



Town of Old Orchard Beach
Office of the Town Manager

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www.oobmaine.com/town-council

Regular Town Council Meeting Minutes

September 3rd, 2024

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of 28 pages is a copy of the original minutes from the regular meeting of the Old Orchard Beach Town Council held on 9/3/2024.

Prepared By:	Tim Fleury
Approved By:	Old Orchard Beach Town Council
Approval Date:	9/17/2024

Respectfully
Submitted,

Tim Fleury
Town Council
Secretary



Town Council - Meeting Agenda

September 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: All present.

ACKNOWLEDGEMENTS:

Chairman O'Neill - thanked the lifeguards for their dedication and hard work with the increased number of calls this summer.

Chairman O'Neill - thanked parking enforcement for their efforts all summer

GOOD & WELFARE:

Nancy Frisco: Graham Street – Ms. Frisco offered her opinion on the police staffing levels. Ms. Frisco expressed her concerns about the times dogs are allowed on the beach.

Patrick Mourmouras: 11 Ocean Park Road – Mr. Mourmouras gave his opinion on the upcoming planning board public hearing and meeting.

Thomas Mourmouras: 11 Ocean Park Road – Mr. Mourmouras gave his opinion on the adult use marijuana licensing and approval process.

Matt Tavasevich: Bernstein Shur Attorney: Specific allegations against specific employees are illegal in Maine (check video for specifics). Attorney Tavasevich explained the legal ramifications of allegations made against town employees. The Town Council and Town Manager have been following the Town Attorney recommendations. Attorney Tavasevich defended Attorney Phil Saucier from comments made during good and welfare.

ACCEPTANCE OF MINUTES:

Accept the minutes from the 8/20/2024 Town Council Regular Meeting.

Chair: Shawn O’Neill

Motion to accept: Councilor Tousignant

Second: Councilor Reid

Vote: 5-0

PUBLIC HEARING – ORDINANCE AMENDMENTS:

Public Hearing: Shall the Town Council consider the Citizen’s Initiative Petition, per Town Charter 302, to amend the Town of Old Orchard Beach Code of Ordinances, Chapter 34, Housing, by adding Article IV, Mobile Home Rent Stabilization Ordinance?

Chair: Shawn O’Neill

On August 8th, a Citizen’s Petition for a Mobile Home Rent Stabilization Ordinance was turned in to the Town Clerk’s office. Per Section 302 of the Town Charter:

1. Petition must have signatures of at least 10% of the Old Orchard Beach voters that participated in the last Gubernatorial Election (2022), which was 504, 10% rounded from 5,039 voters. She turned in 34 pages that, once certified last night and this morning, came to 658 accepted signatures and 69 that were either not registered or duplicates.
2. On August 8th, she also dropped off a copy of the Mobile Home Rent Stabilization Ordinance for the ballot. This has been given to Atty Phil Saucier, Bernstein, Shur, Sawyer, and Nelson, per Charter 302. He has reviewed the ordinance for any repetitions, illegalities, and unconstitutional provisions.

The Town Council has to hold a public hearing within 30 days of August 8th. The Town Council then has to call for an election within 30 days of the public hearing, meaning you have to set the date, not hold the election within 30 days, if you choose not to enact the ordinance as is.

If the Ordinance goes to the ballot and passes, it takes effect 10 days after the referendum election.

Chairman O'Neill opened the hearing at: 7:02pm

Val Philbrick – 4 Goosefare Drive – Ms. Philbrick read a prepared statement for the Council – Ms. Philbrick gave a history of the rent increases, the sale of the park, and the citizen's petition presented to the Council.

Jamie Napier – 9 Deer Isle Drive – Ms. Napier gave her opinion on the proposed ordinance.

John Daigle – 18 Cherry Hills Road – owner of another park – making park owner do something he didn't ask for.

Vice Chair Blow – If voted on by people, it takes 10 days before its enacted – Can new owners increase rent before it goes into effect? Concern that it could cause a large increase in rent before the voted in ordinance goes into effect. Matt Tavasevich – would need to research but without anything in local ordinance or state law there is nothing preventing it.

Melissa Hilliard – Waterman Drive – letter from Follett says no planned rent increases.

Cookie (?) – started process with rent control – been in park 33 years – small increases in past – largest increase happened right before sale of park. Mr. Cookie gave his opinion on the proposed ordinance change and the reason behind the citizen's petition.

