

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
Tuesday, December 15, 2015  
TOWN HALL CHAMBERS  
7:00 p.m.**

**A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, December 15, 2015. Chair O'Neill opened the meeting at 7:00 p.m.**

**The following were in attendance:**

**Chair Shawn O'Neill  
Vice Chair Joseph Thornton  
Councilor Jay Kelley  
Councilor Michael Tousignant  
Town Manager Larry Mead  
Assistant Town Manager V. Louise Reid**

**Absent: Councilor Kenneth Blow**

**Pledge to the Flag  
Roll Call**

**ACKNOWLEDGEMENTS:**

**CHAIR:** We were saddened to hear this week of the passing of Ron Boutet. Ron was the original developer of Dunegrass and very well known in our community. He supported many community groups including the Community Animal Watch. Our deepest sympathy goes out to his wife, Barbara Lord Boutet and his son, Steve.

**COUNCILOR KELLEY:** Enjoy the holiday season by attending A Christmas Festival of Music at The Salvation Army on Sunday, December 20, 2015 at 6:00 p.m. at 2 Sixth Street, Old Orchard Beach. Then take part in the OOB365 Last Blast Beach Party on New Year's Eve. Send out 2015 with a bang! Come and enjoy hot cocoa kettle corn, cotton candy, marshmallow toasting pits, and great music from DJ Joeyoke. Best of all – there will be a bonfire starting at 5:00 p.m. where residents can bring their Christmas trees down to feed the fire, and then a fantastic fireworks display starting at 7; 00 p.m.

**ACCEPTANCE OF MINUTES:** Town Council Minutes of December 2, 2015; and Administrative Review Board Minutes of December 9, 2015.

**MOTION:** Councilor Tousignant motioned and Vice Chair Thornton seconded to Accept the Minutes as read.

**VOTE:** Unanimous.

**PUBLIC HEARING: BUSINESS LICENSES:**

**CHAIR:** I open this Public Hearing at 7:04 p.m.

Cory Watson (107-2-8), 71 Smithwheel Road, six year round rentals; Chad Laverriere (210-2-6-27), 18 Smithwheel Road, #27, one year round rental; Patricia Bailer (314-14-10), 112 Ocean Avenue, one year round rental; 21 Union LLC (315-15-3), 21 Union Avenue, five year round rentals; and Kevin Boyle (310-6-1-240), 39 West Grand Avenue, #240, one year round rental.

**CHAIR:** I close this Public Hearing at 7:05 p.m.

**MOTION:** Councilor Tousignant motioned and Vice Chair Thornton seconded to Approve the Business Licenses as read.

**VOTE:** Unanimous.

**PUBLIC HEARING: AMUSEMENT PERMITS:**

**CHAIR:** I open this Public Hearing at 7:06 p.m.

Pamela A. Given dba/Ocean Pizza (210-2-51), 2 Ocean Park Road, Musician Inside Occasional Fridays – 7:00 p.m. to 10:00 p.m.

**CHAIR:** I close this Public Hearing at 7:07 p.m.

**MOTION:** Vice Chair Thornton motioned and Councilor Kelley seconded to Approve the Amusement Permits as read.

**VOTE:** Unanimous.

**TOWN MANAGER REPORT:**

The Town Manager reported on the proposal for Dunking Donuts at the end of Smithwheel going onto Old Orchard Road. He has met with staff, the MDOT, and the Town's Traffic Engineer on sit. It does not meet the standards for a signal and this unfortunately is a DOT decision but they are working on the area of pedestrian safety. It is now in the DOT's hands and a Public Hearing with the Planning Board is being held on January 14<sup>th</sup>. We are working on funding for the Washington Avenue corridor and related streets. We are considering streets, sidewalks, sewer, drainage, lighting and infrastructure. Met with a representative from Southern Main Planning but we have to conduct a neighborhood survey to document area meets income requirements. This will delay the application for funding for one year. He attended the Culinary Arts and Hospitality program at the High School. They are working with local employers; placing local teens as interns; learning job skills; and there has been an interest from other schools in sending tuition students if this program is expanded. Attended a Neighborhood Watch Meeting where there were over 20 residents who met with the Town Manager and Police Chief and Deputy Chief. We had an interesting interchange about town government and public safety. He met with the program coordinator for AARP and talked about aging in our community. We can learn from some other communities already involved in this program which concentrates on housing, safe sidewalks, walkability, health services, recreation and social opportunities. We updated the aerial mapping on our web site. Go to the Town's home page and click on the GIS Mapping twice (Geographical Information System); third page map appears. Click on Esri Street in lower left of map and it will show you 2015, 2012, 2006, 2003 (Environment Systems Research Institute, private company digital mapping) and you can actually see individual parcels.

