

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL WORKSHOP
TUESDAY, JANUARY 20, 2009
TOWN HALL CHAMBERS**

A Town Council Workshop of the Old Orchard Beach Town Council was held on Tuesday, January 20, 2009 in the Town Hall Chamber. The Chairman opened the Workshop at 8:00 p.m. Discussion will be on the subject of solid waste collection services and the upcoming RFP.

The following were in attendance:

Present:

**Chair Sharri MacDonald
Vice Chair Robin Dayton
Councilor Mike Tousignant
Councilor Laura Bolduc
Councilor Shawn O'Neill
Town Manager Steve Gunty
Assistant Town Manager V. Louise Reid**

Presentation and Discussion:

Andrea Berlin, Chair of the Conservation Commission, as well as members of the Conservation Commission joined in discussion of this particular workshop. Andrea Berlin had prepared a two-sketch option for addressing drainage challenges in front of the Dog Park area. These options has been developed by Bob burger of Innova-Ex, the excavation and drainage improvement contractor currently working in the Park, and independently reviewed by engineers at Wright-Pierce. Wright-Pierce determined that either solution would work and that the catch basins installed as part of the original phase of Park drainage improvements could handle the increased load if this water was directed through them.

Both options show the installation of a perimeter French-drain system that would capture, collect, and move ground-water from this saturated area. Option one shows this water being piped underneath a pedestrian path and eventually day lighting around the corner of the parking lot, at an elevation of approximately 14 feet. From there it would flow down an existing swale to an existing catch basin at the end corner of the Park. Option two shows this drain being directly connected into a catch basin within the Park that was installed in the fall's round of drainage improvements. Councilor Tousignant pointed out that this perimeter drain would likely be set deep and therefore might be difficult to pipe to daylight as in Option one. Andrea Berlin agreed and noted that this would also require a lot of turf disruption at a time when the ground would be saturated and would create quite a mess. This was the reason the Committee was leaning toward Option Two.

Andrea Berlin explained that during the initial project design and planning, designers and engineers looked for cost and time efficiency reasons to address drainage issues in this area of the Park through the management of movement of surface water. The initial design provided for limited re-grading of the grassy area in from of the Dog Park and installation of a small pipe to allow surface water to move under the pedestrian path and away from this flat area, eventually draining

into an existing catch basin located at the Park's edge. During project installation test pits were dug in the area and it was further determined that the sitting water condition in this area was due to a significant ground water condition and treatment of surface water only was not likely to be sufficient. To fully address this area either of the two options presented could be implanted by approximately \$6,000 by Innova-Ex, the original contract on the project. Innova-Ex would schedule this work to commence as soon as the weather makes it possible in the spring, scheduling mobilization and work along with the few remaining tasks from the first phase of the contract. This would allow the full project to be completed by this summer.

In discussion about the budget, it was extremely obvious that Andrea Berlin had conscientiously and professionally watched the spending of every penny and creatively and innovatingly presented changes that were in a fiscal responsibility posture. Her diligence to accountability was impressive to all who attended. It was noted that the actual budget was \$39,900, not the \$50,000 that was thought to be the amount. Funding was received from the Council for the fertilization contract with Goodall Landscaping/Natural Lawns of America. That contract was funding to open the park May 1st through June 30, 2008. Andrea noted there is about \$12,000 left in the budget and because of unexpected problems that have arisen; the budget may be over the funded amount. Many of those unexpected problems were not anticipated and were in some regard corrections to other issues far before the Committee took responsibility. There is enough to cover the drainage project completion. There may be needed additional funding in the Spring and this was made clear by Andrea Berlin. A lot will depend on the number of volunteers that are available for the Armed Service Day clean-up on May 16, 2009.