Jim Dufrense – 23 years as a resident of Old Orchard Village – Mr. Dufrense gave his opinion on the proposed ordinance changes and the effects of raising rents hits residents with fixed income.

Matt Follett – Follett USA - new owner of park – Mr. Follett gave a history of his company and his business practices – Mr. Follet would like to have an opportunity to speak with community regarding options like long term leases. Mr. Follet gave his opinion on rent-controlled communities.

Mike Halle – Fixed income seniors have been crushed by inflation across the board, not just rent – Mr. Halle gave his opinion on the cause of inflation – Mr. Halle gave his opinion on rent controls and what that could cause for the park – concerned that rent control may cause owners to look for cost savings other than rent –

Eric Rollain – president of Follett USA – Mr. Rollain gave an overview of the previous meeting with property residents prior to the sale of the property – Mr. Rollain explained the company operations – Mr. Rollain explained other options than rent control

Melissa Hilliard – lived for over 20 years in park – thanked new owners for introducing themselves – Ms. Hilliard gave her opinion on the rent increases facing the park – Ms. Hilliard gave a background of the apprehensive feelings from residents with the new owners

Dave Pierson – attorney representing Follett USA – Attorney Pierson gave his legal opinion on the proposed ordinance – state regulates mobile home parks regarding rental agreements and habitability – ordinance was copied from existing California ordinance, allowed 5% raise in addition to CPI, not just 5% – petition process doesn't allow back and forth between Town and other stakeholders – Council can send it to voters but can schedule election at next June municipal election.

Councilor Reid – asked if delaying vote would increase rents now – would like to see new owner group reach out to residents to establish community with increased communication between owners and residents.

Chairman O'Neill – if voted on in June election would Council be allowed to change ordinance prior to election? – **Town Manager Asanza** – ordinance must be presented as it is written and certified – cannot be changed prior to election other than minor drafting changes – **Attorney Pierson** – if Council enacts ordinance they are allowed to amend it, if voted on, it must be 1 year until amendments are proposed

Kim Look - 14 Village Lane - one of the last affordable housing options for new homeowners and retirees -

Val Philbrick - have responsibility to residents who signed the petition - can pass it along to voters or adopt it and amend it - it is the Council's choice.

Krista Demers - Old Orchard Village - against government control of any kind - would like to see new owners in park for a few years before changes are made

Lori Gramlich - OOB is one of the oldest municipalities in the state age wise - mobile home parks are affordable options for aging community and new homeowners - would not like to see election in June, off-year election - supports ordinance

Chairman O'Neill closed the hearing at: 7:58 pm

Chairman O'Neill clarified agenda item needs to be acted on during this meeting - Vice Chair Blow - if Council voted in ordinance tonight can it be amended?

Town Manager Asanza - comments on staff involvement - administration of ordinance would fall on town employees, probably code - Chapter 34 is code - could also be Town Planner - Town is authorized to enact fee to maintain program, would be spread across all mobile home owners - unknown what fee would be at this point - depends on staff involvement - Town would have to hire arbitrator separate from Town staff if increase is proposed above the 5%. Ordinances unclear on what fees are and who is responsible for some of the fees - **Vice Chair Blow** - could fees exceed amount of annual increases in rent?

Chairman O'Neill - opinion that Council is up against a time crunch and not allowed to work on ordinance in the usual manner -

Chairman O'Neill closed public hearing at 8:02pm.

Councilor Tousignant – thanked all involved for professional hearing.
Scheduled rent increase in 2024? – **Attorney Pierson** - \$40-60 increase in a year – Follett has no intentions to raise rent until June 2025 rent increase – Councilor Tousignant – next increase in 2025, what is the increase in 2026? – **Eric Rollain** – unknown what it could be in 2026, lots of factors to take into account when establishing rates –

Town Manager Asanza – citizens petition – clarified if Council enacts ordinance, they can amend before 365 days – if voted on, must wait 1 year.

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Larissa Brovataya, (206-3-2), 8 Balsam Lane, one (1) year-round short-term rental.

4 Oakland LLC, David Douglass, (311-9-6), 4 Oakland Avenue, one (1) year-round rental.

Sandman LLC, James Sanders, (322-5-5), 52 Maine Avenue, one (1) year-round rental.