**6537 Discussion with Action: Approve the Liquor License Renewal for Pamela A. Given dba/Ocean Pizza (210-2-51), 2 Ocean Park Road, m-s-v in a Restaurant.**

**MOTION: Councilor Kelley motioned and Vice Chair Thornton seconded to Approve the Liquor License Renewal for Pamela A. Given dba/Ocean Pizza (210-2-51), 2 Ocean Park Road, m-s-v in a Restaurant.**

**VOTE: Unanimous.**

**# 6538 Discussion with Action: Set a Public Hearing date of January 5, 2016 to Amend the Town of Old Orchard Beach Code of Ordinances to allow Cafes as a Conditional Use within the General Business District 2 (GB2) as follows: Chapter 78-ZONING, Article VI – DISTRICTS, Division 9 – GENERAL BUSINESS DISTRICT 2 (gb-2), Section 78-833. CONDITIONAL USES, (6) Cafes.**

**Memo from the Planner – Jeffrey Hinderliter**

**TO:** Old Orchard Beach Town Council  
Larry Mead, Town Manager  
Louise Reid, Assistant Town Manager  
**FROM:** Jeffrey Hinderliter, Town Planner  
**SUBJECT:** Proposed Ordinance Amendment- Cafes  
**DATE:** 9 December 2015

At the 15 December 2015 Council Meeting, the Council will begin consideration of adding the Café land use as a Conditional Use within the General Business 2 Zoning District. Background info is below.

This proposal is to amend Chapter 78 (Zoning) to allow Cafes as a Conditional Use within the General Business 2 (GB2) Zoning District. Cafes are defined as:

*Cafe* means a food service establishment providing foodstuffs and/or nonalcoholic beverages for consumption on or off the premises with a service counter not directly accessible to the public from outside of the building, and indoor seating for not less than eight persons. Cafes may offer sidewalk cafe service provided that the number of outdoor seats does not exceed the number of indoor seats provided.

After learning that the applicant (Toni Maestre) could not establish a food service-related business at her property on Saco Ave. (Curl-Up and Dye), she approached me to discuss how she could proceed with establishing a food service business at this location. She stated that it has been on the market for some time and most of those who have serious interest in the property want to use it as a restaurant or some type of business related to food service. At one time, a restaurant existed on the property (over 10 years ago) but it was replaced by a hairdresser.

When the proposal was brought to me, I found that the food service businesses similar to what the potential buyers wanted were not permissible in the GB2. This is not because they are specifically identified as ‘Not Permitted.’ It is because they are not identified as ‘Permitted’ or ‘Conditional Use’ when in other districts, food service-related businesses are identified as Permitted or Conditional.

During my review of this proposal to see if I could make a food service business fit within the GB2, I considered:

- Food service-related land uses currently identified in town ordinances.
- Food service-related land uses that may be appropriate and compatible for this property and surrounding area.
- Potential impacts (e.g., traffic, noise) the uses could introduce.
- Existing land uses.
- Guidance from the Comprehensive Plan.
- The ordinance standards that may apply, including if the current standards could properly regulate a food service-related land use in this area.
- Who should be responsible for municipal review (e.g., PB, planning staff, codes).

After my evaluation of the proposal, I determined that allowing Cafes as a Conditional Use within the GB2 was the best way to proceed. To do this requires a pretty simple ordinance amendment which identifies Cafes as a Conditional Use within the GB2. I discussed this with the applicant and she felt comfortable with my recommendation.

