

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL WORKSHOP
TUESDAY, AUGUST 12, 2008 - 7:00 P.M.
TOWN HALL CHAMBERS
AGENDA**

A Town Council Workshop of the Old Orchard Beach Town Council was held on Tuesday, August 12, 2008 in the Town Hall Chamber. The Chairman opened the meeting at 7:00 p.m.

Pledge to the Flag and Roll Call:

Present were:

**Chairman James Long
Councilor Roxanne Frenette
Councilor Shawn O'Neill
Councilor Robin Dayton
Councilor Sharri MacDonald
Town Manager Stephen Gunty
Assistant Town Manager V. Louise Reid
Fire Chief John Glass
Planner Gary Lamb
Waste Water Superintendent Chris White**

The first discussion will be on Town Council Policy 08-01, Guidelines for Use of Local Access Channel 3.

**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

The Council expressed their appreciation to Chief Glass for his efforts in putting together this important policy so that use of our local Channel 13 follows proper procedures.

The second discussion will be on Suggested Fee Structure Changes for Code enforcement

Suggested Fee Structure Changes for Code Enforcement

The discussion involving Permit and Licensing fees and 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.

PLEASE SEE SUGGESTED FEES BELOW

BUILDING

Minimum Building Permit Fee	\$25.00—\$40.00
Re-Inspection Fee	\$50.00—\$75.00 per return inspection beyond three required staff inspections(foundation, rough & finish).
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	\$.05 sq. ft. \$.20 per Sq. Ft.
Residential Garage	\$.05 sq. ft. \$.20 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
 Zoning Board Of Appeals Application Fee	 \$75.00 \$125.00
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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)

Questions that were asked include when will an inspection trigger a fee. The Planner indicated that staff was planning on having the applicant informed (with a sign off) at building permit issuance of the minimum inspections the owner is responsible for calling to schedule. It is the intent of staff to only start charging for extra inspections if the owner or contractor has demonstrably dropped the ball and not been ready (and not called to cancel the inspection). King Weinstein also spoke about minimum number of inspections required and thought additional inspection fees should be charged when someone fails on inspection and needs another one. Staff made the parameters for additional inspection fees less subjective and more palatable at the request of Council and below is the change to the above fees that have been made.

\$75 per return inspection following non compliance 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. (This addresses the problems while being reasonable those who simply make mistakes and correct them.)

The third issues discussed was the Old Orchard Beach Sewer Fee Evaluation which was presented by Victors S. Krea, P.E., and Roger G. Bedard, P.E. of Wright-Pierce Engineering and the Waste Water Superintendent, Chris White.

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.**

B. Water Use Base

Advantages:

- **paid only by users on wastewater system.**
- **more equitable (payment is directly related to use).**
- **qualifies Town for State/Federal grants.**
- **promotes water conservation.**
- **cost burden is shifted off tax base.**

Disadvantages:

- **highest billing and collection costs.**
- **some users will pay more under this system than the current system.**
- **Expense may no longer be tax deductible.**

C. Equivalent User Base System (EDU)

Advantages:

- **paid only by users of the wastewater system.**
- **less expensive to administer than water use system.**

Disadvantages:

- **requires EDU assessment of non-residential users.**
- **requires billing and collection system (not in existence)**
- **charges are based on estimated usage, not actual usage.**

D. Hybrid System

- **Combination of water use and EDU system.**
- **Wastewater treatment facilities and pump stations**
 - Labor** **Vehicles**
 - Utilities** **Sludge Disposal**
 - Operations** **Pump Station Costs**
 - Maintenance** **Equipment Replacement Costs**
- **Wastewater Collection System**
 - Labor** **Vehicles**
 - Line Cleaning** **TV work**
 - Maintenance** **Equipment Replacement**
- **Existing Payments on bonds.**
- **Future Payments on bonds.**

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)

Estimated Charges

	Estimated 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 (1,000 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.

In 1978 the Town developed its user fee in accordance with federal guidelines. The Town opted for the ad valorem system because administrative costs were much lower. Under the ad valorem system a portion of each tax bill is dedicated to wastewater treatment. The wastewater treatment plant is often at maximum capacity during the summer months. The ad valorem system does not provide any incentive to conserve water which would lower O&M costs and free up capacity for future development. The ad valorem system has the sewer fee built into the tax mil rate which makes the tax rate appear higher than it really is. It appears that the more fair and equitable a system is the more complex and expensive it is to administer.

The goal of the workshop was to point out some of the differences in the options and to provide enough information for the Council to decide whether to move forward or not with another system. If the Council decides to move ahead with a new user fee system it will be necessary to determine the exact number of equivalent uses in Old Orchard Beach and the exact number of cubic feet of water used. It was suggested that it costs approximately \$25,000 to get that information from the water company.

Each system has advantages and disadvantages. It was suggested that further information be provided for the Council and that the Town Manager make his recommendation to the Council to move this forward. "System B" based is based on actual water usage and was favored by both council and the few business owners that attended the meeting. Predicting actual individual costs to residents or business owners cannot be obtained until we establish actual usage. Obtaining water records from Biddeford and Saco Water will require the purchase and implementation of a utility program that would "piggy back" on to our present billing program. Preliminary talks with the sales representative have indicated a 3-6 month lead time until this can be established. "System C" (EDU), although much more equitable system than the present one, is based on estimated usage and does not require the purchase of water records. The actual cost to individual residents and business owners could be established in a short amount of time based on the Maine Plumbing Code. It did not appear that Council or the public felt that this would be the best system to implement since a certain amount of inequity would still exist. "System D" is a "hybrid" of both B and C. This would be a combination of charges based on estimated usage along with charges based on actual usage. The EDU portion, sometimes referred to as "flat or minimum fee", of the billing would be put in place as a "buffer" to prevent budget shortfalls during seasons where we are receiving lower flows. This portion of the system would require that we establish a "threshold" amount of water used by the individual EDU's. Any usage over and above this "threshold" amount would be assigned a separate charge...normally charged as per cubic foot of water used. This system would require the purchase of water records and would be subject to the 3-6 month lead time for establishing the billing program. If system "B" is chosen, an aggressive schedule would need to be established for approval and implementation of the billing program. If the hybrid or system "D" is favored, then it would be possible to "phase" in the sewer user fee by establishing the minimum fee to cover a portion of the wastewater departments cost and keep a portion within the property taxes.

The Council thanks the Wright Pierce representatives for their excellent presentation and then also thanked the Superintendent of Waste Water.

ADJOURNMENT:

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 thirteen (13) pages is a true copy of the original Minutes of the Town Council Workshop of August 12, 2008.
V. Louise Reid**