



Town of Old Orchard Beach
Office of the Town Manager

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www.oobmaine.com/town-council

Regular Town Council Meeting Minutes

July 16th, 2024

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of 29 pages is a copy of the original minutes from the regular meeting of the Old Orchard Beach Town Council held on 7/16/2024.

Prepared By:	Tim Fleury
Approved By:	Old Orchard Beach Town Council
Approval Date:	8/6/2024

Respectfully
Submitted,

Tim Fleury
Town Council
Secretary



Town Council - Meeting Agenda

Tuesday, July 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:

Vice Chairman Blow made a motion to appoint Fran Beaulieu as Council Secretary for the evening. Seconded by Councilor Reid. Passed 5-0

Vice Chairman Blow made a motion to add emergency agenda item #8216 per Charter Section 404.1. Seconded by Councilor Reid. Passed 5-0

ROLL CALL:

Secretary Beaulieu called roll. All members were present.

ACKNOWLEDGEMENTS:

Chairman O'Neill presented the FY 23 Town Report dedication.

GOOD & WELFARE:

Sean Bastin, Old Orchard Beach Provision – Mr. Bastin read a statement on the adult use cannabis license.

Tom Mourmouras, 11 Ocean Park Road – Mr. Mourmouras gave his opinion on the adult use cannabis licensing procedure and pending litigation facing the Town.

Peter Mourmouras, 30 Saco Ave – Mr. Mourmouras gave his opinion on pending litigation facing the Town.

Patrick Mourmouras, 30 Saco Ave – Mr. Mourmouras gave his opinion on the adult use cannabis licensing procedure.

Andrew Keeling, Oxford Provisions – Mr. Keeling gave his opinion on the adult use cannabis licensing procedure.

Jason Webber, Recreation Director – promoted the Thursday night concerts at the Ballpark.

Nancy Friscoe, Graham Street – Ms. Friscoe gave her options on the 4th of July fireworks, beach entrances, beach cleaning, signage, and dogs being allowed on the beach.

PRESENTATION:

ACCEPTANCE OF MINUTES:

Accept the minutes from the 6/17/2024 Workshop, the 6/18/2024 Regular Meeting, and the 7/9/2024 Emergency Executive Session.

Chair: Shawn O'Neill

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

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Michael Cannon, (211-4-1-2), 163 Temple Avenue, one (1) year-round short-term rental.

Michael Riley, (312-6-7), 27 West Old Orchard Avenue, one (1) year-round short-term rental.

Tracy Dunne, (206-27-5-9), 5 Sunset Drive #9, one (1) year-round short-term rental.

Tracy Dunne, (305-2-1-32), 31 East Grand Avenue #32, one (1) year-round short-term rental.

Billow House 2 LLC, Chris Kerrigan, (324-16-7), 2 Temple Avenue, sixteen (16) year-round rentals.

Moira Russell Rascati, (312-2-4), 26-28 Highland Avenue, one (1) seasonal rental.

Debra MacDonald, (301-7-3), 184 East Grand Avenue, one (1) seasonal rental.

Avesta Housing/Saco Housing Development, (208-3-1), 169 Saco Avenue, sixty six (66) year-round rentals.

Ian MacKenzie, (323-14-9), 61 Colby Avenue, one (1) seasonal rental.

Cynthia Swerdlove, (322-5-8), 42 Massachusetts Avenue, one (1) year-round short-term rental.

Maria Conway, (302-7-10), 176 East Grand Avenue, one (1) seasonal short-term rental.

Thomas Jackson, (302-7-4-101), 162 East Grand Avenue, one (1) year-round short-term rental.

Carla and Andrew Page, (313-4-5), 12 Camp Comfort Avenue, one (1) seasonal rental.

OKM Property Management LLC, William Martin, (303-1-6), 103 East Grand Avenue, one (1) seasonal short-term rental.

Spudcraft and Sandwich, Muhammed Ebiri, (307-2-1), 1 Old Orchard Street, victualers with prep and no alcohol.

Zheng Property Management LLC, Tong Zheng, (305-4-5), 45 East Grand Avenue, twelve (12) short-term rentals.

