

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, September 18, 2018**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, September 18, 2018. Chair Thornton opened the meeting at 6:31 p.m.

The following were in attendance:

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

Absent:

ACKNOWLEDGEMENT:

ASSISTANT TOWN MANAGER: A reminder that The Salvation Army is inviting you to a weekly **GATHERING** at The Salvation Army on Church Street for men and women 55 and older on Tuesdays and Fridays from 9:30 a.m. to noon which includes coffee fellowship, board and group games, discussion groups, handcrafts, walking group, music and lunch. The goal is to enrich each other and create a community of mutual encouragement.

ACCEPTANCE OF MINUTES:

Town Council Minutes of September 4, 2018.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Accept the Minutes as read.

VOTE: Unanimous.

GOOD & WELFARE:

MARC GUMONT: The Planning Board Member requested that in consideration of the Contract Storage Yard 1 Amendment that consideration should be given in discussion to the future plans of the Comprehensive Plan.

PUBLIC HEARING: Contract Storage Yard 1

Shall We Amend the Town of Old Orchard Beach Code of Ordinances as follows:
Amendment to Chapter 78 – Zoning, Article VI – Districts, Division 12 – Rural district,
Section 78-963 – Conditional Uses; Amendment to Chapter 78, Article VII – Conditional
Uses, Division 2 – Conditions, Section 18-1278 – Contractor Storage Yard 1?

BACKGROUND:

FROM: Jeffrey Hinderliter, Town Planner
SUBJECT: Contractor Storage Yard 1 Ordinance Summary & Additional Info
DATE: 4 September 2018

Ordinance Amendment Summary

1. Contractor Storage Yard 1 (CSY1) allowed as a conditional use in a specifically designated area of the Rural District.
2. The specifically designated area includes lots of 1 acre or more with road frontage along Portland Ave between the Ross Rd/Portland Ave intersection and OOB/Scarborough town line (see map).
3. Review falls under Planning Board jurisdiction.
4. "Minimum Required Submission" info for CSY1 proposals include:
 - Scaled site plan showing location and details of buffering, lighting, storage areas, parking, structures/buildings, vehicle circulation, etc.
 - Description of all vehicles and equipment used by business
 - Description and quantity of materials stored on-site
5. "Minimum Development Requirements" for CSY1 proposals include:
 - Owner occupied residence must be on same lot as CSY1.
 - Setbacks for outdoor storage and vehicle parking
 - Buffer and screening standards
 - Storage area location limited to rear yard
 - Must comply with other town ordinances such as sound, lighting, signage, erosion control
6. "Other Review Criteria" apply to CSY1 proposals. This includes:
 - Limits to the size/scale of operation
 - Set hours of on-site activity
 - Size and number of vehicles and equipment
 - Limits to traffic generation
 - Type, quantity, containment, location of materials stored on-site
7. As a conditional use, CSY1 must meet the conditional use ordinance standards including:
 - Not result in significant hazards to pedestrians and vehicles
 - Not create or increase any fire hazard
 - Adequate off-street parking and loading areas
 - Not cause water pollution, erosion, sedimentation, contamination of water supply
 - Not create unhealthful conditions because of smoke, dust or other airborne contaminants
 - Not create nuisances to neighboring properties
 - Adequate waste disposal

- Compatible with existing uses in neighborhood regarding noise and hours of operation
- Buffering or screening to visually obstruct subject property from abutting uses
- Provide adequate drainage
- Applicant must have adequate financial and technical capacity

Additional Info

The following is from a Fact Sheet prepared to assist with understanding the proposed ordinance amendments:

1. If the Ordinance Amendments are adopted where will Contractor Storage Yard 1 be allowed?

- Lots with road frontage along Portland Ave., between the Ross Rd./Portland Ave. intersection and the OOB/Scarborough town line, that have an owner occupied residence and 1 acre or more in lot area

2. Which local ordinances will a Contractor Storage Yard 1 need to meet?

- Contractor Storage Yard 1 Conditional Use standards (these are the proposed ordinance amendments)
- Conditional Uses Ordinance
- Rural District performance standards
- Parking, Driveway, Off-Street Loading performance standards
- Sign performance standards
- Landscaping and buffering performance standards
- Erosion and Sedimentation Control performance standards
- Noise Ordinance

