

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
TUESDAY, AUGUST 19, 2008 – 7:00 P.M.
TOWN HALL CHAMBERS
AGENDA**

A Town Council meeting of the Old Orchard Beach Town Council was held on Tuesday, August 19, 2008 in the Town Hall Chamber. The Chairman opened the meeting at 7:02 p.m.

Pledge to the Flag and Roll Call:

Present were:

**Chairman James Long
Councilor Roxanne Frenette
Councilor Robin Dayton
Councilor Sharri MacDonald
Town Manager Stephen Gunty
Assistant Town Manager V. Louise Reid**

Absent:

Councilor Shawn O'Neill

PRESENTATION: Our Public Works Director, Mary Ann Conroy, has meticulously provided for the Council two reports on which she will just give us a short overview; one on the Paving Bid and FY09 Plan and the second on Sidewalk Strategic Plan – August 2008 update. Again, our thanks to Mary Ann for her diligence in preparing this material. At a time when the State has put a halt to road projects due to rising costs of paving, the Town has completed a good portion of its paving projects. Mary Ann Conroy indicated that we are in good shape for paving and the contracts we have are pretty much done for this year. The Town is paying \$58 a ton for asphalt, significantly lower than what the State is paying. She indicated that she was thankful to be doing business with Dayton Sand and Grave because they had locked in the Town into a good price. One major paving project the Town recently completed was Temple Avenue. The project, half of which was funded by the State, was finished before the State put a halt to such projects. Other streets completed included Old Orchard Road, Garden Street, Chestnut Street, Date Street, Cliff Avenue, Dirigo Drive and Bradbury Street. Part of Ross Road has been completed and the Town plans to complete the work on the road next year. Remembering this past winter the roads really took a beating and significant progress has been made. There are still a few small projects as well as plans for Prospect Street that have not been covered in this year's \$200,000 budget. She indicated she would bring some of these projects to the council in the next few months. A sidewalk on Temple Avenue located between the Rotary to West Grand Avenue has been completed. Grindings from old pavement were used for the base on the sidewalk which cut the priced of the side walk by half. There s State funding for sidewalk on the west side of Saco Avenue and the Town

is hoping for funding for sidewalk on the other side of the street. A mapping of the Town's sidewalks has been done, categorizing them in different levels of need of repair. This map as well as information on road projects will be on the Town's web site.

COUNCILOR DAYTON: I note that your report indicates that Washington Avenue is in good condition and yet we have discussed this in the past and agreed and I have pictures that the road is not in good condition. I would like you to consider changing the verbiage in your designation of Washington Avenue.

MARY ANN CONROY: We are working on the Washington Avenue project including working something with the Salvation Army to secure some land which will make possible a better road access and condition in that area.

ACKNOWLEDGEMENTS:

COUNCILOR DAYTON: The Fire Department has received a donation of 20 cases of bottled water from Saco Hannaford to use at Fire incidents. Our special thanks to Hannaford Produce Manager, Anthony Collins for arranging for this donation. Also our thanks to Jason Webber and Andrea Berlin for the activities in the park including Thursday night concerts.

COUNCILOR FRENETTE: Our special thanks to the Public Works Director and her staff for the superb work done during the enormous amount of extra work as a result of the enormous amount of rain. To our Police Chief, Dana Kelley, Fire Chief John Glass, and each of their staff for their quick response to so many calls for assistance over the past few weeks. I would also like to wish Nance Kelley's "Hugs of Love" – congratulations and happy first anniversary for this important program.

CHAIRMAN LONG: Just a reminder that as noted on our web and television, Channel 3, there will be no Town Council meeting on September 2, 2008. We will be having a Special Town Council Meeting on Tuesday, September 23, 2008 when the Regional Planning Committee will be making a presentation on School Consolidation here in our Town Council Chamber. This is an important issue and we urge your attendance at the meeting and your viewing of the program once it has been televised.

ACCEPTANCE OF MINUTES:

MOTION: Councilor Frenette motioned and Councilor MacDonald seconded to approve the Town Council Minutes of August 5, 2008.

VOTE: Unanimous.

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to approve the Town Council workshop of August 12, 2008.

VOTE: Unanimous.

MOTION: Councilor Dayton motioned and Councilor Frenette seconded to approve the four Town Council Executive Sessions of August 12, 2008.

VOTE: Unanimous.

BUSINESS LICENSES: Jason & Rebekah Dube dba/Dube Investment Properties, LLC (204-3-37), Willow Avenue, one year round rental; Richard Chamberlain dba/American Management (206-24-41), 16 St. John Street, two year round rentals; Riverside Augusta Properties LLC dba/Mirror Image Communications Call Center (206-27-13), 8 Heath Street, personal service; Virginia Tent LLC dba/Virginia Tent LLC (208-3-6), 4 Williams Street, Tent & Trailer Park, 142 Sites, and eight Vending Machines; Michael P. Cole (301-3-1-302), 189 East Grand Avenue, Unit 302, one seasonal rental; Tedford & Carolyn Armistead (301-3-1-304), 189 East Grand Avenue, Unit 304, one seasonal rental; Grand Victorian Condominium Association dba/Grand Victorian Condo Owners Association (306-1-2-0), 1 East Grand Avenue, fifty-one year round rentals; and Richard Kelly (318-8-6-40), 146 West Grand Avenue, Unit 40, one year round rental.

MOTION: Councilor Frenette motioned and Councilor Dayton motioned to Approve the Business Licenses as read.

VOTE: Unanimous.

NEW BUSINESS:

5034 Discussion with Action: Approval of the Old Orchard Beach Dispatch Union, Teamsters Local #340 Contract, effective July 1, 2008 through June 30, 2011.

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to approve and authorize the Town Manager to sign the Old Orchard Beach Dispatch Union, Teamsters Local #340 Contract, effective July 1, 2008 through June 30, 2011

CHAIRMAN LONG: Special recognition should be given to the Town Manager and Chief Dana Kelley and Deputy Chief Keith Babin and to members of the Old Orchard Beach Dispatch Union, Teamsters Local #340 for working together in such a collaborative measure and bringing this three year contract to conclusion.