Kopan, the Swedish Company from whom the playground equipment from recommended having P&P Installations who helped the community install the equipment in 2004 do a yearly inspection. If necessary they will tighten or repair any damaged pieces. We send pictures of what we could see were broken and other things that needed attention. Based on our assessment we were given a quote of \$1,144 for the parts and service which has been included in the budget that has been given the Council in order to open the park May 1st through June 30th. When they did the repairs there were a few serious issues that surfaced. The navigator's base had been completely severed and we had to remove it until repairs could be made. There were other things too that had not been noticed at a cost of \$1,338.37 just to fix parts of the equipment. The total amount for the repair of the playground came to \$4,704. The equipment had not been previously inspected or repaired by P&P Installations since 2004. Now that the park is under the watchful eye of the Conservation Commission yearly inspections will be done so that additional funds will not be necessary in the future.

Discussions of grants indicated that all reimbursements of all outstanding grants had been received. This year they had applied for a canopy tree grant entitled, "First Street Canopy Project" to continue planting trees along First Street in the park and also over on the other side at the Train Station. This was a matching funds grant of \$5,400. The project has been completed, the paper work was filed and the Town has been reimbursed already. The Committee was also reimbursed for the 2004 Federal Land and Water Conservation Grant. It was a tremendous task to finish this paper work as that grant involved so many different components of park construction. This was a matching grant of \$50,000. The Assistant Town Manager noted that Andrea Berlin was totally responsible for the preparation of all this paperwork and needed to be congratulated for her diligence and effort. The

Council gave permission to use this grant reimbursement for correcting the drainage problems in the Park. Innova-Ex was awarded the contract for \$39,900.

The Committee had figured on the additional \$10,100 to be used for design and engineering costs as well as costs associated with repairing unavoidable damage to our irrigation system.

The question was asked about future grants. This year the Conservation Commission will again apply for the Canopy Tree Grant and will be teaming up with the Public Works Department on the project to begin providing a tree canopy of East Cummings Boulevard. The display rain garden is being installed on Armed Service Day, May 16th in the Park by the York County Soil and Water Conservation District, in conjunction with students in the Master Gardeners Program throughout the University of Maine's Co-Operative Extension Service and students in a community rain-garden course. WE are applying for three grants to fund the plant material and other associated costs. They are the Field Pond Foundation Grant, The England Grass Roots Environmental Fund Grant and the Margaret Nomentana Foundation Grant. Project Canopy said they would fund any trees that went into this display garden. The Sub Committee of the Veteran's Memorial Park is going ahead with grant research for the upgrade of the monument area. They have contacted Senator Susan Collin's office as we are finding that there aren't specific Maine grants for such a project and it is hoped that her staff will assist us on the Federal level.

Organizational Chart (attached)

Discussion continued with the presentation of the Organizational Chart.

The Conservation Commission was created by Charter Sec. 903 and in accordance with State Statute M.R.S.A Title 30-A. The duties of the Commission are delegated by subcommittee for organizational and administrative purposes only. Annual reports to the Old Orchard Beach Town Council shall be presented by May 1st.

General information:

- The Conservation Commission meets the 3rd Wednesday of the month at 7:00 pm at Town Hall Chambers.
- All meetings are open to the public. Meeting minutes are taken and given to the town Clerk's Office.
- Creation of subcommittees is by majority vote of the entire body with at least one member sponsoring the vote.
- All subcommittees are chaired by an appointed member of the commission and are required to report to the whole body on a monthly basis.

Alternative Energy Subcommittee. In the spirit of reducing energy conservation in Old Orchard Beach, the Alternative Energy subcommittee is conducting research on alternative energy sources for Old Orchard Beach. The primary interest is wind energy as a result of the strong support for windmills expressed by citizens during the Ballpark Planning process. The subcommittee hopes to apply for grant funding for an anemometer to measure wind as part of the State of Maine's "Efficiency Maine" program.

Environmental Subcommittee. This Subcommittee is concerned with a host of environmental issues in Old Orchard Beach such as the beach dune grass restoration and protection project, flooding, storm drain education project, endangered species such as the piping plover, and protection of vernal pools and fresh water brooks and streams. This committee will inventory and index all open areas within the municipality weather publicly or privately owned including marshlands, swamps, and other wetlands for the purpose of obtaining information relating to the proper protection, development or use of those open areas.