Consuelo Alvarez, (325-6-4), 23 New Salt Road, one (1) year-round short-term rental.

4 Corners Property, Traci Daigle, (210-10-2), 9-11 Ocean Park Road, three (3) year-round rentals.

Ying Qiao Zheng, (305-2-1-65), 31 East Grand Avenue Unit #65, one (1) seasonal short-term rental.

Chair: Shawn O’Neill

Chairman O’Neill opened the hearing at: 8:09 pm

Motion to approve: Councilor Reid

Second: Vice Chair Blow

Vote: 5-0

Chairman O’Neill closed the hearing at: 8:10 pm

PUBLIC HEARING – SPECIAL AMUSEMENT PERMITS & APPROVALS:

Whaler, Inc., William Marshall, Whaler Restaurant, (206-31-17), 20 Staples Street, live music/trivia, inside, Sunday through Saturday, 12:00 PM until 10:00 PM.

GFB Scottish Pub LLC, Kelly and Robert Greenlaw, (205-3-1), 32 Old Orchard Street, DJ, karaoke, live music, inside, Sunday through Saturday, 12:00 PM until 12:00 AM.

Chair: Shawn O’Neill

Chairman O’Neill opened the hearing at: 8:11 pm

Motion to approve: Councilor Rague

Second: Councilor Reid

Vote: 5-0

Chairman O’Neill closed the hearing at: 8:11 pm

TOWN MANAGER REPORT

NEW BUSINESS:

AGENDA ITEM #8239

Discussion with Action: Shall the Town 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 approve: Councilor Tousignant

Second: Vice Chair Blow

Vote: 5-0

AGENDA ITEM #8240

Discussion with Action: Consider the Citizen's Initiative Petition to Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 34, Housing, by adding Article IV, Mobile Home Rent Stabilization Ordinance, and either enact the proposed amendment or Order and Direct the Town Clerk to place the question of the adoption of the ordinance at the November 5th, 2024 Municipal Election, per Section 302 of the Town Charter.

Chair: Shawn O'Neill

Vice Chair Blow – if voted through by Council can changes be made? Town Manager Asanza – yes.

Resident – unknown name – concern about additional costs involved with proposed ordinance – \$100k spread across 360-ish residents – no conversation on proposed ordinance presented –

Vice Chair Blow – concerned that if the ordinance is voted in, can't be changed for 1 year, and additional costs would be passed along to residents – wants to make sure increases are sustainable and have all costs in the open – consequences for all actions – unable to take time to craft ordinance –

Town Manager Asanza – important to educate residents and new park owners – ordinance may not be needed –

Kim Look – if voted by Town, must be as is; if adopted by Council, it can be amended.

Chairman O'Neill – does not feel ordinance meets needs of Town as it's presented – feels it should be a Town wide ordinance, not just the mobile home park – opinion that it should go to voters

Councilor Rague – feels it should go to voters – ramifications present with rent control that won't present themselves immediately –

Councilor Tousignant – looking at the costs facing the Town if adopted – confusion on increased rents presented tonight, was seeking clarification – unknown how many residents were informed of administrative fees – feels it has to go to voters to make the decision –

Val Philbrick – wasn't aware of administrative fees with ordinance – would like to see it passed tonight and allow Council to make changes.

Vice Chair Blow – administrative fees – Town has to hire additional staff to manage ordinance if voted on by Town or adopted by Council –

Motion to go to vote for Nov 5th, 2024: Councilor Tousignant

Second: Councilor Rague

Vote: Roll called – Councilor Reid abstained 4-0

AGENDA ITEM #8241

Discussion with Action: Appoint Susan Martin as an alternate member of the Board of Assessment Review, term to expire 12/31/25.

Chair: Shawn O'Neill

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

AGENDA ITEM #8242

Discussion with Action: To accept the proposal from Fisher James Co, Inc. for the purchase and installation of wall cabinets and file drawers to be installed in the Police Department supervisor office in the amount of \$8,098.00 from account #20131 – 50450 Police Department Building Repair and Maintenance with a balance of \$31,727.09

Chair: Shawn O'Neill

This is the purchase of wall cabinets and file drawers to be installed in the supervisor's office. Currently each supervisor only has an individual desk with no additional storage space. The addition of the cabinets and file drawers will provide additional space for storage of crucial operational items and make current work-space more efficient. Furniture to be purchased will be the same style and finish of the current desks located within the room.