VOTE: Unanimous.

5035 Discussion with Action: Approval of the Old Orchard Beach Patrolmen's Association – Maine Association of Police Union Contract, effective July 1, 2008 through June 30, 2011.

CHAIRMAN LONG: Special recognition should be given to the Town Manager and Chief Dana Kelley and Deputy Chief Keith Babin and to members of the Old Orchard Beach Patrolmen's Association – Maine Association of Police for working together in such a collaborative measure and bringing this three year contract to conclusion.

MOTION: Councilor Frenette motioned and Councilor Dayton seconded moved to approve and authorize the Town Manager to sign the Old Orchard Beach Patrolmen's Association – Maine Association of Police Union Contract, effective July 1, 2008 through June 30, 2011.

VOTE: Unanimous.

5036 Discussion with Action: Approval of the Old Orchard Beach Local 2247 International Association of Firefighters AFL-CIO-CLO Union Contract, effective July 1, 2008 through June 30, 2011.

CHAIRMAN LONG: Special recognition should be given to the Town Manager and Chief John Glass and to members of the Old Orchard Beach Local 2247 International Association of Firefighters AFL-CIO-CLO for working together in such a collaborative measure and bringing this three year contract to conclusion.

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to approve and authorize the Town Manager to sign the Old Orchard Beach Local 2247 International Association of Firefighters AFL-CIO-CLO Union Contract, effective July 1, 2008 through June 30, 2011.

VOTE: Unanimous.

5037 Discussion with Action: Proclaim October 13, 2008 as Metastatic Breast Cancer Awareness Day and encourage awareness of the disease and support for research.

T O W N O F Old Orchard Beach, Maine
P R O C L A M A T I O N

WHEREAS: the Metastatic Breast Cancer Network (MBCN), a non-profit advocacy and education organization has designated October 13, 2008 as *Metastatic Breast Awareness Day*;

WHEREAS: the need for awareness surrounding the disease is alarming;

WHEREAS: the American Cancer Society has noted that 178,480 women will be diagnosed with breast cancer in 2008 and an estimated 30 percent will develop Stage IV, advanced, or metastatic breast cancer, the urgent

need for new targeted breast cancer treatments for patients is imperative;

NOW, THEREFORE: We, the Town Council of Old Orchard Beach, Maine, do hereby proclaim October 13, 2008 as METASTATIC BREAST CANCER AWARENESS DAY and encourage awareness of the disease, and support for research.

James Long, Chair

Shawn O'Neill, Vice Chair

Roxanne Frenette, Councilor

Robin Dayton, Councilor

Sharri MacDonald, Councilor

Date: August 19, 2008

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to Proclaim October 13, 2008 as Metastatic Breast Cancer Awareness Day and encourage awareness of the disease and support for research.

VOTE: Unanimous.

5038 Discussion with Action: Cancel the September 2, 2008 Town Council Meeting.

CHAIRMAN LONG: Due to the Labor Day holiday and some Councilors being on vacation the September 2, 2008 Town Council Meeting will be cancelled.

MOTION: Councilor Frenette motioned and Councilor MacDonald seconded to cancel the September 2, 2008 Town Council Meeting.

VOTE: Unanimous.

5030 Discussion with Action: Approve the Special Event Permit application for the Pier Leasing Company to hold their 9th Annual Bikefest in the Square on September 5th and 6th, 2008; and a request to Close the Square on the September 6, 2008 at 11:00 a.m.

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to approve the Special Event Permit application as read.

VOTE: Unanimous.

5040 Discussion with Action: Set a Public Hearing for September 16th for the Community Development Block Grant.

CHAIRMAN LONG: This is an opportunity for the citizens to respond to this important Community Development Block Grant. Jessica Wagner has informed the Council that Old Orchard Beach will be applying for the 2009 CDBG Community Enterprise Grant Program. CDBG (Community Development Block Grant) is Federal money transferred from HUD (Department of Housing and Urban Development) to the State office of Community Development and distributed to communities throughout Maine. In 2005, Old Orchard received \$125,000 from this grant program towards improving downtown business façades and other public improvements. In 2009 we are eligible to receive up to \$150,000 towards business façades and public downtown improvements. As part of the application process, we are required to hold an official public hearing. We'd like to schedule this hearing for the September 16th Town Council meeting. She has provided the 2009 proposed program statement for this grant. She will present more information at the September 16th hearing.

PROPOSED 2009 PROGRAM STATEMENT

B. COMMUNITY ENTERPRISE GRANT PROGRAM

The Community Enterprise Grant (CE) Program provides grant funds to assist in innovative solutions to problems faced by micro-businesses, promote business façade programs and make streetscape improvements in downtown and village areas. Assistance to businesses may be in the form of grants or loans at the discretion of the community.

- 1. Threshold Criteria and Program Requirements:** CE Program funds will be distributed through an annual grant application selection process.

(a) Eligible Activities:

(i) Eligible activities under the Micro-Enterprise Grant/Loan category are grants or loans to for-profit businesses, façade grants to for-profit or non-profit businesses for exterior improvements, including signage, painting, siding, awnings, lighting, display windows and other approved exterior improvements (**interior improvements are not allowed**) and streetscapes including pocket parks, benches, street lighting, tree plantings, signage, traffic calming improvements, sidewalks and other approved improvements; eligible planning activities necessary to complete the Project Development Phase. **Sewer, water, storm drainage, parking, roads or streets and other infrastructure improvements and buildings solely for residential use are not eligible.** *All streetscape improvements must take place on publicly owned property.*

(b) Downtown Revitalization Program Prohibition - Communities applying for a CE grant may not apply for, receive, or benefit from a Downtown Revitalization Program (DR) grant in the same program year.

(c) Maximum CE Grant Amount: \$150,000 - Applicants may apply to address one or any combination of eligible activities listed in Section

H (1) (a) above but are limited to a total of \$150,000 in CE funds.

(d) Maximum Amount of Community Enterprise Grant/Loan Assistance to Businesses: \$25,000

(e) Project Benefit:

(i) Micro-Enterprise Grant/Loan: Existing or developing businesses that have, or will have five or fewer employees, one of whom owns the enterprise, and whose family income is LMI will meet the project benefit. Employees are not considered in meeting project benefit.

