



## Old Orchard Beach Town Council Special Emergency Meeting Minutes

**Tuesday, April 13th, 2021 @ 6:30pm  
Council Chambers - 1 Portland Ave**

*[www.oobmaine.com/town-council](http://www.oobmaine.com/town-council)*

*\*Due to covid-19 restrictions, space within Council Chambers is limited. Members of the public interested in attending the meeting will need to follow all covid-19 protocols; including the use of face masks. Members of the public wishing to view the meeting from home may tune into Local Access TV or by logging onto [https://townhallstreams.com/towns/oob\\_maine](https://townhallstreams.com/towns/oob_maine). FMI click on the Communications Tab @ [www.oobmaine.com](http://www.oobmaine.com).*

There was a special emergency meeting of the Old Orchard Beach Town Council on Tuesday, April 13<sup>th</sup>, 2021. The meeting was called to order at 6:30pm. After the pledge of allegiance roll was taken. The following members were present:

Vice-Chair Michael Tousignant  
Councilor Kenneth Blow  
Councilor Jay Kelley  
Councilor V. Louise Reid  
Town Manger Mead  
Treasurer-Finance Director Diana Asanza  
Town Council Secretary Jen Hayes  
*\*\*excused absence – Chair Shawn O’Neill*

Vice-Chair Tousignant asked for background regarding the purpose of having the special emergency meeting. Town Manager Mead explained that the Town was made aware of a grant opportunity at the Federal level; titled Community Project Funding. The funds of the project will direct congressional spending to eligible projects conducted by state and local governments. The council resolutions presented would be to endorse the applications to be sent to the Federal government. This opportunity came to the Town’s attention quickly, with an application due date of Monday, April 19<sup>th</sup>, 2021; prior to the next regular Council meeting. (See Appendix)

While the money is still speculative and may not appear, it was important for the Town to attempt to apply and consider endorsing the three resolutions. The rules of the funding are that

the projects must be substantially completed by the Federal fiscal year (i.e., October 2021 thru September 2022). The three projects for consideration include:

- 1.) Waste Water Treatment Facility:** The request is for an additional one million dollars (\$1,000,000) in funding. The monies, if received, would be to offset the bond (voted by Town referendum in November, 2020) or be used as additional funding to do more with the project.
  
- 2.) First Street Infrastructure** (between Heath Street & Ocean Avenue) The area is noted for having a lot of foot traffic, no sidewalks, poor lighting and the railroad side of the street is in disrepair. The request is for seven hundred thousand dollars (\$700,000) of which the monies would be put into storm water improvements, curbing, sidewalks and lighting. Seventy percent of the design work was completed approximately four years ago. Additional survey work would be required prior to the start of the proposed project.
  
- 3.) Memorial Park:** Funding request of five hundred thousand dollars (\$500,000) for Memorial Park infrastructure improvements. A few years ago a RFP was initiated for a memorial at the Park. Unfortunately, the bids received were too high for the funding at hand and the project was tabled. The Memorial Park improvements would include a veteran memorial, improved lighting, and electrical upgrades (i.e., park style lighting).

## **NEW BUSINESS**

**Discussion with Action:** Consider Council Resolution in support of the Town's request for federal Community Project Funding for Wastewater Facilities Infrastructure improvements.

### **Background:**

#### **RESOLUTION OF THE OLD ORCHARD BEACH TOWN COUNCIL IN SUPPORT OF A COMMUNITY FUNDING PROJECT APPLICATION FOR WASTE WATER IMPROVEMENTS**

Whereas: the Town of Old Orchard Beach is a premier family resort destination with seven miles of pristine sandy coastal beaches that each year welcomes tens of thousands of visitors from throughout Maine, the United States and other countries; and

Whereas: the Town's 9,000 year round residents maintain and finance public infrastructure and municipal services to provide for a summer population in excess of 50,000; and

Whereas: while the annual influx of tourists generates significant economic activity and employment that is of state and regional significance the maintenance and operation of necessary additional public infrastructure constitutes a property tax burden to residents; and

Whereas: the aging wastewater treatment facility has largely exceeded its useful life, resulting in disruptive breakdowns and occasional failures; and

Whereas: in 2018 and 2019 the Department of Environmental Protection issued notices of violation to the Town for facility deficiencies that compromised water quality in Saco Bay and Goosefare Brook; and

Whereas: a thriving OOB depends on clean water and the viability of the beach as a prosperous and appealing destination: and

Whereas: the Town commissioned a needs study in 2009 and again in 2019 that identified over \$30M in essential wastewater facility and collection system improvements, and