Anania Properties LLC, Peter Anania, (320-3-5-5), 44 Colby Avenue, one (1) year-round short-term rental.

Rent on the Sea LLC, Cheryl and Mark Ramsey, (306-3-5-5), 2 Kinney Avenue Unit #5, one (1) year-round rental.

Alice Osborn, (314-9-1), 50 Park Avenue, one (1) seasonal rental.

Tamarack Rentals, Maylor LLC, Tammy and Robert Behringer, (321-5-6), 11 Winona Avenue, one (1) seasonal short-term rental.

Summer Drive LLC, Tom Ouellette, (312-17-1), 80 First Street, one (1) year-round rental.

Mary George, (205-19-24-6), 2 Foote Street Unit #6, one (1) seasonal short-term rental.

Kaitlin Barata, (312-2-1-28), 1 Bay Avenue Unit #28, one (1) seasonal short-term rental.

Daniel Clark, (205-19-18-29), 47 Milliken Street Unit #29, one (1) year-round rental.

Viktoria Gladish, (206-24-38), 15 School Street, three (3) year-round rentals.

Summer Drive LLC, Tom Ouellette, (312-17-1), 80 First Street, one (1) year-round rental.

Lise Ouellette, (305-4-1), 1 Cleaves Street, one (1) year-round short-term rental.

Chair: Shawn O'Neill

Chairman O'Neill opened the hearing at 6:55 pm

Motion to approve: Vice Chair Blow

Second: Councilor Reid

Vote: 5-0

Chairman O'Neill closed the hearing at 6:56 pm.

TOWN MANAGER REPORT

No Town Manager's report this week.

NEW BUSINESS:

AGENDA ITEM #8196

Discussion with Action: Appoint Tim Fleury to the position of Temporary Town Manager per Town Charter section 503 starting on July 12, 2024, until Town Manager Asanza's return.

Chair: Shawn O'Neill

Motion to appoint: Vice Chair Blow

Second: Councilor Reid

Vote: 5-0

AGENDA ITEM #8197

Discussion with Action: Re-appoint Rickey Haskell as Code Enforcement Officer, Electrical Inspector and Licensed Plumbing Inspector; Timothy Nelson as Deputy Code Enforcement Officer; Zachary Heffernan as Deputy Code Enforcement Officer, Licensed Plumbing Inspector, and Electrical Inspector; Jennifer Leeman as Deputy Code Enforcement Officer, Licensed Plumbing Inspector, and Electrical Inspector, terms to expire 06/30/2025.

Chair: Shawn O'Neill

Motion to appoint: Vice Chair Blow

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8198

Discussion with Action: To accept the proposal from Knowles Industrial Services Corporation in the amount of \$119,476.00 to recoat the garage bay floor and surrounding areas, including the replacement of the existing floor drain, from account # 52002-50813 CIP Facilities Improvements- Fire with a balance of \$396,672.24.

Chair: Shawn O'Neill

This project is part of the FY 25 CIP budget. The floor drains are to be replaced and the existing floor will be repaired and resurfaced including the truck bays and break areas.

Motion to accept: Vice Chair Blow

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8199

Discussion with Action: To accept the proposal from Peter Petit Excavating, Inc. for \$48,200.00 to replace 180' of sewer lines on First St. between Union Ave and Ocean Ave., from account number 50002-50508 CIP Sewer Repairs, with a balance of \$1,204,150.52.

Chair: Shawn O'Neill

Public Works identified a sink hole on First Street between Ocean and Union Ave. as a result of a sewer line in very bad shape. The line has been camera'd and this section of sewer is clay tile pipe that has been patched several times with signs of root intrusion and is described as looking like "Swiss cheese". The good news is that it will connect to PVC on both ends. Public Works has been working to get a proposal on the required work and Peter Petit provided a proposal that includes replacing 180' of sewer and paving the full section of road (not only re-paving the trench) because of the condition of the road, for \$54,200.00.

Peter Petit has done emergency work for the Town on several sewer line replacement projects – Brisson St. and Roussin St. were both sink hole issues and sewer was replaced along with full road paving.