(ii) Business Facade Grants: Project benefit will be met when exterior improvements and signage on an existing business take place in a designated slum/blight area, or documentation exists that a business qualifies under a spot blight basis.

(iii) Streetscapes: Project benefit will be met when streetscapes take place in a designated slum/blight area or the applicant community where the project will take place is 51% or greater LMI as determined by HUD and the U.S. Census.

2. Special Program Requirements

(a) Demonstration of National Objective: Applicants must demonstrate that the project meets the National Objective of 1) benefiting 51% or greater low/moderate income persons, 2) preventing or eliminating slum or blighting conditions, or 3) existing or developing businesses that have, or will have five or fewer employees, one of whom owns the enterprise, and whose family income is LMI. Census information, a certified target area survey, an officially adopted declaration of slum/blight conditions conforming to the requirements of MRSA Title 30-A, Chapter 205, 5202 and HUD, or assurances of spot blight designation or micro-enterprise eligibility must be submitted to OCD. *These demonstrations must be made as part of the Letter of Intent and Verification of CDBG National Objective submitted to OCD on or before 4:00pm on Friday January 9, 2009.*

3. Selection Process: The selection process will consist of three phases; a letter of intent, an application phase and a project development phase.

(a) Letter of Intent and Verification of CDBG National Objective: All communities wishing to submit a CE application must submit a Letter of Intent and Verification of CDBG National Objective to OCD on or before 4:00PM on Friday January 9, 2009 according to the requirements set forth in the 2009 DR application package.

(b) Application: The maximum length of an application is **four pages, not counting required attachments**. The application deadline for the

CE Program is 4:00PM on February 20, 2009. Each application will be rated in relation to all others in a two-stage process.

Stage 1: Review Team Analysis – Members of the four-person OCD Review Team will assign a Review Point Total for each application reviewed. Review Point Totals will consist of the sum of the three scoring areas below and be determined by the total of each sub-scoring area. A maximum of 100 points is obtainable.

(i) Impact (40 points):

*State the problems then present the scope and magnitude of the identified problems. – 6 points

*Explain how the problems negatively impact the local economy and the viability of existing downtown or village area. – 8 points

*Clearly define how the problems negatively affect LMI persons and/or contribute to slum/blight conditions. – 10 points

*Describe the obstacles to overcoming the identified problems. – 6 points

*Explain why CE funds are necessary for the project; describe efforts to secure other grant or loan funds, and tell why they are not available locally to assist businesses or local government with their development and site improvement needs. – 10 points

(ii) Development Strategy (40 points):

*List the specific activities to be undertaken in the project. For streetscapes include location, size and design features. – 5 points

*Identify the specific use of CE funds and the specific tasks or activities to be funded with each other source of funds. – 5 points

*Provide Identification and description of potential business grant/loan applicants and their needs; or provide details of how areas in need of streetscape improvements were identified and prioritized. – 5 points

*Explain how the CE project will stimulate business in the downtown or village area and assist in improving the area's long-term viability. – 6 points

*Describe how the CE funded activities will have a positive impact on LMI persons and/or on alleviation of the slum/blight conditions. – 6 points

*Provide a project timeline; list activities or actions completed to date. – 4 points

*Describe the capacity and experience of the administrator to market and conduct a grant/loan program or streetscape improvement effort; and describe how CE funds will be expended in a timely manner. – 5 points

*Budget Summary Review – 4 points

(iii) Citizen Participation (20 points):

*Effective use of any media (newspapers, radio, TV, etc) to further public awareness and participation. – 4 points

*Relevance of listed meeting/hearing activities/comments (not counting required public hearing) and the overall citizen participation process in application and project development. – 4 points

*Involvement of downtown and local businesses, Chambers of Commerce, development groups or other business related organizations in identification of problems and development of the application and project. – 4 points

*Involvement of potential LMI project beneficiaries in development of the application and project and how the required public hearing relates to the application development and citizen participation process. – 4 points

*How other local resources (cash and in-kind) are directly related to the project and the establishment of a cash value equivalent for all in-kind commitments. – 4 points

Stage 2: Final Application Score – Each application will receive a Final Application Score consisting of the average of the scores assigned by members of the 4-person OCD Review Team. Starting at the top of the scoring list, applicants will be invited to proceed to the Project Development Phase as funds allow. There is no minimum Final Application Score required for an application to be considered for funding.

MOTION: Councilor Dayton motioned and Councilor Frenette seconded to Set a Public Hearing for September 16, 2008 for the Community Development Block Grant.

VOTE: Unanimous.

5041 Discussion with Action: Approve the Special Event Permit application for the New England Parkinson's Awareness Bicycle Ride on September 13, 2008 from 7:00 a.m. to 5:00 p.m., riding from the Loranger School to the Pier; cyclist waiver must include the Town of Old Orchard Beach as a protected party; and a request to waive the fee.

MOTION: Councilor Dayton motioned and Councilor MacDonald seconded to approve the Special Event Permit as read.

VOTE: Unanimous.

5042 Discussion with Action: Approve the placement of "Deaf Child" sign on each side of the street by the residents of 87 Union Avenue and adhere to the MDOT requirement for that type of sign.

MOTION: Councilor Frenette motioned and Councilor MacDonald seconded to Approve the placement of "Deaf Child" sign on each side of the street by the

residents of 87 Union Avenue and adhere to the MDOT requirement for that type of sign.

CHAIRMAN LONG: A request has been made by Thomas Hill and Lynn Morello who reside at 87 Union Avenue that a “deaf child” sign be placed near their residence to assure the safety of their daughter and to alert motorists to here living in that vicinity. Both the Chief of Police and the Deputy Chief of Police agree this is an appropriate request and the Town Manager has directed the placement of two signs, one on each side of the street in a timely manner.

VOTE: Unanimous.