Whereas: Town residents turned out in historic numbers this past November and voted by greater than 4 to 1 in support of financing \$23M in improvements; and

Whereas: Additional funding will be needed to address all of the identified needs, and

Whereas: the federal House of Representatives Appropriation s Committee is accepting applications for Community Project Funding for projects with a clear purpose above and beyond normal operating activities: and

Whereas: preliminary engineering has been completed , project design and engineering are underway, and the wastewater upgrades project will be shovel ready for FY22 construction activity:

NOW, THEREFORE, BE IT RESOLVED: that the Old Orchard Beach Town Council does endorse submittal of an application for up to one million dollar s in Community Project Funding for the Wastewater Facilities upgrade, and further commits to the Town providing matching funds of up to \$250,000.

**Motioned by:** Councilor Blow

**Seconded by:** Councilor Reid

**Vote:** 4-0

**Discussion with Action:** Consider Council Resolution in support of the Town’s request for federal Community Project Funding for infrastructure improvements on First Street between Heath Street and Ocean Avenue.

**Background:**

**RESOLUTION OF THE OLD ORCHARD BEACH TOWN COUNCIL IN SUPPORT OF A COMMUNITY PROJECT FUNDING APPLICATION FOR INFRASTRUCTURE IMPROVEMENTS TO FIRST STREET**

Whereas: the Town of Old Orchard Beach is a premier family resort destination with seven miles of pristine sandy coastal beaches that each year welcomes tens of thousands of visitors from throughout Maine, the United States and other countries; and

Whereas: the Town's 9,000 year round residents maintain and finance public infrastructure and municipal services to provide for a summer population in excess of 50,000; and

Whereas: while the annual influx of tourists generates significant economic activity and employment that is of state and regional significance the maintenance and operation of necessary additional public infrastructure constitutes a property tax burden to residents; and

Whereas: First Street is an important vehicular, pedestrian and bicycle connection linking the downtown and beach district to a substantial adjacent residential district and to a large seasonal resort and campground; and

Whereas: First Street serves as the boundary to the Washington Avenue neighborhood which qualifies as a low and moderate income district for Community Development Block Grant funding, a portion of which is undergoing CDBG funded sewer, water and storm water infrastructure improvements commencing this spring; and

Whereas: sufficient funds were not available to extend infrastructure improvements to First Street which is a priority for such improvements given the poor condition, the absence of sidewalks, and the large number of pedestrians using the street to access downtown and the beach; and

Whereas: the Town held neighborhood meetings for the purpose of obtaining input and support for improvements to drainage, sidewalks and lighting; and

Whereas: the federal House of Representatives Appropriations Committee is accepting applications for Community Project Funding for projects with a clear purpose above and beyond normal operating activities: and

Whereas: preliminary engineering design is 70% completed and the infrastructure improvements project will be shovel ready for FY22 construction activity:

**NOW THEREFORE, BE IT RESOLVED:** that the Old Orchard Beach Town Council does endorse submittal of an application for up to seven hundred thousand dollars in Community Project Funding for the First Street infrastructure

improvements, and further commits to the Town providing matching funds of up to \$250,000.

**Motioned by:** Councilor Blow

**Seconded by:** Councilor Reid

**Vote:** 4-0

**Discussion with Action:** Consider Council Resolution in support of the Town's request for federal Community Project Funding for Memorial Park infrastructure improvements.

**Background:**

**RESOLUTION OF THE OLD ORCHARD BEACH TOWN COUNCIL IN SUPPORT OF A COMMUNITY PROJECT FUNDING APPLICATION FOR VETERANS MEMORIAL PARK IMPROVEMENTS**

Whereas: the Town of Old Orchard Beach is a premier family resort destination with seven miles of pristine sandy coastal beaches that each year welcomes tens of thousands of visitors from throughout Maine, the United States and other countries; and

Whereas: the Town's 9,000 year round residents maintain and finance public infrastructure and municipal services to provide for a summer population in excess of 50,000; and

Whereas: while the annual influx of tourists generates significant economic activity and employment that is of state and regional significance the maintenance and operation of necessary additional public infrastructure constitutes a property tax burden to residents; and

Whereas: Veterans Memorial Park is a jewel in the Downtown district that serves residents, tourists and visitors through its green space and recreational amenities, while honoring and highlighting the military service of 00B veterans with physical and programmatic tributes; and

Whereas: Veterans Memorial Park complements abutting public services such as the Libby Memorial Library, the Chamber of Commerce Visitors Center, and the AMTRAK passenger train platform; and

