Cloud Software and Professional Services provided by STR Enforcement LLC for short term rental property monitoring for a fee of \$20,000 annually, effective July 1, 2024 through June 30, 2025, funded through the FY 25 proposed Municipal Operating Budget, account number 20102-50310 Town Manager Service Contracts, with a proposed balance of \$33,275.

Chair: Shawn O'Neill

The Code Enforcement Office has been working with GPCOG on a trial basis on this new software program that will help monitor short term rentals to ensure they are properly licensed and inspected. There have been several workshops with the Town Council and staff to review the software and its capabilities. It has proven to be beneficial to the Code Enforcement department and so far has located 90 unlicensed rentals that are now properly licensed and inspected.

Motion to accept: Councilor Tousignant

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8179

Discussion with Action: Renew the liquor license for Birdies Grill and Tavern, Rebecca Allen, (208-1-6), 168 Saco Ave, m-s-v in a Class A restaurant.

Chair: Shawn O'Neill

Motion to renew: Councilor Tousignant

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8180

Discussion with Action: Consider the Following:

FY 2025 Municipal Operating Budget Appropriation in the amount of \$23,779,829

FY 2025 Capital Improvement Budget Appropriation in the amount of \$3,215,000

FY 2025 Non-Property Tax Revenue Appropriation in the amount of \$6,567,800

FY 2025 Appropriation of \$500,000 from the Unassigned Fund Balance and \$500,000.00 from the Rescue Fees Billing Fund; for the purpose of reducing the FY2025 Property Tax Commitment.

Authorizing the Finance Director to set the Percentage Rate for the FY 2025 tax bill to be used for operation and maintenance of the Wastewater Treatment Plant and sewer infrastructure, after approval of the FY 2025 Budget.

Authorizing and directing the Assessor to prepare a perfect list of all taxes of the municipality and to commit the same to the Tax Collector.

Authorizing and directing the Tax Collector and Treasurer, pursuant to 36 M.R.S.A., Section 906, to apply any tax payment received from an individual as payment for any property tax against outstanding or delinquent taxes due on said property in chronological order beginning with the oldest unpaid tax bill

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provided. However, that no such payment may be applied to any tax for which an abatement application or appeal is pending unless approved in writing by the taxpayer.

Setting Property Tax due dates of **September 17th, 2024** and **March 17th, 2025** for the FY 2025 property taxes.

Setting interest rate of **8.5%** for delinquent property taxes.

Authorizing the Tax Collector and Treasurer to accept prepayments of taxes before commitment at an interest rate of 0%, pursuant to 36 M.R.S.A, Section 506.

Chair: Shawn O'Neill

Motion to accept: Vice Chair Blow

Second: Councilor Reid

Vote: 5-0

Chairman O'Neill thanked the Town Manager, the Finance Committee, Town Staff and the Council for another budget process.

ADJOURNMENT

Chair: Shawn O'Neill

Motion to adjourn at 7:55 : Councilor Tousignant

Second: Councilor Reid

Vote: 5-0