5043 Discussion with Action: Adopt Town Council Policy 08-01, Guidelines for Use of Local Access Channel 3.

CHAIRMAN LONG: Below is the proposed Town Council Policy 08-1 Guidelines for Use of Local Access Channel 3 which has been presented to you on two other occasions. Our thanks to Chief John Glass for seeing the importance of putting this policy together and the effort put forth.

**TOWN OF OLD ORCHARD BEACH
Governmental/Educational Channel (2008)**

Mission

The Governmental/Education Channel (OOBTV3) is operated by the Town of Old Orchard Beach and Time Warner Cable of Maine. The mission of OOBTV3 is to make local government more accessible to the citizens of Old Orchard Beach and Ocean Park. By providing a direct link between local government and the cable network, OOBTV3 will promote citizen access and exposure to local government and further government accountability. OOBTV3 will also provide local government with access to the cable network for training, data transmission, and other valuable exchanges of public information.

Priorities

In order to meet this mission, OOBTV3's activities will include the following prioritized programming and services:

1. Local governmental and school meetings.
2. Programs regarding local government services.
3. Character generated information regarding meeting schedules of local governmental boards, committees, commissions, etc.
4. Character generated information regarding important community events sponsored by governmental, school or non-profit groups.
5. Emergency information and instructions during disasters or other emergencies.
6. Reports to the citizens from elected or appointed public officials (e.g. Legislative Update).

7. Productions that feature community services, issues and/or special governmental meetings.
8. Productions concerning current events or particular community issues (e.g. Know Your Candidates/Candidates Night).
9. Productions with a cultural or educational element.
10. State government meetings of special local interest.
11. Programming obtained from outside sources which further OOBTV3's mission.
12. Providing video production training for other agencies.

Programming fulfilling the mission of OOBTV3 shall be primarily informational or educational in nature but this does not preclude the cable casting of events where some advocacy may take place. OOBTV3's staff, resources and facilities are for the use of: 1) the Town of Old Orchard Beach citizens, and elected officials; 2) other government and non-profit agencies. 3) OOB school system.

Costs

The Town may recover the cost of productions through billings or fees for overhead used on a production. Other organizations may apply for the use of facilities and staff on a fee basis.

Dubbing Costs

VHS, 1/2 hour program or partial program---\$40 each copy

VHS, over 1 hour or complete program---\$40 each copy

DVD, (Unable to copy at this time)---\$40 each copy

Responsibility for Programming

Organizations utilizing OOBTV3's facilities and resources bear sole responsibility for the contents and materials used in all programs produced by or for them. This responsibility includes obtaining all necessary releases from program participants, obtaining any required copyright clearances, and complying with all other policies and guidelines established for programming to be cablecast on the Channel. Such users shall sign a liability release form prior to the cable casting of any information or program for that user. The liability release shall hold harmless the Town and OOBTV3 for any breach of copyright or other liabilities due to the negligence or error of the user agency. All programming with the exception of meetings will carry an implied or written disclaimer of responsibility for their content. Written information submitted to OOBTV3 for inclusion in the character generator program sequence (Community Bulletin Board) will be edited where necessary by staff to maximize the impact, clarity, and efficiency of the message. Selection and scheduling of character generated sequences, programs, and live events for cable casting are solely the responsibility of OOBTV3 staff as per the priorities outlined above. All video programming whether live or on tape shall be identified by the producer or source of programming credits at the end of the program.

Retention of Tapes

OOBTV3 will retain the videotapes of recorded meetings for at least 1 year. Requests for copies of such tapes will be granted and the Town has the right to require compensation

for such as per OOBTV3's rate structure. OOBTV3 will permanently retain the master copy of all programming it produces, or aids substantially in producing, or which must be retained pursuant to applicable law. Copies of masters will be used for cable casting and may be purchased from the Channel/Town. Nothing in the above is intended to excuse the Town or OOBTV3 from the requirements of the State of Maine's Open Records laws. All requests for video copies of such meetings will be granted, and the Town has the right to require compensation for expenses involved in creation of those copies as per the Town/OOBTV3's rate structure.

All regular Town/OOBTV3 productions (i.e., regular meeting coverage) and all special video works produced by OOBTV3 will be under the copyright control of the Town of Old Orchard Beach unless one or more of the following apply:

1. Language in a grant, or other funding source which pre-exists the production of the work, establishes a different, related entity as the copyright holder.
2. An agreement is signed, prior to production of the work, granting ownership of copyright to a different, related entity, such as the funding source or the host or moderator of the program.

Limitations

The facilities and resources of OOBTV3 shall not be used for the following:

1. Any advertisements on behalf of a political candidate or measure of a ballot. Note: this does not preclude the production by the Town /OOBTV3 of programming which includes the opportunity for all candidates for a particular elective post or proponents of all sides of an issue to appear in a fair and equitable fashion, i.e., Know Your Candidates/Candidates Night.
2. Any advertisements including specific messages on behalf of or opposing any measure under consideration by the Town. Note: This will not preclude the production of programming that provides information on such issues if all sides of the issue are presented or the production of programs where all sides of an issue are debated/discussed by their proponents/opponents.
3. Any promotional material concerning products or services presented for the purpose of any solicitation of funds or items of value by other than government or non-profit groups.
4. Any information concerning gambling, lotteries, gift enterprises, or the like.
5. Any material which constitutes libel, slander, pornography, violation of trademark or copyright, or which might violate any local, state, or federal laws, including FCC regulations.
6. Any programming which advocates a particular religious belief or beliefs.

Coverage

Public Meetings: All public meetings will be covered gavel-to-gavel. No editing of any sort shall be performed, save: 1) addition of title and credit pages for cable casting of taped replays; and 2) coverage lost due to technical considerations.

Special Programs: Any programming prepared by or provided by a government department may be modified or edited as appropriate, or as dictated by scheduling and personnel resource requirements.

Community Bulletin Board: Informational messages for use on the character generator bulletin board (Community Bulletin Board) shall be edited for clarity and to maximize the capacity of the system.

Scheduling

Scheduling the use of governmental/educational channel OOBTV3 time shall be the sole responsibility of the Town Manager or Channel Manager of OOBTV3. Scheduling will be in accordance with the Mission Statement set forth by the Town of Old Orchard Beach Council and the availability of equipment and staff resources.