Whereas: inspired by community advocacy the Veterans Memorial Park was created through the conversion of a paved parking lot into an oasis of greenery gardens and trees; and

Whereas: community volunteers remain vital to the Park's viability through the Memorial Park Committee and through a nightly flag-raising ceremony honoring those who served

their country and especially honoring those who gave their lives to country through military service; and

Whereas: community veterans organizations have participated in designing an additional memorial feature to include memory panels guiding visitors to an illuminated memory knoll and commemoration disk; and

Whereas: the estimated cost for planned improvements significantly exceeded the appropriated funds; and

Whereas: Additional funding will be needed to address all of the design elements and proposed improvements, and

Whereas: the federal House of Representatives Appropriations Committee is accepting applications for Community Project Funding for projects with a clear purpose above and beyond normal operating activities: and

Whereas: architectural design has been completed, and qualified local contractors are familiar with the project, having previously submitted project proposals, and the improvements project will be shovel ready for FY22 construction activity:

NOW, THEREFORE, BE IT RESOLVED: that the Old Orchard Beach Town Council does endorse submittal of an application for up to five hundred thousand dollars in Community Project Funding for the Veterans Memorial Park improvements and further commits to the Town providing matching funds of up to \$250,000.

**Motioned by:** Councilor Kelley w/discussion.

Councilor Kelley inquired whether the funding was an “all or nothing” program. Town Manager Mead stated that he contacted the Congressional Office and confirmed that the Town was allowed to submit each project individually. There would be a total of ten projects, from this state district that would be submitted to the House Appropriations Committee, from the originally pool of total projects. The House Appropriations Committee has the authority to fund some, all or none of each project.

**Seconded by:** Councilor Blow      **Vote:** 4-0

Vice-Chair Tousignant asked for a motion to adjourn the meeting.

**Motioned by:** Councilor Blow

**Seconded by:** Councilor Kelley

**Vote:** 4-0

The Special Emergency Meeting of the Old Orchard Beach Town Council adjourned at 6:50pm on Tuesday, April 13<sup>th</sup>, 2021.

## Committee on Appropriations

### Guidelines for the FY2022 Community Project Funding Member Request Process

*What is required for requesting Community Project Funding?*

- **Limit of 10 Community Project Funding requests.** Given the limited scope for which the Committee will consider Community Project Funding requests, Members will be limited to no more than 10 requests (excluding programmatic and language requests) across all Subcommittees, though only a handful may actually be funded. Further, the request must be submitted to the Member database. Members will be required to prioritize their community project requests when they are submitted to the Member database.

Note: Members will have an opportunity to re-prioritize their requests in the Member database following the release of the full President's budget. This will allow Members to make conscientious decisions about their priorities when all information from the Administration is available, particularly if a Member's project appears on a list in the President's budget.

- **Community Support.** Community engagement and support is crucial in determining which projects are worthy of Federal funding. Only projects with demonstrated community support will be considered. This recommendation builds on past Committee reforms, and Members will be required to present to the Committee evidence of community support that were compelling factors in their decision to submit the request. Examples of these include, but are not limited to:
  - Letters of support from elected community leaders (e.g. mayors or other officials);
  - Press articles highlighting the need for the requested Community Project Funding;
  - Support from newspaper editorial boards;
  - Projects listed on State intended use plans, community development plans, or other publicly available planning documents; or
  - Resolutions passed by city councils or boards.

These are intended to be examples of the type of information that you may consider presenting to the Committee in conjunction with your project. It is not an exhaustive list. Please direct questions to the relevant Subcommittee.

Importantly, should Member #1 wish to sign onto a letter of Community Support that Member #2 intends to submit as part of a formal request, then the Appropriations Committee recommends that Member #1 also include with the letter a financial

disclosure statement to ensure the highest ethical standards in the process.

- **Financial Disclosure Statement.** Pursuant to House rule XXIII, clause 17, for each Community Project Funding request, Members are required to send the Chair and Ranking Member a letter stating that the Member does not have a financial interest in the proposed project. The Committee is expanding the requirement for the first time to certify that no one in their immediate family has a financial interest either. The Committee will not consider a requested project without this certification, and the template is included on the Committee's website. This is a separate letter from any programmatic or language- based requests. A summary of the elements required in the disclosure statement is below:
  - Any Member requesting funding for a community project is required to provide a written statement to the Chair and Ranking Member of the Committee on Appropriations that includes the requesting Member's name, the name and address of the intended recipient of the Community Project Funding (or, if there is no intended recipient, the intended location of the activity), the purpose, and a certification that the requesting Member does not have a financial interest in the project. An additional Committee requirement is to certify that no immediate family member has a financial interest.