3. What are some of the requirements a Contractor Storage Yard 1 (CSY1) must meet?

- An owner occupied residence must be maintained on the same lot as the CSY1
- CSY1 lot must be a minimum of 1 acre
- CSY1 driveway entrances must be a minimum of 50' from adjacent property boundaries
- Outdoor storage and parking of vehicles and equipment must be set back 50' from front property line and 25' from side and rear property lines
- CSY1 parking and storage areas must be visually blocked from the street and abutting properties
- CSY1 will not result in significant hazards to pedestrian and vehicular traffic
- CSY1 will not cause water pollution or contamination of any water supply
- CSY1 will not create unhealthful conditions or nuisances because of odors, vibrations, smoke, dust, glare, noise, hours of operation
- CSY1 will not adversely affect value of adjacent property
- A site plan must be prepared showing storage areas, parking, structures, loading and unloading areas, buffering, and exterior lighting plan

4. How does the proposed Contractor Storage Yard 1 “(C) Other Review Criteria” work?

- The Other Review Criteria language is proposed because fitting a CSY1 proposal in one common criteria set will not provide adequate regulation. The type of CSY1 may vary as well as its potential impacts abutting properties. The

Other Review Criteria will allow the PB to customize their review to fit the proposal in a manner that the other standards may not allow. For example, the Planning Board could require a more extensive buffer than what is typically required “so as to prevent adverse impacts to adjacent property.”

5. Who would be responsible for local review of a Contractor Storage Yard 1 proposal?

- A CSY1 proposal will require a Conditional Use Permit which is reviewed by the Planning Board. This permitting process includes site walks and public hearings which provides an opportunity for abutting property owners to review and comment
- Permit review by Code Enforcement if any structures, plumbing or electrical work is proposed
- Business License review by Town Council

The Planning Board heard and received a number of comments associated with this proposal regarding spot zoning, ordinance consistency with the comprehensive plan, changing the district/area to commercial, and impacts to property values. A few comments on each:

First, regarding spot zoning, it has been stated the present proposals and existing uses would require an illegal spot zone. A case cited to support this opinion is *Vella v. Town of Camden*. Regarding the claim associated with spot zoning in this case, “the plaintiffs contend, as they did before the trial court, that certain amendments to the Town's zoning ordinance are invalid because (1) they are inconsistent with the Town's comprehensive plan and constitute illegal spot zoning.” The case was decided in favor of the Town of Camden- “The record does not support the assertion of the plaintiffs that the legislative body of the Town did not consider whether the amendments enacted by it were consistent with and in basic harmony with the Town's comprehensive plan.” It's important to note that spot zoning is a neutral term encompassing both legal and illegal land use controls. The fact that a zoning amendment benefits only a particular property or is adopted at the request of a particular property owner for that owner's benefit is not determinative of whether it is an illegal spot zoning. Note the statement “spot zoning is a neutral term.” This is important because it's not derogatory or favorable- it's simply neutral. Also, the proposed ordinance amendments do not pertain to a single parcel of land or single individual.

Second, regarding the comp plan (which also relates to the question of spot zoning), it has been stated such uses and necessary amendments to allow those uses would be plainly inconsistent with the vision set forth for the Rural District in the Town's comprehensive plan. I agree that the Rural District's intent includes preserving the open, rural Character of Old Orchard Beach. Although, the PB should know the Rural District also states “certain commercial activities, and mineral extraction may be developed if it's in a manner sensitive to the objectives of these areas.” These objectives include:

- Preservation of aesthetic rural character
- Noise regulations for commercial and industrial uses
- New construction to follow “good neighbor” performance and design standards. “Good Neighbor” standards include: protection of adjacent residential neighborhoods, regulation of scale, type of use, impact on visual & natural environment, landscaping, fencing, buffering, screening of parking and

dumpsters, access to site, hours of operation, waste disposal, nuisances of noise and outdoor lighting.

Again, I agree the intent of the Rural District includes preservation of rural character; although, it does appear the comp plan allows certain commercial activities as long as they are developed in a manner sensitive to the objectives of these area which includes preservation of the aesthetic rural character and new construction that follows “good neighbor” standards. The proposed ordinance amendments include “good neighbor” standards. Also, existing ordinances that would apply to a proposed CSY1 include “good neighbor” standards.