**TOWN OF OLD ORCHARD BEACH
GOVERNMENT/EDUCATION CHANNEL OOBTV3
1 PORTLAND AVE.
OLD ORCHARD BEACH, ME. 04064**

Program Dub (copy) Request

Program Title _____

Program Date _____

Topic/Guest _____

Choose (1)

_____ **VHS ½ hour or partial program- \$40.00 each**

_____ **VHS 1 hour program or entire program- \$40.00 each**

_____ **DVD entire program- \$40.00 each copy**

**Payment must accompany this request form.
Cash, Check, Debit accepted.
Price does not include postage if dub is to be mailed.
Exact postage determined at purchase.**

Requested By:

Name _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Email _____

OFFICE USE ONLY

Date requested _____ Dub completed by _____

Request taken by _____ Date request completed _____

Payment received date _____ Date mailed _____

TOWN OF OLD ORCHARD BEACH, MAINE

OOBTV 3 Program Responsibility Form-Media Submittal for Broadcast

Your Name: _____

Date: _____

Group you are representing (if any _____

Address: _____

City: _____

Phone: _____ **E-Mail:** _____

Title of Program: _____

Exact Program Length in Hours: Minutes: Seconds: _____

Briefly Describe the Program: _____

If possible, you'd like us to play this program on or before (date/s): _____

Priority will be given to Government Access programs and locally-produced programs. Locally-produced programs will be scheduled for cablecast on a first-come,

nondiscriminatory basis. All Programs must conform to community standards regarding obscene or indecent matter as well as local, state, and federal laws. Programs cablecast on OOBTV3 may not contain lottery information or paid advertisements. Any program which the Channel Manager feels might not comply with OOBTV3 policies may be held off the programming schedule until reviewed by the Town's Attorney in order to insure compliance. If written permission to cablecast or edit copyright materials is necessary, the Channel Manager must receive that permission in writing before the program will be scheduled for cable casting.

It is your responsibility to be sure the video tape meets the following technical requirements before the program will be scheduled for cable casting on OOBTV3:

1. The program must be immediately preceded by at least thirty seconds of recorded black or color bars.
2. The program must be immediately followed by at least thirty seconds of black.
3. The tape must be completely rewound.
4. The label on the spine of the tape must include the title of the program and the exact length of the program in hours: minutes: seconds.

If your video tape does not meet these requirements, talk to the Channel Manager before submitting the tape. You are expected to clearly print your name and phone number on the face label of the video tape and remove the tape's erasure prevention tab before submitting the tape to OOBTV3 for cable casting. It is your responsibility to pick up any tape presented to OOBTV3 within two weeks of the program's scheduled cablecast date. Any tape not picked up within two weeks will be considered abandoned and become the property of the Town of Old Orchard Beach. OOBTV3 assumes no responsibility for tapes presented for cable casting.

Statement of Compliance

I have read and understand this form and understand that as producer/sponsor of the program described above I am responsible for the program's content. I understand that OOBTV3 is required to keep for public record the names and addresses of all persons requesting access time for a period of two years from this date. I have made all appropriate arrangements and obtained all appropriate clearances from broadcast stations, networks, music licensing organizations, performers, performers' representatives, and without limitation by the above list, any and all other persons as may be necessary for the authorization to edit and/or cablecast the material in this program on OOBTV3, on the servicing cable system.

I hereby agree to indemnify, save, and hold harmless OOBTV3, the servicing cable system, and the Town of Old Orchard Beach and its employees from and against any and all liability, claim, judgment, action, loss, cost, damage, injury (including death) or expense (including attorney's fees), arising out of or resulting from the program or

programs referred to herein. I give OOBTV3 permission to edit a countdown and disclaimer onto the tape(s) I am submitting for cable casting.

Date: _____ Signature of Applicant: _____

OOBTV3, Town of Old Orchard Beach, Maine, 04064, 207-934-5714

MOTION: Councilor Dayton motioned and Councilor Frenette seconded to Adopt Town Council Policy 08-01, Guidelines for Use of Local Access Channel 3.

VOTE: Unanimous.

5044 Discussion with Action: Town Council Order to Amend the Existing Schedule of License, Permit and Application Fees by increasing the fees under Sections “Building” and “Electrical Permits.”

GARY LONG: Suggested Fee Structure Changes for Code Enforcement

The following is a summary of building permit fees from surrounding communities, a comparison of the cost of a specific project with other communities and proposed restructuring of the permit fee schedule.

Permit Fees in Surrounding and Similar Communities:

Old Orchard Beach currently charges \$2.50 per \$1000. of construction cost for residential additions, alterations and renovations. For new construction we charge \$0.25 per sq.ft. for the basement and first floor of residential construction and \$0.05 per sq.ft. for additional floors. For new commercial/ industrial construction, the per sq. ft. permit fee is double the residential fee described above. The minimum fee is \$25.00. Our Zoning Board fee is \$75.00

Saco

Minimum fee-- \$40.00

Residential or commercial new construction, Additions, alterations. -- \$11.00 per \$1000. of construction cost

Scarborough

Minimum fee-- \$20.00 Residential; \$30.00 Commercial

\$110.00 applied to new construction or renovations greater than 1000 sq.ft.

Residential or commercial new construction, Additions, alterations. -- \$0.40 per square foot of finished construction area.

Zoning Board --\$250.00

Kennebunkport

Minimum fee-- \$40.00

Residential new construction, Additions-- \$0.40 per square foot of finished construction area.

Commercial new construction, Additions-- \$1.00 per square foot of finished construction area.

**Residential & Commercial Alterations: \$4 .00 per \$1000. of construction cost up to\$ 25,000
\$4.00 per \$1000. of construction cost between \$ 26,000- \$100,000; \$6.00 per \$1000. of construction cost over \$100,000**

Ogunquit

Minimum fee-- \$35.00

Residential new construction, Additions, alterations. -- \$14.00 per \$1000. of construction cost

Commercial new construction, Additions, alterations. -- \$18.00 per \$1000. of construction cost

Zoning Board \$140.00

In summary, all of the Towns and Cities interviewed charge more for similar services.