Motion to accept: Councilor Tousignant

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8200

Discussion with Action: To accept the proposal from Musco Lighting for a new Ballpark B2 lighting pole to be installed by Island Lighting and Power Systems Inc. for the amount of \$108,294.00 from account #51002-50911 CIP Ball Park Improvements/Repair with a balance of \$626,837.38.

Chair: Shawn O'Neill

This agenda item replaces the single ballpark field lighting removed last season. The total cost will be funded through CIP.

Motion to accept: Vice Chair Blow

Second: Councilor Reid

Vote: 5-0

AGENDA ITEM #8201

Discussion with Action: Convey foreclosed property identified as 2 CAPTAINS ROAD, Parcel Number 00102-00003-00002 to owners of record GILMAN BETH E and BARTLETT SYLENA B, for the total amount of \$49,565.21 in outstanding taxes and accumulated interest, due on the effective date of conveyance, FY21, FY22, FY23, FY24, including estimated taxes for FY25, plus any legal costs incurred by the Town of Old Orchard Beach, and delegate to the Town Treasurer the authority to sign all documents and undertake all actions necessary to accomplish the same.

Chair: Shawn O'Neill

Motion to accept: Councilor Tousignant

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8202

Discussion with Action: To approve the (3) three-year contract with CAI Technologies to provide support services for the Town's Geographic Information Services (GIS) in the amount of \$ 57,600.00 for FY 25 from account number 20102-50809 GIS Program Expense with a balance of \$54,000.00, and for FY 26 in the amount of \$62,040.00 and for FY 27 in the amount of \$63,630.00.

Chair: Shawn O'Neill

CAI has been maintaining the Town's GIS system since 2018 when Tom Burns of GIS Mapping & Solutions retired. CAI services include maintaining the parcel basemap for the Town, by updating parcel ownership, mapping new subdivisions, parcel splits and integrating surveyed information. Services also include conversion of the Town's existing GIS data into CAI's geodatabase that will provide efficient standardized future tax map and GIS data services. It will also create a seamless parcel layer with the necessary attributes needed in order to link to the Vision Assessing database.

Motion to accept: Councilor Tousignant

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8203

Discussion with Action: To approve the (3) three-year contract with CAI Technologies to provide support services for the Public Works Geographic Information Services (GIS) in the amount of \$40,000.00 for FY 25 from account # 20151-50300 Public Works Professional Engineering with a balance of \$100,000, and for FY 26 in the amount of \$42,000 and for FY 27 in the amount of \$44,100.00.

Chair: Shawn O'Neill

CAI services include creating and supporting mapping and inspection applications used by Public Works for asset inventory and management. Maintaining the Sewer GIS infrastructure, CAI will continue to provide GIS updates as sewer system features are replaced or added to the system, and provide updates for tracking sewer system inspections and maintenance. CAI also supports the Town MS4 program to comply with the regulations and requirements of the Town's DEP permit.

Motion to accept: Vice Chair Blow

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8204

Discussion with Action: Approve the quote from Setronics Security Integrators in the amount of \$42,324.00 for the purchase and installation of Upgraded Wireless CCTV System from account #52002 – 50865 CIP Police Department Security Cameras and equipment with a balance of 91,672.36.

Chair: Shawn O'Neill

The proposal outlines the details for the sale and installation of upgraded wireless CCTV Systems for the Old Orchard Beach Pier, Victorian Hotel, Veterans and Dog Park, Top of Old Orchard Street, Library, and Police Department. The upgrade will provide new wireless antennas to improve connectivity with the current CCTV cameras placed at strategic locations throughout the downtown area. The current CCTV camera connections were installed over ten years ago and are currently not functioning properly causing numerous outages and loss of needed surveillance video.

This item was previously approved as part of the recent budget process for the FY 2025 Budget.

Motion to accept: Vice Chair Blow

Second: Councilor Tousignant

Vote: 5-0

AGENDA ITEM #8205

Discussion with Action: Renew the liquor license for Atlantic Property Services, Inc., Jeff Corbin, James Albert, Soho Oceanic Inn Lounge, (310-6-3), 43 West Grand Avenue, m-s-v in a hotel, food optional.