**NOTICE OF PUBLIC HEARING  
MUNICIPAL OFFICERS OF THE TOWN OF  
OLD ORCHARD BEACH**

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on January 5<sup>th</sup>, 2016, at 7:00 p.m. to consider the following:

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that section 78-833, Conditional Uses, of the Town of Old Orchard Beach Zoning Ordinance is amended by adding the underscored language:

Chapter 78 – ZONING, Article VI – DISTRICTS, Division 9 – GENERAL BUSINESS DISTRICT 2 (GB-2)

Sec. 78-833. Conditional uses.

(6) Cafes

**MOTION:** Councilor Tousignant motioned and Vice Chair Thornton seconded to Set a Public Hearing date of January 5, 2016 to Amend the Town of Old Orchard Beach Code of Ordinances to allow Cafes as a Conditional Use within the General Business District 2 (GB2) as follows: Chapter 78-ZONING, Article VI – DISTRICTS, Division 9 – GENERAL BUSINSS DISTRICT 2 (gb-2), Section 78-833. CONDITIONAL USES, (6) Cafes.

**VOTE:** Unanimous.

**# 6539** Discussion with Action: Establish a General Assistance Special Revenue Fund and Transfer \$1,526.97 from Account Number – 20118-50350 – Contingency; to General Assistance Special Revenue Fund, with a balance of “\$0.”

**BACKGROUND:**

**FROM:** Diana H. Asanza, Treasurer-Finance Director  
**CC:** Laurie Lord, General Assistance Agent

**RE:** New Fund for General Assistance Donations

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Over the past several years General Assistance has received donations from generous donors to assist those in need. Currently all donations are part of general fund and if these donations are not used by the end of the fiscal year they become part of the general fund unassigned fund balance. To avoid this from occurring each year I would like to propose the establishment of a special revenue fund with the approval of Town Council, where the balance will carry forward each fiscal year, if not used by June 30. I have discussed this with Laurie Lord, General Assistance agent and she is in agreement with this proposal because as she explained, the intent of donations that are received is to help

those in need year after year. In addition, I have discussed this proposal with our auditors and they agree this is an acceptable purpose for a Special Revenue fund.

At this time the balance of donations that were not utilized by June 30, 2015 totaled \$1526.96, and I respectfully request Town Council to approve the transfer of \$1526.97 from contingency to establish this new fund.

Please feel free to contact me with any questions or concerns.

**MOTION:** Councilor Kelley motioned and Vice Chair Thornton seconded to Establish a General Assistance Special Revenue Fund and Transfer \$1,526.97 from Account Number – 20118-50350 – Contingency; to General Assistance Special Revenue Fund, with a balance of “\$0.”

**VOTE:** Unanimous.

# 6540 Discussion with Action: Review proposed building structure and associated budget estimate for the Downtown Trash Handling Facility at Milliken Street.

**BACKGROUND:**

**TOWN OF OLD ORCHARD BEACH  
Memorandum**

December 11, 2015

**TO:** Members of the Town Council  
**FROM:** Larry S. Mead, Town Manager

**RE: DOWNTOWN TRASH OPERATIONS AT MILLIKEN STREET PARKING LOT  
TYPE OF BUILDING STRUCTURE AND ESTIMATED BUDGET**

**Council action required: Council vote on type of building structure to be used.  
Consideration by Council of budget allocation**

At its December 1 meeting the Council voted to move forward with an application to the DEP for locating a facility at the Milliken Street parking lot area for a facility to manage the handling of downtown and beachfront trash during the summer season.

As the Council is aware the Town is required by the Department of Environmental Protection to relocate the base of operations for downtown trash removal during the summer months from the W. Grand comfort station.

Staff must now move forward with getting a facility permitted and constructed in order to be ready for 2016 season. I have attached to this memo budget estimates for the trash handling facility with options for three different types of buildings: a wooden “stick-built” building, a metal frame building and a Quonset hut type building, with the associated site and infrastructure costs.

## Next Steps

The following steps need to take place in order to have the facility ready for June:

- Submit DEP permit application (in process)
- Decide on the type of building to be constructed (anticipating a 20x40 structure). By mid December.
- Work with consulting engineer on specifications.
- Determine cost estimate and source of funding. Get Council approval by January 5.
- Submit application in January to Planning office for required permits and design review.
- Issue bid for facility work and award bid by end of February.
- Issue RFP for trash collection and downtown cleaning contract: By January.
- Award downtown cleaning contract by March.