The building permit fee for a new 26' x 40' garrison single family home with 10'x 12' breezeway and 24' x 24' single story garage would be \$375.

The same home in Saco would be approximately \$2,035; in Scarborough and Kennebunkport it would be approximately \$1,203; in Ogunquit it would be approximately \$2,450.

In the attachment there are proposed modifications to the fee schedule to recover a larger percentage of the cost of development and construction currently being funded by property tax revenues. Under the proposed fee, the above described project permit would cost \$1,260.80.

FEES

BUILDING

Minimum Building Permit Fee

~~\$25.00~~-\$40.00

Re-Inspection Fee

~~\$50.00~~ three (foundation, rough & finish): \$75.00 per return inspection following noncompliance with a notice of violation or order to correct violations of building, plumbing or electrical code standards. (The initial

follow-up inspection is at no charge)
 This fee also applies to permittees that arranged for an inspection on a date and time certain and are found to be incomplete and a follow up inspection is required.

Residential Use (Single family, Two Family, Multi-family, Lodging)

~~One Story with Full Foundation~~ **Finished Space** ~~\$.25 sq. ft.~~ **\$.40 per Sq. Ft.**

~~Each Additional Floor~~ **Unfinished space such as cellar or attic with access and 6 feet or more of headroom, open decks** ~~\$.05 sq. ft.~~ **\$.20 per Sq. Ft.**

Residential Garage (**Attached and Detached**) ~~\$.05 sq. ft.~~ **\$.30 per Sq. Ft.**

Sheds \$25.00

Additions/Alterations ~~\$2.50 (per \$1,000 of cost)~~ **\$8.00 (per \$1000. of construction cost)**

Commercial Uses including multi-family residential and lodging uses

One Story Including Foundation ~~\$.50 sq. ft.~~ **\$.80 per Sq. Ft.**

Each Additional Floor ~~\$.10 sq. ft.~~ **\$.40 per Sq. Ft.**

Miscellaneous

Boarding up of Seasonal Facilities ~~\$10~~ **\$25.00**

Swimming Pool

Inground ~~\$.06 sq. ft. (minimum of \$25.00)~~
\$.20 per Sq. Ft. (minimum of \$40.00)

Above Ground ~~\$25.00~~
\$.20 per Sq. Ft. (minimum of \$40.00)

Moving Buildings ~~\$25.00~~ **\$40.00**

Demolition ~~\$25.00~~ **\$40.00**

Signs ~~\$25.00~~ **\$40.00**

Mfg. Housing Unit Replacement or Entry to Park ~~\$25.00~~ **\$40.00**

Building without a permit **Double Permit Fee**

ELECTRICAL PERMITS

Minimum Electrical Permit Fee	\$25.00 \$35.00 Residential, \$45.00 Commercial
Re-Inspection Fee	\$50.00 per return inspection beyond two staff inspections.
Per Square Foot (Residential)	\$0.045
Per Square Foot (Industrial, Commercial)	\$0.055
Low Voltage & Computer Networking	\$10.00 (minimum)
Boiler-Burner	\$10.00
Pumps-Circuits	\$10.00 (minimum/each)
Air Conditioners	\$10.00 (minimum)
Controls-Alarms	\$10.00 (minimum)
Transformers	\$10.00 (minimum/each)
Motors	\$10.00 (minimum/each)
Signs	\$10.00 (minimum/each)
Additional Circuits (over 110V)	\$10.00 (each)
Additional Circuits (110V or less)	\$10.00 (each)
Alterations per room	\$10.00 (each)
Temporary Services	\$10.00 (per 100 amps)
Permanent Services (up to 200 amps)	\$10.00
Permanent Services (over 200 amps)	\$10.00 (per 200 amps)

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to by Town Council Order to Amend the Existing Schedule of License, Permit and Application Fees by increasing the fees under Sections “Building” and “Electrical Permits.”

VOTE: Unanimous.

5045 Discussion with Action: Set a Public Hearing date of September 16, 2008 to consider the adoption of a Sewer User Fee, effective July 1, 2009.

CHAIRMAN LONG: A presentation will given at a recent Town Council workshop by Victors S. Krea, P.E., and Roger G. Bedard, P.E. of Wright-Pierce Engineering and the Waste Water Superintendent, Chris White. The public will have an opportunity to voice their opinion on a proposed town sewer impact fee. The Town has had a tax-based sewer fee, charging residents about 13 percent of their property taxes for sewer fees whether they are on sewer system or not. There are about 350 homes that are not hooked up to the sewer system but still pay the sewer tax. Because of this the system is unfair to them. One type of sewer fee favored by the Council was a system which would charge users for the amount of water they use. If the Town were to use this system it would no longer charge residents the sewer tax. A system that would charge by water use would charge full time residents more than what they are paying now. An average home is taxed approximately \$320 for sewer use, up slightly from the average home sewer tax of #310. The estimated water use tax for a year-round convenience store or gas station would be \$950, up from an estimate of \$410. Tax exempt properties, such as churches and schools which were exempt from sewer taxes would have to pay sewer fees in a water use charge system. Also, residents or businesses that apply for property tax deductions may no longer be able to write off sewer fees. A non-tax based system would allow the town to be eligible for federal and state grants. The current wastewater system is in significant need of repairs. The Wastewater Treatment plant is in need of \$5 million of repairs, and pump stations and sewer lines are in need of additional funds. The Wastewater Treatment plant has, over the years had a patchwork of repairs and it is sometimes hard to get compatible parts for outdated section of the systems. No one likes to spend that kind of money, but obviously for public health and public safety we need to have that system working well. If the Council decides to enact a sewer user fee it would be effective July 1, 2009.

A. Tax Base (and Valorem)

Advantages:

- current system
- simple to administer
 - no separate billing
 - no additional collection costs

Disadvantages:

- considered inequitable (payment is related to property value, not actual usage.
- may disqualify the Town for State/Federal grants.
- does not promote water conservation based on usage.
- all tax payers fund future sewer system improvements, not just users.