The Vendor is proprietary as the existing matching furniture was purchased from the same vendor.

Items were approved as part of the Fiscal 2025 budget process.

Motion to approve: Vice Chair Blow

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8243

Discussion with Action: Approve the quote from Calazzo and Sons Plumbing Inc. in the amount of \$19,689.27, for the plumbing work and fixture installation in the Public Work Facility's building addition from account #50002-50826 CIP Public Works Building Improvements with a balance of \$81,476.63

Chair: Shawn O'Neill

The department has only one urinal and one toilet in the shop area of the building. This proposal provides two (2) toilets, two (2) urinals, and one shower stall, reuses the existing washing machine, and replaces the hot water tank with a hybrid one. OOB Public Works staff will be responsible for the demolition.

Motion to approve: Councilor Rague

Second: Councilor Tousignant

Vote: 5-0

AGENDA ITEM #8244

Discussion with Action: Approve the quote from Kevin Lessard and Sons Electrical LLC in the amount of \$11,472.80 for the electrical work in the Public Works Facility's building addition from account #50002-50826 CIP Public Works Building Improvements with a balance of \$81,476.63.

Chair: Shawn O'Neill

The department has only two offices. The department has self-performed the addition that will create two more offices. This will provide an office for the Director, Deputy Director, Operations manager, and Office manager. To complete the project, the Town needs electrical services.

Motion to approve: Vice Chair Blow

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8245

Discussion with Action: Approve the quote not to exceed \$639,356.38 from Chadwick Baross for a 2025 SECA Model ECO-900 Combination Vacuum Sewer Truck with a seven (7) year extended warranty for the Public Works Department, and authorize the Town Treasurer to enter into a lease purchase agreement with Androscoggin Bank at 5.39% (tax exempt) with (10) ten annual payments in the amount of \$79,934.57 from account #20197-50330 Debt Service Equipment Replacement with a balance of \$118,762.86.

Chair: Shawn O'Neill

Four bids were received:

Aquatech vended by Allied Equipment LLC, \$599,990.00

Superproducts vended by Tri-County Contractors Supply, \$648,845.13

Vactor vended by C.N. Wood, \$633,203.00

Sewer Company of America (SECA) vended by Chadwick Baross, \$627,469.38

All four vendors brought down demo units for management and staff to look at. All questions were answered, providing information and showing management and staff the features of each vehicle. Both the SECA and SUPERPRODUCTS allowed OOBPW staff to use the demo to clean catch basins. Unfortunately, VACTOR did not have a demo unit we could try out in real time.

VACTOR and SECA were the favorites among staff and management with no clear consensus. Both machines are specified to perform the same tasks. This includes unblocking sewer and stormwater pipes up to 24", cleaning catch

basins, hydro excavating and both machines have an auxiliary pump that can be used in remote locations. Concerns about the truck being 6-8' longer than the current truck were discussed but all were similar, so this was not a deciding factor. Water recycling was not a factor since the truck always has access to water. The Western Star cassis was preferred by staff and management and is included in both bids. Both trucks include a Roots 824 blower instead of a fan.

Motion to approve: Councilor Tousignant

Second: Councilor Rague

Vote: 5-0

Chris White - price is before trade-in value.

AGENDA ITEM #8246

Discussion with Action: Approve the Council Order 2024-5 entitled “Order to authorize the Lease Purchase of One (1) 2025 SECA Model ECO-900 Combination Vacuum Sewer Truck in the Principal Amount of \$639,356.38.”

Chair: Shawn O’Neill

Motion to approve: Vice Chair Blow

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8247

Discussion with Action: Approve the quote from Setronics Security Integrators in the amount of \$8,864.00 for the purchase and installation of a wireless CCTV license plate camera at the Recreation Department Skate Park, from account # 51002-50837 CIP Skate Park with a balance of \$18,397.00.

Chair: Shawn O'Neill

The proposal outlines the details for adding an additional wireless CCTV camera at the Recreation Department Skate Park. This camera will provide a secondary view of the skate park, including the entrance area of the ballpark. It will significantly enhance our ability to monitor vehicles and capture license plates as they enter and exit the ballpark. The current CCTV camera, installed over ten years ago, is a single fisheye-style camera that is insufficient for comprehensive monitoring of the area. The new camera will be an addition to the existing system.