Chair: Shawn O'Neill

Motion to accept: Councilor Reid

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8206

Discussion with Action: Shall the Council approve an amended Contract Zone Agreement between MAKKA Builders LLC and the Town of Old Orchard Beach, for the property located at 60 Saco Ave., Map 206, Block 10, Lot 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 amended Contract Zone is to amend an approved Contract Zoning Agreement for a 6-unit residential condominium 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.

Motion to accept: Vice Chair Blow

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8207

Discussion with Action: To award the contract to Gorham Sand and Gravel for the Saco Ave, Goodwin Ave., MacArthur Ave, and Holland Ave. sewer and water utility replacement project, in the amount of \$1,173,633.00, to be funded as follows: \$939,978.69 from account number 50002-50508 CIP Sewer Repairs with a balance of \$1,204,150.52, and \$119,938.10 from account number 50002-50506 CIP Road Improvements with a balance of \$1,045,849.42 and \$113,716.21 to be funded by Maine Water for their portion of the water utility improvements for a total of \$1,173,633.00.

Chair: Shawn O'Neill

The Town received four bids for the sewer improvement project. Wright Pierce reviewed all bids and is recommending the low bidder, Gorham Sand and Gravel, for this contract. Maine Water is also looking to replace water lines in this area and will be contributing to the project for the portion of the mobilization/demobilization, traffic control, and erosion control based on their percentage of work according to the linear footage.

This includes the bid alternate for sewer replacement on an additional section of Saco Ave. and on Holland Ave. This area was CCTV'd in February 2024 and was found to have multiple sags in the sewer line and since it is within the project area limits, we added this section as a bid alternate. This project will fit within the funding available in capital funds.

Motion to accept: Vice Chair Blow

Second: Councilor Tousignant

Vote: 5-0

AGENDA ITEM #8208

Discussion with Action: To accept the proposal from Stantec Consulting Services, Inc. for the Saltmarsh Vegetative Assessment of the Randall Park, Ancona, and Jordan Park Saltmarshes, in the amount of \$5,900.00 from account number 20173-50300, Conservation Commission Professional Engineering Services with a balance of \$9,000.00.

Chair: Shawn O'Neill

This work is part of the West Grand Marsh Resiliency Study where the Town is assessing the tide gate function and its effect on the West Grand Marshes, as well as the current conditions of the marshes. This contract with Stantec Consulting Services will assess the current conditions of the tidal marshes to evaluate how existing tidal gate function along with sea level rise and climate change scenarios affect the overall health of the salt marshes and vegetation. The work will begin late summer – early fall.

Motion to accept: Councilor Tousignant

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8209

Discussion with Action: To amend the agreement between the Town of Old Orchard Beach and Multivision Investments LLC for the temporary placement of a portable bathroom on property at Union Ave identified in the Old Orchard Beach Assessor's map as MBL 315-16-01 from May 25th, 2024 through May 24th, 2025 for the total amount of \$6,000.00 from account number 20151-50511 Public Works Grounds Maintenance with a balance of \$93,844.96.

Chair: Shawn O'Neill

The Council approved a seasonal contract from May 25 through September 2, 2024 at the June 18th Council meeting. After speaking with the property owner, it was determined that the fee would be \$6,000 yearly regardless of the amount of time the bathrooms were placed.

Motion to accept: Councilor Tousignant

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8210

Discussion with Action: Approve the quote from Motorola Solutions in the amount of \$37,455 for the purchase and installation of a new Watchguard Cruiser and Body Camera Server from account #52002-50865 CIP Police Security Cameras and Equipment with a balance of \$91,672.36.

Chair: Shawn O'Neill

The current Watchguard Server requires an immediate upgrade as it no longer supports newer body-worn and police cruiser cameras. We are currently unable to purchase any newer body or cruiser cameras as our current server is out of date and unable to support the newer software platform. The body-worn and cruiser cameras will function with the newer system we intend to purchase and provide the ability to purchase additional body-worn and cruiser cameras moving forward. This item was previously discussed and approved as part of the fiscal 2025 budget process as a CIP item.

Motion to accept: Vice Chair Blow

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8211

Discussion with Action: Purchase of a 2024 Chevrolet Tahoe Police Package from Quirk Ford of Augusta for the sum of \$52,990.00 from account # 52002 - 50849 CIP Police Department Vehicle Expense with a balance of \$102,544.84.