This letter must accompany the submission in the Committee's electronic database system, and the Committee will post it online if the request is funded in a FY 2022 Appropriations Bill. Programmatic and language-based requests do not require a disclosure letter. All Community Project Funding requests and any language requests that name a specific recipient of Federal funds will require a disclosure letter. For clarification on whether a disclosure letter is required, please contact Jason Gray with the Full Committee or the Subcommittee of jurisdiction.

- **Member Requirement to Post All Requests and Certifications Online.** For transparency, Members are required to post Community Project Funding requests and associated certifications of no financial interest on their house.gov websites at the time the request is made to the Committee. The information posted must include:
  - the proposed recipient,
  - the address of the recipient,
  - the amount of the request,
  - an explanation of the request, including purpose, and a justification for why it is an appropriate use of taxpayer funds, and
  - the Member's signed certification letter stating there is no financial interest in the project.

Members will be asked to provide a link to the webpage containing this information



when they enter the request into the Members' Request database system. The Committee will use that link in its "one-stop" online database.

*What criteria will be used to evaluate Community Project Funding requests?*

Specific instructions will be provided in Dear Colleagues from each of the Subcommittee Chairs, including which accounts are eligible for such requests and the information Members must include for Subcommittees to properly evaluate such requests. This information must be provided in full in the database. More generally, Subcommittees will consider requests with the following in mind:

- **Ban on For-Profit recipients.** The Committee is imposing a ban on directing Community Project Funding to for-profit entities.
- **Matching requirements.** Several Federal programs eligible for Community Project Funding requests require a State or local match for projects either by statute or according to longstanding policy. The Committee will not waive these matching requirements for Community Project Funding requests, so it is important that Member offices discuss with their State and local officials the ability for localities to meet matching requirements prior to requesting a project. Note: This does not mean that matching funds must be in-hand prior to requesting a project, but that local officials must have a plan to meet such requirements in order for such a project to be viable.
- **One-year funding.** Each project request must be for fiscal year 2022 funds only and cannot include a request for multiyear funding. However, the performance period for a project funded with amounts provided in fiscal year 2022 will depend on the appropriations account from which it is funded, and may be longer than one year.
- **State, local or Tribal governmental entities as grantees.** Members are encouraged to consider public entities as primary grantees to oversee the completion of the project.
  - For infrastructure projects, many States have established lists or intended use plans with projects that have already been vetted by governmental officials (e.g. drinking water, wastewater and highways).
- **Non-profits as grantees.** If a Member requests that funding be directed to a non-profit organization, the Member will need to provide evidence that the recipient is a non-profit organization by either supplying the Employer Identification Number or an IRS determination letter. Further, many water projects often partner with non-profit entities to complete projects. Therefore, projects may also be directed to non-profits with an inherently governmental function.

*What additional items should I be aware of related to Community Project Funding requests?*

- **“Support” vs. “Request” for a project.** Only formal submissions to the Member database will qualify as a request from that Member office, and only those requesting Members will have their names listed in the Committee report if the project is funded. Anything short of a formal request to the database will not be considered for inclusion in a fiscal year 2022 appropriations bill.
- **Letters of Support.** For Committee purposes, signed letters of support for a project do not qualify as a formal “request” to the Committee to fund a project, and will not be handled as such. Further, please note that every time a Member signs on to a letter demonstrating support for a project the Member should append an accompanying disclosure certifying to the Chair and Ranking Member that there is no financial interest in the project. This suggestion is to ensure the highest ethical standards in the Community Project Funding process.
- **Signatures.** Electronic signatures affixed to documents submitted to the Committee are acceptable.
- **Lobbyists, donors and other affiliated parties.** While Members are required to certify to the Committee that neither they nor their immediate family have a financial interest in a proposed project, Members should also be fully aware of any other financial aspects or relationships associated with the proposed project that might raise ethical concerns. These include but are not limited to lobbyists, donors, or other affiliated parties that have an interest in the project.
- **“One-stop” webpage for the public.** The Appropriations Committee will maintain a website with links to all House Members’ appropriations project requests to help the public easily view them.
- **Transparency / Early Public Disclosure.** Per House rules, each bill’s Committee report will include a list identifying each community project that has been funded in the bill along with the name of the Member requesting it. Each Subcommittee will make such lists public at the time of their Subcommittee markup.

*What is the definition of “Earmark”?*

- The Appropriations Committee uses the definition of “earmark” found in House rule XXI.

A “Congressional earmark” is defined as “a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula driven or competitive award process.” (Clause 9 of House rule XXI)