Estimated Expenses:

Estimated Expenses which could be covered by user charges included:

	FY 2009
Wastewater facility pump stations	\$ 1,150,000
Collection System	400,000
Existing Debt	0
Future CIP Debt	200,000
System Administration Costs	<u>100,000</u>
	\$ 1,850,000

What Do Other Communities Charge:

	<u>Method</u>	<u>Average Resident Bill</u>	<u>What is Covered?</u>
Saco	Water Use	\$ 288	O&M, bond administration
OOB	Tax Base	312	O&M, bond, administration
Kennebunkport	EDU	360	O&M & 40% of bond
Biddeford	Water Use	395	O&M, bond, administration
Wells	EDU, water use	480	O&M, bond, administration
Portland	Water Use	509	O&M, bond, administration

All but six Maine communities currently have sewer user charge systems.

(Data from 2006)

	Estimate Use GPD	Estimated Charge \$/year	Estimated Taxes to Sewer Budget
Average Home	270	\$ 320	\$ 310
Church (100 seats)	400	470	0
Convenience Store (2 restrooms)	800	950	510
Gas Station (2 sets of pumps)	800	950	510
School (100 students)	900	1,070	0
Hotel/Motel (25 rooms)	2,500	2,960	1,420
Restaurant/Bar/Lounge (100 seats)	3,000	3,540	290
Campground (100 sites)	6,000	7,220	1,250
Laundromat (10 machines)	6,000	7,110	400
Mobile Home Park (100 sites)	12,500	14,810	6,000

Next Steps?

- **Select Methodology.**
- **Set budget items for rate setting.**
- **Establish rates.**
- **Enact ordinance.**
- **Implement charges.**

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to Set a Public Hearing date of September 16, 2008 to consider the adoption of a Sewer User Fee, effective July 1, 2009.

VOTE: Unanimous.

5046 Discussion with Action: Authorize the Town Manager to issue a contract to Wright Pierce for the Comprehensive Facility Study (CFS) in an amount not to exceed \$125,000 in anticipation of the bond issue concerning the West Grand Pump Station (WGPS) upgrade in an amount from Account Number 21004/50871 – WWTP Designated Fund – with a balance of \$425,000.

CHAIRMAN LONG: The Council took action on March 18, 2008 and commissioned the Superintendent to issue an RFP for the SCADA system and Comprehensive Facility Study (CFS). Since then, the SCADA design was awarded to Wright-Pierce, but the RFP for the CFS was never issued in anticipation of the bond issue concerning the West Grand pump station (WG PS) upgrade. Now that both voters and council have approved the WG PS upgrade it is staff's recommendation that we forego the RFP process and hire Wright-Pierce as the engineer for the design services on both of these projects. Combining these projects only makes sense in the fact that they relate directly to each other in the treatment process. Wright-Pierce is currently the engineering firm used by OOB Public Works, Planning Department and they have been the engineers behind the last two major upgrades here at the facility. Wright-Pierce completed a pump station study in 2005 and are currently assisting the town in the sewer rate evaluation. These factors give them an excellent understanding of the process here at the facility and pump stations as well as a "comfort level" with town staff...this can only help but streamline both the cost and timeline. If the Town Council would consider approval of a contract at the August 19 council meeting, Wright-Pierce will prepare a contract with a scope of work that includes a "not to exceed price". Funds set aside in the wastewater capital account #20204-50846 - would be used until the SRF loan is approved. This initial phase would be for design services only. Once specified, material and construction services would go through the complete bid process.

MOTION: Councilor Frenette motioned and Councilor MacDonald seconded to Authorize the Town Manager to issue a contract to Wright Pierce for the Comprehensive Facility Study (CFS) in an amount not to exceed \$125,000 in anticipation of the bond issue concerning the West Grand

**Pump Station (WGPS) upgrade from Account Number 21004/50871 –
WWTP Designated Fund - with a balance of \$ 425,000.**

VOTE: Unanimous.

5047 Discussion with Action: Authorize the Town Manager to issue a contract to Wright Pierce for preliminary design of the West Grand Pump Station in an amount not to exceed \$31,000; once the State Revolving Loan Fund application is approved the engineering costs will be taken from the bond account to be set up by the Finance Director.

CHAIRMAN LONG: The estimate for the preliminary design will be approximately \$31,000 as a not-to-exceed fee for this phase. The final design phase will be additional and the fee would be based on the final scope of work defined as part of the preliminary design. The preliminary design would be scheduled to coincide with the CFS primarily as it relates to deciding on grit/headworks treatment (i.e., best located at West Grand of at the Waste Water Treatment Facility.) The schedule is such that the upgrade design could be bid early in 2009 to increase likelihood of strong bids.

MOTION: Councilor Dayton motioned and Councilor Frenette seconded to Authorize the Town Manager to issue a contract to Wright Pierce for preliminary design of the West Grand Pump Station in an amount not to exceed \$31,000; once the State Revolving Loan Fund application is approved the engineering costs will be taken from the bond account to be set up by the Finance Director.

VOTE: Unanimous.

GOOD AND WELFARE:

JACK SARNO: Mr. Chairman, Town Council and Town Manager. I have been gone from this area for the last eight weeks and I have not had the opportunity to stand before you and be able to express my concerns. Move the Dam/Water Committee is still strong and we will continue to be very vocal about our issues. We, as well as our neighbors in Ocean Park have like concerns, the protection of our property, our health and our welfare. Your direction in resolving flood issues is very lopsided and we ask to be put on the same page. We are all human, have equal concerns and expect to be treated as such. My question for the evening is where have our Town Councilors gone? Where is the Town Councilor who supported Move the Dam/Water Committee and the residents of Old Orchard Beach in our endeavor to resolve the flooding issues in this area? Where is the Town Councilor that was always vocal to other Council members, Town administration members, Planning Board members, newspaper reporters, State Senator Hobbins, State Representative Hogan, State officials, area residents and our previous Town Manager in supporting these efforts? In the beginning you stood by the residents of OOB and supported our cause and we believed that together we could resolve the issue. You supported us by asking many times at prior budget meetings and workshops to allocate millions of dollars to relieve the flooding problems in our area and you were denied by your fellow council members and the past