Chair: Shawn O'Neill

This item was previously approved as part of the current 2025 budget as a CIP item for the police cruiser build.

Motion to accept: Councilor Rague

Second: Councilor Reid

Vote: 5-0

AGENDA ITEM #8212

Discussion with Action: Purchase and installation of police cruiser interior equipment to include lighting, interior components, and installation of all interior electronic components from 2-Way Communication Service, Inc. DBA NEVO (New England Vehicle Outfitters) for the sum of \$15,535.00 from account # 52002 – 50849 CIP Police Department Vehicle Expense with an account balance of \$102,544.84.

Chair: Shawn O'Neill

The vendor was previously chosen to install all police vehicle components in police department vehicles. This item was previously approved as part of the current FY 22025 budget process as a CIP item for the police cruiser build.

Motion to accept: Councilor Rague

Second: Councilor Reid

Vote: 5-0

AGENDA ITEM #8213

Discussion with Action: Purchase of one GETAC Computer Tablet and mounting components from Glacier Computer for the sum of \$6,018.40 from CIP Account # 52002 -50849 Police Department Vehicle Expense with an account balance of \$102,544.84.

Chair: Shawn O'Neill

The vendor is proprietary due to item being specialized and unavailable through other vendors. This item was previously approved as part of current FY 2025 budget process as a CIP item for the police cruiser build.

Motion to accept: Vice Chairman Blow

Second: Councilor Reid

Vote: 5-0

AGENDA ITEM #8214

Discussion with Action: Approve the Special Event Permit applications for the 2024 annual Ocean Park Association events, as follows: 1) the Ocean Park 5k Race on Friday, July 26th, set up from 3-5 p.m., event and take down from 5-8 p.m. in Ocean Park; 2) Illumination Night, Saturday, August 3rd, event set-up 2-5 p.m., event and takedown, 5-10:30 p.m., candles removed from beach early morning of August 4th; 3) Kids Fun Run, back streets of Ocean Park, Saturday, July 27th, set-up from 9-10 a.m., event and takedown from 10-11 a.m.

Chair: Shawn O'Neill

Motion to accept: Vice Chairman Blow

Second: Councilor Reid

Vote: 5-0

AGENDA ITEM #8215

Discussion with Action: Approve Change Order #2 for the Wastewater Treatment Facility and Pump Station Upgrade previously awarded to Apex Construction Inc. Change Order #2 adds previously removed work items from Change Order #1 in the amount of \$9,804,100.00 to bring the total contracted price to \$28,299,125.00. This additional amount was approved by the voters at the June 11th, 2024 Special Municipal Referendum Election.

Chair: Shawn O'Neill

A special referendum vote was held on Tuesday, June 11th, 2024, to authorize the Town of Old Orchard Beach to issue general obligation bonds in the principal amount not to exceed \$9,800,000.00 to fund the remaining project scope items for the Wastewater Treatment Facility and Pump Stations Upgrade project. The vote was successful and allows the Town to grant approval to Apex Construction to proceed with the remaining scope items, inclusive of the scope items removed from the project via Change Order #1, as well as the 5 bid Alternative items.

Motion to accept: Councilor Tousignant

Second: Councilor Rague

Vote: 5-0

EMERGENCY AGENDA ITEM #8216

Discussion with Action: Approve the contract with Grant Rite Management Corp. for an amount not to exceed \$75,000.00 for FEMA grant management assistance from account #31131-50563 FEMA Storm Damages Expense. Their services are eligible for FEMA reimbursement under the administrative eligibility of 5% of the Town's obligated reward.

This company assisted the Town with the New Salt Road project. Our FEMA award went from \$42,000 to \$316,000 with their help. The administrative reimbursement for that project was up to \$15,800, based on the \$316,000 total cost, and Grant Rite's fees for their services was only \$4,084. The full fee is reimbursable.

Chair: Shawn O'Neill

Motion to accept: Vice Chairman Blow
Second: Councilor Rague
Vote: 5-0

ADJOURNMENT

Chair: Shawn O'Neill

Motion to adjourn at 7:30pm: Councilor Rague
Second: Vice Chair Blow
Vote: 5-0