Third, regarding the proposed amendments are changing the district classification to commercial, it could be argued this has already been done. Current ordinances allow the following uses in the same area (since at least 2001): limited commercial freight businesses, auto service and repair facilities, mineral extraction operations, animal husbandry for commercial purposes, private schools, public and private utility facilities, veterinary hospitals, and contractor storage yard 2. All of these uses could be classified as commercial uses. If the district was strictly limited to residential uses, I would agree this area is changing to a commercial zone. But, commercial uses are already permissible. Also, the zoning district is still the Rural District. What is changing is allowing a new land use to be permitted as a Conditional Use in a portion of the Rural District. The Rural District will remain the Rural District.

Fourth, impacts to property values. This is a common question when proposing zoning changes and a tough one to provide a reliable answer. The reason is a definitive answer can only be found after the change takes place and sales data is collected for that specific area. A common way to make this determination is to compare the property value before the zoning change to the property value, based on a sale, after the change. And the sample needs to be larger than one property. Studies can be found that show positive and negative impacts but it’s hard to apply these to this case considering things such as commercial uses are already permissible in this area. The zoning change itself should not impact current land and building values or taxes- it is tied more to the use after it comes into existence.

Contractor Storage Yard 1 vs Contractor Storage Yard 2

Zoning Ordinance Definitions:

***Contractor storage yard 1* means the principal place of business for a building or landscape contractor operating a fleet of three or more construction/commercial vehicles and customarily consisting of offices, display areas, storage yards for building supplies, earth material, construction vehicle storage, and fueling storage facilities not exceeding 10,000 gallons in capacity and used exclusively for the fueling of the vehicles stored on site.**

***Contractor storage yard 2* means a yard, building, or combination thereof in which no more than two commercial vehicles, equipment, building supplies, and/or earth material are stored for use by a building or landscape contract tradesman solely for the conduct of the contract business and not for on-site display or resale to the general public.**

Currently, the Rural District (RD) allows Contractor Storage Yard 2 as a conditional use. Contractor Storage Yard 1 is not allowed because it is omitted from the RD permitted and conditional use land use tables. Primary differences between Yard 1 & 2:

- Yard 1 allows for 3 or more construction/commercial vehicles. Yard 2 allows no more than 2.
- Yard 1 allows for fueling storage facilities up to 10,000 gallons. Yard 2 does not allow fueling storage facilities.
- Yard 1 appears to allow for a business with employees. Yard 2 appears to allow for a business to be conducted by a single person- “tradesman”
- Yard 1 allows a display area which could be interpreted to allow for on-site customers. Yard 2 does not allow on-site display or resale to general public.

CHAPTER 78 AMENDMENTS – CONTRACTOR STORAGE YARD 1

Ch. 78, Article VI, Districts and Article VII, Conditional Uses
(September 2018 Council)
(10 May 2018, PB Vote Version)

Amendment to Chapter 78, Article VI, Division 12 – Rural District, Section 78-963 – Conditional Uses (new language underlined):

(19) Contractor storage yard 1, only those parcels of land with road frontage along Portland Ave between the Ross Rd/Portland Ave Intersection and the Old Orchard Beach/Scarborough Town Boundary.

Amendment to Chapter 78, Article VII, Division 2 - Conditions, Section 18-1278 – Contractor Storage Yard 1 (new language underlined):

Sec. 78-1278 – Contractor storage yard 1

A contractor storage yard 1 may be permitted in the Rural District for parcels of land with road frontage on Portland Ave between the Ross Rd/Portland Ave Intersection and the Old Orchard Beach/Scarborough Town Line, provided the following conditions are met to the satisfaction of the planning board:

(A) Minimum Required Information

- (1) A scaled site plan that show the following information:
 - a. Storage areas for materials and equipment.
 - b. Parking and maintenance areas for business vehicles.
 - c. Location of buildings and structures on the site.
 - d. Vehicular circulation on the site, including points of access to the site from public roads, loading and unloading areas, employee and customer parking.
 - e. Landscaping and buffer areas.
 - f. Exterior lighting plan, including location, fixtures and specifications.
- (2) Description of all vehicles, trailers and equipment stored, maintained or used by the business on the property.
- (3) Description and quantity of all fuel and chemicals stored on the property.

(4) Description and quantity of all materials stored on the property.

(5) Description how business complies with the "Contractor Storage Yard 1" definition (see Chapter 78, Article I

(6) Any other information as might be reasonably required by the Planning Board to assist with making a thorough evaluation of the proposal.