Town Manager. You supported us then but I must ask “Where are you now?” You helped push for the watershed study in order to provide data needed to convince the town administration, council members, state officials and the previous Town Manager that the Little River/Jones Creek watershed is the cause of our flooding issues. This study was completed at a cost to the taxpayers of OOB of ninety thousand dollars. Also let us not forget the prior watershed study done by the Town Administration when they applied for FEMA flood assistance in the Little River/Jones Creek watershed. This engineering report was needed in order for OOB to apply for FEMA. This study was awarded to the engineering firm of Woodward and Curran at a cost to the taxpayers of OOB approximately thirty thousand dollars. The FEMA engineering report never moved to completion by the previous Town Manager. Nor did the Town officials in correct form as requested by FEMA submit the final report. The dollars spent on both studies was well over one hundred twenty thousand dollars paid by the taxpayers of OOB. This is a waste of taxpayer money and I want to know how you can justify utilizing these taxpayers’ dollars with absolutely no follow through or end profit. Also during the past months I have been told by two of the Town Council members that OOB cannot take legal action against the Town of Scarborough or the State of Maine in resolving these flood issues. If all efforts fail in negotiating resolution with State of Maine officials, we the taxpayers, primarily those being impacted by the flooding will have to take civil action suit on our own against the State. This is not a financially feasible approach for us. This should be the responsibility of our Town. If the Town cannot take legal action this means we have wasted the taxpayer’s money on an issue that we cannot pursue. If the Council members were aware of this why did we move forward with engineering studies? Let me once again remind the taxpayers that you spent over one hundred thousand dollars of taxpayer money on studies that cannot be brought to completion. Mr. Chairman you have read the reports and it does indicate that the dam in question is in fact the cause or contributes to the cause of the flooding. Also in the past you stated you once tried to get resolution on the dam issue years ago. This clearly indicates that those who benefit from the building of this dam and their gains are more important than those of us who suffer from the flooding and high water table caused by the dam. It was also clarified by two other council members that if the dam was totally removed that approximately 3.3 million gallons of water would be gone from the watershed. It does not take a genius to realize what that means. Room for 3.3 million gallons of fresh water to flow through the channel and out to sea. Mr. Chairman it has been over five years since the residents of OOB placed this issue in your hands and it appears interest and support has dwindled. So I ask again, “where are you now?” We are still here and we are still in need of your support. Mr. Chairman, you also voted for the bond package to spend 1.8 million dollars on storm water infrastructure in Ocean Park/West Grand Avenue. It appears that you have forgotten about the other area of Town. The area that has been experiencing flooding for over many years and has been pleading for your attention to this matter. I understand that politician’s flip-flop, and that sometimes it can be justified, but this is ridiculous. The residents of OOB, those who are repeatedly dealing with this flooding issue want to know – “where are you now”? I would like to direct this issue to another member of the Council. You said that we couldn’t fix one area of Town and not fix the other. This is why we need to do a watershed study in Ocean Park/West Grand Avenue watershed, just as we did in Little River/Jones Creek watershed. The Town Council voted to fund \$25,000 dollars and approved Wright-Pierce engineering to do the study. It was also said that when all data is collected we should compile the information and have

workshops to put a plan in motion to resolve flooding issues in both areas. I agree with this decision because it will enable us to get the total picture. Town Councilor you got the approval, you got the study, and we got no meetings, no Planning and no resolution. I ask, "Where are you now?" From the time the Wright-Pierce engineering study was completed and a bond referendum was put on the Town agenda for vote, we still had no planning workshop. The bond package totaled 5.3 million dollars, which 1.8 million dollars was for storm water infrastructure for Ocean Park/West Grand Avenue. Mr. Chairman, you managed to get the majority vote (3 to 2) to move forward and put it out for a vote by the people of OOB. You got the third vote because of one Council member not wanting to lose out on the sewer project and the West Grand pump station upgrade project portion of the bond. Please Mr. Chairman, Town Manager, and Council members, explain to us what happened to the other side of Town? You have forgotten us once again. I ask, "Where are you now?"

PAULA DUPE: I offer my support to Jack and thank him for all he has done on our behalf. I believe the issue is the dam and its manipulation. We need a plan. It is affecting the evacuation route and this in itself is a concern to us all. The sidewalks going down Walnut Street have compounded the flooding as has the Milliken Street parking lot. It was flooded all winter. It is a big issue for those of us who have real estate here and we need your help to alleviate this situation and we appreciate anything that you can do to assist us.

MAGGIE SETTINE: We at Tidewater Loft complain about the flooding situation. You have approved a bond for \$500,000 but this will not affect us. Again the evacuation route is jeopardized as well in this situation. We do what we can do but we are asking for your intervention. We need cleaning out of the creek in the back of us. The continual damage and health concerns of our community are calling for your attention and action.

SUSAN STROMMER: We appreciate the complexity and complication of this issue and your suggestion that we get an attorney does not help us for we cannot afford to do that. We ask that you do not walk away from your responsibility to the citizens of this community. We also requested help from Dispatch during the recent flooding and no assistance was given.

GERALD LINDSAY: This has affected my business as well. It is not safe for people to walk through the water. It is knee deep. You had meetings with the Inland Fisheries and yet nothing has developed as a result of their meetings and we have seen no action nor no reports.

HARVEY BRACKEN: I have lived here for forty years and this flooding gets worse and worse and I cannot expect business clients to wade through water to get to my business. It is a constant problem and nothing is being done to correct it.

COUNCILOR DAYTON: I also recall that we were to get a report from the Department of Inland Fisheries and there has been nothing and I would ask the administration to follow up on this.

COUNCILOR FRENETTE: We have not forgotten your situation. There is flooding in many areas and we will do what we can but we are handicapped and limited to what the law permits us to do as well.

CHAIRMAN LONG: We all recognize the enormity of this situation and continue to seek a solution.

ADJOURNMENT:

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to adjourn the Town Council Meeting.

VOTE: Unanimous.

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 twenty-seven (27) pages is a true copy of the original Minutes of the Town Council Meeting of August 19, 2008.

V. Louise Reid