Furthermore, the camera will be integrated into the police department's surveillance system, allowing for immediate viewing by officers and dispatch as needed.

This purchase was previously approved as part of the FY 2024 budget.

Deputy Chief Hemmingway – not just a license plate camera – allows license plate reading at night time during non-operating hours – current camera is fish-eye and new camera will cover that same area

Motion to approve: Vice Chair Blow

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8248

Discussion with Action: Approve the quote from TPC Turf Products in the amount of \$39,829.12 for the purchase of a Toro Sand Pro 3040, for the Recreation Department, from account #51002-50922 CIP Recreation Equipment with a balance of \$39,064.06.

Chair: Shawn O'Neill

A local business generously donated the current Toro Sand Pro 3040 over a decade ago. Despite our efforts to maintain it, the equipment has reached a stage where it requires frequent and costly repairs to remain operational. This ongoing maintenance is both inefficient and disruptive, impacting our daily routines and the quality of field preparation.

This purchase was discussed and approved by the Town Council during the FY25 CIP budget workshops, where we highlighted the key reasons for replacing this equipment.

Given the critical role of the Toro Sand Pro 3040 in our daily operations and its impact on the quality of our sports facilities, it is clear that replacing this specialized commercial-grade equipment is necessary.

Motion to approve: Councilor Rague

Second: Vice Chair Blow

Vote: 5-0

AGENDA ITEM #8249

Discussion with Action: Renew the liquor license for Whaler, Inc., William Marshall, Whaler Restaurant, (206-31-17), 20 Staples Street, m-s-v in a lounge.

Chair: Shawn O'Neill

Motion to approve: Vice Chair Blow

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8250

Discussion with Action: Renew the liquor license for GFB Scottish Pub, LLC, Kelly and Robert Greenlaw, (205-3-1), 32 Old Orchard Street, m-s-v in a restaurant and lounge.

Chair: Shawn O'Neill

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

AGENDA ITEM #8251

Discussion with Action: Approve the Memorandum of Understanding between the Town of Old Orchard Beach and Southern Maine Planning and Development Commission for Comprehensive Plan Services in the amount of \$40,000 from account #20110-50310 Planning Board Service Contracts with a balance of \$50,000.

Chair: Shawn O'Neill

This agreement is for SMPDC to assist with the development of an updated Comprehensive plan.

SMPDC's contribution will include updating the inventory chapters; complete the inventory of maps, tables, and charts; review the new draft chapters with the Comp Plan Committee and update as needed, review the updated chapters with the Planning Board; and review the updated chapters with the Town Council.

September 2025 is the estimated time frame for completion on this project, and part of the FY 2025 budget.

Motion to approve: Vice Chair Blow

Second: Councilor Rague

Vote: 5-0

AGENDA ITEM #8252

Discussion with Action: Approve the quote from Vortex Services in the amount of \$137,025.00 for outfall cleaning from account #50002-50831 CIP Stormwater Maintenance and Improvements with a balance of \$1,261,907.64.

Chair: Shawn O'Neill

The Town has four (4) stormwater outfalls that are located off Mullen Avenue, Brown Street, Atlantic Avenue, and Fourth Street. These were last cleaned in 2021. This is part of the capital budget, where \$50,000 is budgeted annually for the cleaning taking place every 3 years.

Motion to approve: Councilor Tousignant

Second: Vice Chair Blow

Vote: 5-0

AGENDA ITEM #8253

Discussion with Action: Approve the quote from Vortex Services in the amount of \$74,982.00 for the slip lining of the Cedar Avenue sewer line from account #50002-50831 CIP Stormwater Maintenance and Improvements with a balance of \$1,261,907.64.

Chair: Shawn O'Neill

In the fall of 2023 DPW noticed that the storm drain on Third Street was no longer draining. The Tri Community CCTV camera attempted to camera the stormwater line, but it was blocked by roots, Vortex services came in to remove the roots but found the roots were too large, and they could go no further and local access was needed. Upon further investigation, Public Works located manholes on private property and because root intrusion has compromised the sewer pipe, it was recommended that slip lining would prevent root intrusion in the future.

Motion to approve: Vice Chair Blow

Second: Councilor Tousignant

Vote: 5-0

ADJOURNMENT

Chair: Shawn O'Neill

Motion to adjourn at 8:55pm: Councilor Tousignant

Second: Vice Chair Blow

Vote: 5-0