(B) Minimum Development Requirements

(1) Driveway entrances from the street to parking and storage areas shall not be located within fifty (50) feet of any adjacent property boundary line. Driveways used exclusively for the residence shall be exempted from this standard.

(2) The outdoor storage and parking of vehicles and equipment shall be setback a minimum fifty (50) feet from the front property line and twenty-five (25) feet from the side and rear property lines. Vehicles used exclusively for residence parking shall be exempted from this standard.

(3) All parking and storage areas shall be visually blocked from both the street and abutting properties by a solid fence and either an earth barrier or vegetative plantings. Vehicles used exclusively for residence parking shall be exempted from this standard.

(4) The storage area and/or associated accessory structures must be located in the rear yard area of the residential unit.

(5) Each lot shall be a minimum of one (1) acre.

(6) An owner occupied residence must be maintained on the same lot as the contractor storage yard 1.

(7) Compliance with applicable Rural District Performance Standards, Sec. 78-965.

(8) Compliance with applicable sound standards in Chapter 26, Article II.

(9) Compliance with applicable Chapter 78, Article VII Performance Standards.

(C) Other Review Criteria

(1) Scale of operation. The Planning Board may limit the scale of proposed operations so as to prevent adverse impacts on adjacent property.

(2) Hours of operation. The Planning Board may limit and set hours of operation for on-site activities so as to prevent adverse impacts on adjacent property.

(3) Size and number of vehicles and equipment. The Planning Board may limit the size (gross weight, length, wheelbase) and number of vehicles and equipment so as to prevent adverse impacts on adjacent property.

(4) Traffic on and off site. The Planning Board may limit the traffic generated by the contractor storage yard 1 so as to prevent adverse impacts on adjacent property.

(5) Materials stored on site. The Planning Board may limit the type and quantity of materials stored on site so as to prevent adverse impacts on adjacent property. All materials likely to produce odors or dust shall be contained so as to prevent adverse impacts on adjacent property.

The Chair opened the Public Hearing at 6:50 p.m.

The Planner, Jeffrey Hinderliter, reviewed the Ordinance itself noting several of the comments made above in the presentation of the commentary relative to the passage of the Ordinance.

Attorney Keith Richard spoke representing Walter Murphy who lives at Portland Avenue. Mr. Murphy opposes the proposed ordinance. It would not be fair to institute the changes which would allow large scale, industrial type uses up and down Portland Avenue so that one owner is accommodated. It is a residential neighborhood. The other businesses in the neighborhood all obtained licenses from the Town and these other businesses can all meet the existing standards. Under the Town's comprehensive plan development is severely limited in the Rural District, allowing agricultural, recreational and low impact uses that maintain a rural aesthetic. He stated that heavy machinery, excavators and large trucks are not consistent with the plan. The criteria in the proposed conditional use language are too loose, open to interpretation and require enforcement by Town which is the chief problem with the proposal.

Marc Guimont of Temple Ave spoke in his capacity as a Planning Board member who had voted to recommend that the ordinance not be changed to allow Contractor Storage Yard 1. He pointed out that there is a difference in the intensity of use between CSY1 and CSY2, because CSY2 is very restrictive, not even allowing utility vehicles to park overnight. The CSY1 is more suited to an industrial area. He alluded to the example of Kate's Butter operating in a residential zone and the Town working to relocate it from that zone.

Susan Baines, 3 Cogans Way, spoke in opposition to the ordinance change because this is a family neighborhood. She said her property abuts the MacDonald property to the rear. She has been disturbed by existing heavy machinery noise, woodcutting and septic smell. She objected to 380 acres of land being included in the proposed change and too the types of uses that would be allowed, including storage of up to 10,000 gallons of fuel, allowing three or more vehicles, having more employees, and allowing sales which would bring customers. The changes are not fair to present and future residents. She is concerned about environmental impacts.

John Paine, 168 Portland Avenue had questions about proposed standards that related to minimizing hazards to pedestrians and motorists. He believes that the CSY1 would result in more hazard of this type. He also believed the proposed use would negatively affect property values, which is another of the listed standards.

Donna Dailey, 176 Portland Ave, a resident since 1969. She is concerned that since Code Enforcement was not enforcing the existing ordinance it raises the question of whether the proposed new ordinance standards would be enforced. She believes the proposed ordinance

would change the neighborhood as we know it and lead to industrial growth in a rural area. She is concerned about the amount of property that falls within the minimum one acre size limit.