Veteran's Memorial Park Subcommittee. Oversees the design development and implantation of planning and maintenance for the Veteran's Memorial Park. They will coordinate maintenance work and contracts. They oversee the Memorial Monument Revitalization project and coordinate events with Recreation and The Chamber of Commerce.

The 50 Acre Wood Subcommittee is chaired by L. Jenkins and made up of a number of volunteers interested in helping the community complete the ballpark planning process started 2 years ago. The mission of the subcommittee is to complete the planning process and ensure that the final design concepts for the ballpark are incorporated into the new Comprehensive Plan. Design concepts for the 50 acres of public land will be conducted in very similar fashion as the formal planning process already begun but at little to no cost to the community.

The current citizen led all volunteer Ballpark Group is only a portion of the Conservation Commission 50 Acre Wood Subcommittee. The purpose of The Ballpark Group is limited in scope and encompasses the stadium, the baseball field, and surrounding buildings. The Ballpark Group has agreed to report to the Conservation Commission Subcommittee as well as to continue the practice of reporting directly to the Town Manager. The mission of The Ballpark Group is to first, return to code status the stadium, ball field and surrounding buildings; second, to use and maintain the stadium, field and facilities in a manner consistent with sustainability; and third, to generate revenue for and improve the local economic landscape of Old Orchard Beach.

Conservation Commission Three Year Business Plan

2009

Establish structure of Conservation Commission

Develop FY 2010 Budget Plan

Establish Park Maintenance Schedule

Restart planning process for 50 Acre Wood

Grant Research for revitalizing the Veterans Memorial Park Monument area – phase V

Public Education of Effects of Global Warming

Coordinate with Sea Level Rise project

Dune Grass Restoration and Maintenance

Flooding

Begin planning process for inventory and index all open areas

2010

Develop FY 2011 Budget Plan

Private Fund Raising for Veterans Memorial Park Monument area phase V
Finalize planning Process for 50 Acre Wood
Continue Public Education of Effects of Global Warming
 Determine options for mitigating effects of global warming
 Coordinate with Sea Level Rise project
 Dune Grass Restoration and Maintenance
 Flooding
Complete Inventory and index all open areas

2011

Develop FY 2012 Budget Plan

Public Fund Raising for Veterans Memorial Park Monument area phase V

Seek prospective investors / Economic Development for 50 Acre Wood projects

2012

Develop FY 2013 Budget Plan

Construction of Veterans Memorial Park Monument area phase V

50 Acre Wood Subcommittee

I) 2009 Goals–

A. Winter:

Re-establish subcommittee members
 Reach out to prior steering Committee members (first dibs)
 Set up game plan for planning
 Revisit Alan Holt's final report
 Obtain the vision bards
 Find a place to hang for public view (Chambers?)
 Establish Charette schedule for Spring

B. Spring:

Charettes (Saturdays)
 Invite Public to a series of land use brainstorming sessions/charettes

D. Summer:

Finalize land use plan
 Present to Council and Public

E. Fall:

Move forward with plan development

Following the Conservation Commission report the discussion then turned to the Ballpark Group:

A report was also given by the Town Manager on suggested committee ship of the Ballpark Committee and is included below:

Introduction

The Town Council Workshop on December 2 discussed the crossroads that the Ballpark Working Group finds itself at. While the Group has largely completed its initial mission delineated in the April 14 Improvement Plan, it was acknowledged that to move forward with more meaningful progress, a structured administrative group would have to be formed. This would help alleviate cited concerns over the ability to conduct more aggressive fundraising, oversight of decisions affecting the Ballpark Rehabilitation and its future plans, and the need for a more diverse representation of interests.

To that end, it was the informal consensus of the Council present to form a Committee and to ask the Town Manager to formulate a Committee Structure Recommendation.

History

Numerous studies were reviewed pertaining to or referencing the Ballpark. Most contained interesting and potentially useful recommendations on future Ballpark development, as well as on overall community development and quality of life. These are shared by way of general interest and for possible use to the future Ballpark Committee. Additionally, some helpful insight on deciding a Committee Structure was also gained.