As you can see there is much to be done in order to be ready for next season. Thank you for your attention to this project.

cc: Marc Guimont, Public Works Director  
Louise Reid, Assistant Town Manager

### Milliken Street Transfer Station Cost Estimate

December 11, 2015

This estimate is for the proposed trash transfer station to be located at the rear of Milliken Street parking lot. The following assumptions were made in the development of this estimate:

1. The building will not be insulated and will not have a heating system.
2. Three building types were considered: stick built, steel frame and Quonset hut.
3. The building will be 20 X 40 feet. There will be an overhead door on each end.
4. There will be landscape screening in front of the building.
5. The building will not be sprinkled.
6. The building will not have a heating system.
7. The estimate includes roughing in piping for a future bathroom but no fixtures.

**Stick built building:** \$90/sf \$72,000

**Steel frame building:** \$45/sf plus foundation and floor \$50,000

**Quonset Hut:** Including erection, foundation and floor. \$35,000

#### Building Budget Range

**\$35,000 - \$72,000**

#### **Building base gravel and site work:**

Excavation	\$750
Building pad	\$860
Driveways	<u>\$5,250</u>
Total:	\$6,860

Budget **\$7,000**

**Landscaping:** **\$7,500**

**Plumbing:**

Package pump station	\$6000
Floor drain with oil separator	\$5000
Mop sink, hose bib	\$1650
Hot water heater	\$1000
General piping and roughing in fixtures (inside building)	<u>\$7500</u>
Total	\$21,150

Budget \$22,000

**Electrical:** \$14,000

**Utility conduits (water, sewer, electric):** \$11,000

**Subtotal:** \$96,500 - \$133,500

**Design Services (architecture and engineering) 10%** \$10,000 - \$13,500

**\*TOTAL BUDGET RANGE** \$106,500 - \$147,000

\* Dependent on type of building selected

The Town Manager made everyone aware that in the past summer garbage collected from the downtown and beach trash barrels were taken to a truck behind the West Grand Avenue public bathrooms and the trash was hauled to Casella Waste about four times a day. The Maine Department of Environmental Protection has required that the Town move the facility to a new location prompting this discussion this evening. Last summer the Town was granted a temporary approval to house the truck at a parking lot on Imperial Street and the Town is seeking approval from the DEP to house summer trash collections at a permanent location behind the Town's Milliken Street parking lot.

There was a good discussion on this item and particularly on the type of structure. There were contributions from neighbors Jack Sarno, Bobbi Vedorelli, Kathy Williams, Harvey Korobkin, owner of Winward Sail Motel, and members of Council. Comments from the public included concern about the type of structure; the traffic and the times of pick up; overfill of the parking lot; could camera's be installed to monitor activity. There was, however, a positiveness of the neighbors and an understanding that the Town would work with them should this actually happen. Again the Council made it clear that this is in the talking stages and the decision tonight basically is the type of building to be considered. The approximately costs of each type of building was discussed but the general consensus was that a stick building would be the best and the Council asked the Town Manager to move forward on the cost and other factors relative to the DEP but with the understanding that this is only to move forward to get whatever permits would be required by the DEP. The Main concern of the neighbors was disruption to those living in that area. The Town Manager explained that when the truck was parked 50 feet away from an apartment building and the trash was hauled out every few hours or so, we did not get one complaint at Town Hall. The closes building from the proposed location would be the motel which is about 350 feet away. The Town Manager explained that the 20 by 40 foot



building behind would house the garbage collection truck and there would be an overhead door on both sides of the building so the driver would be able to drive the truck through. This building design would make the trash collection less disruptive and the truck would not have to back up which sounds off a beeping signal. Councilor Tousignant questioned whether there is a need for a building for summer trash since we have never had a building. The Town Council Chair indicated he was not sold on the building but tonight's meeting is only to get approval from the DEP on the proposed new locations.

**MOTION:** Councilor Jay Kelley motioned and Vice Chair Thornton seconded to Review proposed building structure and associated budget estimate for the Downtown Trash Handling Facility at Milliken Street.