These various studies or plans are summarized in chronological order as follows:

***** 1987 Downtown Revitalization Plan *****

The Town with its Beautification & Revitalization Committee contracted with Maine Tomorrow, to study the downtown area to address problems associated with:

- the short summer tourist season
- a depressed downtown economy
- deteriorating downtown physical conditions

Opinions on problems and opportunities were gathered from the Beautification Committee, Council, Planning Board, Town Manager, Town Attorney, consulting Engineer, two developers, key Town Employees and an amusement park operator.

The most serious problems at that time included:

- **Poor roads and sidewalks**
- **Lack of development and employment in the downtown**
- **Visual blight and a lack of regulation to control it**
- **Sub-standard commercial buildings and undesirable merchandising**

The most important goals identified included:

- **Attract year-round employment and business**
- **Increase open space**
- **Attract a greater variety of tourists**
- **Improve the visual environment**
- *Examine civic uses of the Ballpark*
- **Promote bus tours**
- **Investigation of tram trolley system**
- **Continue to manage the dunes**
- **Improve access to the beach**
- **Improve signs, street furniture, landscaping, etc.**

Other lessons learned included:

- **Predictability is essential to Developers**
- **Failure to set Town direction resulted in lack of commitment/interest in downtown**
- **Of historic importance, amusements are secondary but still attract beach tourists**
- **Use strong codes, enforcement & incentives to influence shore & all development**

***** 1990 Ballpark Advisory Committee Final Report *****

Committee Members: Valerie Landry - Committee Chair, Daniel Blaney - Vice Chair, Barry Hough & David Ahern. Concluded that a successful Town operated facility requires:

- 1. Town Council commitment to upgrade its own leadership & performance**
- 2. Public commitment to monitor Council and Ballpark activity**
- 3. *Create an Economic Development Commission, Local Development Corp, or non-profit body with statutory authority to manage Ballpark; to include OOB residents and employ a professional manager.***
- 4. *A regular formal mechanism to solicit input and to modify activities/programs***
- 5. Develop a 3 to 5 year Business Plan**
- 6. Develop a 3 year Marketing Plan**
- 7. Identify specific examples of how the facility will add to OOB's overall development**
- 8. Review Ballpark development to ensure compatibility with Comprehensive Plan**

***** 1991 Comprehensive Plan *****

Conducted by Market Decisions, there were 61 Goals defined in the Comprehensive Plan, and one of the fourteen most important goals included:

- *Develop / upgrade recreational facilities such as a Community Center* (Chapt. IV-COMMUNITY GOALS & POLICIES Sect E pg22)

Other goals of interest included:

- **Recognize the Performing Arts Center / Ballpark as a valuable community resource to accommodate a variety of recreational & civic uses and as a spur to the resort economy.** (Chapt. IV-COMMUNITY GOALS & POLICIES Sect E pg24)
- *Upgrade & maintain the facility to encourage a family, senior & tourist economy.* (Chapt V-IMPLEMENTATION STRATEGIES Sect B2i)
- **Cultural and recreational needs cited were: Park/Rec Bldg & outdoor skating rink** (Chapt V-IMPLEMENTATION STRATEGIES Sect C2f)

*** 1992 Stadium Resolution Committee ***

Committee Members: Dusty Guarino - Chair, Dan Barbano - Vice Chair, David LeMoine - Secretary, Philip Bernier, Pierre Janelle, Edward Rischway. Recommended that the facility be utilized as follows:

1. **Stadium should be Town-owned/operated and used as a multi-purpose facility**
2. **A Policy Board & General Manager should be created to oversee Stadium use**
3. **Policy Board to include 7 members (5 vote majority) with staggered terms: 3 Councilors or appointees (2 year terms), 4 at large members (4 year terms)**
4. **The goals of the new town body in managing the facility should be:**
 - *to ease or eliminate the economic burden of the facility on the Town*
 - *to promote activities that complement overall Town objectives*
 - *to consider any proposal to rent, lease, or sell the stadium*
5. **Establish quickly the organization structure, rules, members of the Policy Board**

*** 2006 Community Planning Process on Future of Ballpark ***

Conducted by Holt & Lachman Architects/Planners with a 13 member citizen steering Committee. Result was 4 alternatives, each showing a Balance of public amenities to include: Community Center, public parks/greens, low intensity recreational space with trails and some private development. Consultant recommended a phased development:

- Phase 1 = Community Center (universally agreed to by Community planning process)
- Phase 2 = Four acres of mixed used private development
- Phase 3 = Two acres of high density housing (50% senior, 50% market rate condos)
- Phase 4 = Eight acres of medium density housing and single family detached homes

Additional recommendations were:

- *Continue Community Planning for the Ballpark Redevelopment*
- **Commit resources**
- **Expand study area to include all Town properties adjacent to Ballpark**
- **Explore the Town to act as Developer/Owner of wind power operations**

Conclusion

While all of these various studies and plans at first glance may seem independent and in some ways incongruent to one another, there are some common threads that can be deciphered for our current benefit. Gleaning the essence from all of these studies as a whole suggests that the Ballpark and its surrounding property can again become a unique community asset with great potential for economic gain, recreational amenity and enhancement of the Town's quality of life.

These results can be realized however, only if certain things are set into motion, namely; completion of a community planning process, community engagement through volunteerism, Council support of those initiatives with some financial resources committed, creation of an Advisory or Policy Board, and appropriate management oversight.

Virtually all of these elements have been set into motion in some form or another to various degrees as follows: a) while incomplete the spark has been started by previous efforts from the Committees and Planning Processes that have studied the Ballpark in the past 18 years (shown under History), b) by more recent and successful volunteer efforts of the Ballpark Working Group (under Conservation Commission) over the past 9 months, c) by Council commitment of some limited seed money (\$25,000) to preserve the Ballpark structures from further deterioration from the elements or vandalism, d) by Council commitment to form an Advisory or Policy Board (i.e. a Committee Structure for the Ballpark currently under review), and e) by Town Manager oversight (with the cooperation of Town Department Directors) of the Ballpark Working Group over the past 9 months.

This conclusion was important in order to derive the Town Manager's recommendation.

Recommendation

The Conservation Commission has recommended the following Committee Structure:

The **50 Acre Wood Subcommittee** (chaired by Linda Jenkins) is comprised of volunteers. Its mission is a whole parcel focus; to complete the planning process started 2 years ago and ensure that the final design concepts for the Ballpark and its surrounding 50 acres of land are incorporated into the new Comprehensive Plan. Design concepts for the 50 acres of public land will be conducted in very similar fashion as the formal planning process already begun but at little to no cost to the community.

The **Ballpark Group** is a smaller subset of citizen volunteers within the 50 Acre Wood Subcommittee with a limited parcel focus whose scope of work is on all aspects of the stadium, the baseball field, and surrounding buildings. The mission of the Ballpark Group is prioritized as: 1) return to code status the stadium, ball field and surrounding buildings, 2) use and maintain the stadium, field and facilities in a manner consistent with self sustainability, and 3) generate revenue for and improve the local OOB economy. The Ballpark Group has agreed to report to the 50 Acre Wood Subcommittee and to continue the practice of reporting directly to the Town Manager.

The Town Manager heartily concurs with the recommendation of the Conservation Commission as to the Committee Structure for oversight of the Ballpark and offers the following suggestions by way of enhancement to this arrangement.

Due to the likely combination of future plans geared toward both economic opportunities (such as permanent job creation, creation of property tax revenue and developing a year-round destination facility) and geared toward recreational amenities on the parcel (such as a Community Center, Recreation Office, outdoor skating and other recreational uses for the parcel), representation on both the 50 Acre Wood Subcommittee and the Ballpark Group should ideally include stakeholders and technical resources on a volunteer or ex-officio basis or at least on an as-needed basis, from the following public sector segments:

- **Chamber of Commerce**
- **School Department**
- **Planning Department**
- **Recreation Department**

Additionally, the Town Council may wish to decide if one Councilor should act in the capacity of liaison to the Conservation Commission on Ballpark related issues.

Input and assistance on the community planning/visioning process should be sought from the Planning Department with the process approved by the Council prior to embarking.