**VOTE:** Unanimous.

**# 6541 Discussion with Action:** Re-Appoint William Watson as Animal Control Officer, for an indefinite term; and accept with regret, the resignation of Karen Brozek from the Conservation Commission.

**MOTION:** Councilor Kelley motioned and Vice Chair Thornton seconded to Re-Appoint William Watson as Animal Control Officer, for an indefinite term; and Accept with regret, the resignation of Karen Brozek from the Conservation Commission.

**VOTE:** Unanimous.

**# 6542 Discussion with Action:** Approve the FY17 Municipal Budget Schedule and provide general budgetary guidance to the Town Manager for the FY17 Budget.

**BACKGROUND:**

Charter requires the Town Council to provide general budgetary guidance to the Town Manager as it concerns the preparation and presentation of the budget each year. This evening the Council will provide that guidance to the Town Manager as he prepares for the 2016 Fiscal Budget.

**PROPOSED FY17 BUDGET DEVELOPMENT SCHEDULE**

<b>Dec. 14-22</b>	<b>Dept. Heads discuss capital budgets with Town Manager</b>
<b>January 8</b>	<b>Operating budget documents to Dept. Heads</b>
<b>January 12</b>	<b>Dept. Heads submit capital requests to Town Manager</b>
<b>January 29</b>	<b>Submit capital budgets to Finance Committee</b>
<b>February 8</b>	<b>Dept. Heads submit budgets to Town Manager</b>
<b>Feb 8 –Feb 26</b>	<b>Finance Committee meetings to review capital budget</b>
<b>Feb 11- March 8</b>	<b>Town Manager meets with Dept. Heads to review/revise operating budgets</b>
<b>March 15</b>	<b>Submit Budget to Town Council</b>

March 15	Finance Committee submit CIP recommendations to Council
March 21 – April 1	Initial budget presentations to Council
April 4 – April 29	Continue presentations to Council
May 3	First reading of Budget by Town Council
May 17	Town Council Adopts Budget

The Council approved the Schedule but was also encouraged by Councilor Tousignant to move the process forward as quickly as possible. The Council instructed the Town Manager to work with staff to make the budget as palatable for the citizens as possible with the understanding that there are several projects that must be completed and others to be moved forward. The RSU23 is also another consideration as the Town Council has no control over what the School is asking for it and the Town Manager indicated that in discussions with the Superintendent of Schools there is a contract up for approval indicating that there will be raises to the teachers union.

**MOTION:** Councilor Kelley motioned and Vice Chair Thornton seconded to Approve the FY17 Municipal Budget Schedule and provide general budgetary guidance to the Town Manager for the FY17 Budget with the expectation of a minimum increase in the 2017 budget proposal.

**VOTE:** Unanimous.

# 6543 Discussion with Action: Approve the Special Event Permit for the New England Parkinson's Ride on Friday, September 9<sup>th</sup>, 2016, at the Ballpark, from 1 p.m. to 10:30 p.m., and Saturday, September 10<sup>th</sup>, 2016 from 5 a.m. to 8 p.m., ride beginning and ending at the Ballpark; alcohol service by Jimmy the Greek's. Insurance listing the Town of Old Orchard Beach as additionally insured to be given to the Town Clerk's Office at least one month prior to the event.

**MOTION:** Councilor Tousignant motioned and Councilor Kelley seconded to Approve the Special Event Permit as read.

**VOTE:** Unanimous.

**GOOD AND WELFARE:**

Councilor Tousignant requested that there be a workshop to consider the Ballpark Business Plan which the Council received this year. He said there are budgetary issues to be considered and that we should not delay. The Council is waiting for the structural report to arrive for consideration by the Council.

**ADJOURNMENT:**

**MOTION:** Councilor Kelley motioned and Vice Chair Thornton seconded to Adjourn the Town Council Meeting at 8:15 p.m.

**Respectfully Submitted,**

**V. Louise Reid  
Town Council Secretary**

**I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of eleven (11) pages is a copy of the original Minutes of the Town Council Meeting of December 15, 2015.**

**V. Louise Reid**