Standards that meet ethical and community norms for donation solicitation should be adopted to insure positive community relations and to preserve goodwill.

Strict accounting standards and transparency should be adopted to insure proper handling of receipts and expenditures of any donated funds. This might involve creation of a legal non-profit corporation or a financial trust arrangement with a local banking institution with regular reports to the Town Manager.

Any substantive financial obligations incurred or any substantial expenditure of donated funds or long-term contractual commitments (e.g., leasing, soliciting sale/purchase of land, special events, promotional arrangements, and advertising) or land/facility modifications or major improvement projects should be approved by the Town Manager. While not intending this to be cumbersome, more specific guidelines can be developed.

Any use of volunteer labor involving jail inmates or request for use of Public Works equipment by donated employee labor should be reviewed with the Town Manager.

At the conclusion of the Town Manager's comments further discussion continued about the work of the Conservation Commission and the Ballpark Sub Group. The subject of whether the Ballpark Committee should be under the Conservation Commission. The Council discussed whether the Ballpark group/50 Acre Wood subcommittee belonged under Conservation. Discussion was raised by Councilor Tousignant that at the previous workshop there had been discussion regarding where this group belong. He noted that we had discussed placing it under Recreation and moving the Recreation office to the Ballpark Stadium. It had also been discussed at the previous Workshop that it might become an advisory Committee to the Council as the Veteran's Memorial Park Committee had started out. Councilor O'Neill

expressed concern that the Conservation Commission might usurp the Council's ability to make decisions on the Ballpark. Councilors Tousignant and O'Neill were concerned that the Conservation Commission and its subcommittees and/or the Ballpark Subgroup would be looking for monies from the Council to operate and stressed that there are no funds available at this time. On the issues/concerns that were raised at the Workshop about transparency (financial) and influence and control over Town-owned open spaces or property it was suggested that the Council may want to consider having Town staff in attendance as they do for some of the other Town Committees and Boards. The need for minute taking was also discussed. The Conservation Commission is similar to all other major boards or committees within the Town government. It is an agent for the people who report and answer to the elected Council on the matter of Land and Resource Conservation. The Council is responsible for how much authority is given to the Committee, having the initial decisions based on the Council's power to grant them by the voting citizens and the laws of the State of Maine. It was stated by the Conservation Commission that work in the Town will be greatly enhanced and improved by having a thoughtful, powerful and active Conservation Commission. The Town Manager gave his support. It is established that most Conservation Commission Boards are the custodians of publicly owned open space. The Commission members were proposing they get back to design development of the ballpark land while being sensitive to conservations issues that exist. It was recommended that contact be made with the original steering committee and plan another community charity which Conservation will conduct. They will explore options for development when the economy turns around and will give recommendations to the Council. Within the 50 plus/minus parcel of land is the Ballpark Stadium. It made sense to invite this group to operated under the subcommittee – 50 Acre Wood according to the majority attending the workshop. They would retain their own individuality and assets as they seek out donations. It makes sense to include them financially here because the Conservation Commission is the only Town Board allowed to accept gifts. With the Ballpark subgroup working so hard to restore the stadium, the planning process would continue to include them in the development of a master plan. Members of the Ballpark sub group, headed by Linda Jenkins, assured the Council that no funds were being requested, nor was the group anticipating asking for funds in the foreseeable future. The group's members stated that they wanted to have a Committee to whom to report and a structure to operate under. Councilor O'Neill reminded them that the Council has the final say in what happens to this property and there was acknowledgement by those in attendance.

Linda Jenkins indicated that the volunteers wanted the ballpark to be self-sustaining and that the Committee was looking for structure, not looking for a budget. Councilor Dayton indicated that what was being proposed was for planning purposes only which won't cost any money. Dave Goyet indicated that what the Committee was looking for was just the Council's support. The Town Manager indicated that it appeared the group wasn't asking for seed money but they were looking for a seed of confidence.

The Chair expressed appreciation for all those who had come out and for those who made presentation and for making this a productive workshop.

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 true copy of the original Workshop Minutes of the Town Council Workshop of January 20, 2009.

V. Louise Reid