Robin Dayton spoke in opposition to the ordinance change. She said that it was not normal to consider a change in zoning such as this prior to updating the comprehensive plan which is 25 years old, and to do so would be unethical. She is disturbed that publicly owned property would be included in the area where CSY1 would be allowed because there is no public benefit.

Brian Murphy, Portland Avenue stated that he operates a garage in the neighborhood and obtained a conditional use approval from the Planning Board and that it took a long time for him to get it. He asked whether the proposed CSY1 change as a conditional use would also change other existing conditional uses by allowing the uses to expand to those that would be allowed in CSY1. Currently he stated that excavators, wood cutting and waste storage are not allowed in the Rural District. He believes the one yard minimum is not large enough for the proposed use. His garage was required to have 2-3 acres. He also believes that the more intense uses should not be visible from street.

Attorney Harry Center spoke representing Debbie MacDonald. He spoke in support of the ordinance proposal. He said it would be another tool for land use planning. He encouraged considering the character of the neighborhood, the existing businesses that are already in the neighborhood and any other business uses already allowed in the zone such as veterinary and mining, when considering this ordinance change, including pre-existing and grandfathered uses. He said the Town can not just come in after the fact and say to existing businesses that something has gone wrong. He believes this is a common sense approach to look at the existing businesses in the neighborhood and is consistent with what is already there. He said that the Town Planner has stated this proposed change is consistent with the Comprehensive Plan.

Sharri MacDonald, 23 Ross Road, spoke in support of the proposed ordinance. She spoke about the lengthy history of business uses on this, her family's, property. In 1952 there was a sawmill and lumber was sold there. In 1961 there was a seal coating business. In 1968 log cutting was continuing with large trees being cut into 4' lengths and sold on site. In 1972 there was a wood cutting business that included a dump truck. She stated that across the street at this time was a towing business, including storage of cars overnight.

Chase Walker spoke in support of the ordinance.

The Public Hearing ended at 7:24. Immediately thereafter Attorney Richard stated that he objected to the process used during the hearing.

TO: Town Council Chairman Joe Thornton
Town Council Vice-Chairman Shawn O'Neill
Town Council Members Kenneth Blow, Jay Kelley, Michael Tousignant
Town Planner Jeffrey Hinderliter
Town Manager Larry Mead

FROM: Cynthia Pouravelis

DATE: September 17, 2018

RE: Public Hearing – September 18, 2018 – Contract Storage Yard 1

My name is Cynthia Pouravelis and I am a resident of Old Orchard Beach on Neptune Road, and also a long time business owner on West Grand Avenue. I apologize for not being able to attend this meeting but would like to have this letter read at the Public Hearing regarding the proposed changes to Chapter 78 of the Zoning Ordinance.

As a long time business owner in this community, I certainly understand the many concerns and conflicting interests with which the planning department and the Town Council have to deliberate. The proposed changes to Chapter 78 are understandable in order to accommodate some existing businesses. However I am asking that these changes in the proposed ordinance not extend to the Scarborough line on Portland Avenue.

As a resident, I am deeply concerned about the integrity and environmental impact that this proposed change would have in the rural district. There are many new homes that have been built and continue to be constructed in this Portland Avenue corridor. These homes have become a magnet for new and engaged year round residents. Any new permits issued for businesses of this type in this rural district would simply take away from the residential focus, increasing trucking traffic, noise, and other environmental issues.

In closing, I was fortunate enough to teach at Old Orchard Beach High School for 30 years, and my family and I have been business owners since 1950. Finding this peaceful, quiet residence off of Portland Avenue has been a dream come true for me. I understand that there is a need to deal with the businesses that are presently there, but please do not extend these changes all the way down Portland Avenue to the Scarborough line.

Thank you very much for your time.

Cynthia

Dear Ms. Reid,

I am writing this email, as property owner at 177 Portland Ave, in total opposition for the approval of proposed amendment to the Zoning Ordinance to allow Construction Storage Yard 1 to the existing Rural Districts zoning for the properties along Portland Ave from Ross Road to the Old Orchard Beach/Scarborough Town Boundary. My opposition is based on the followings:

1. When my husband and I purchased this property and build a new home, the location was important for the rural surroundings and with no commercial activities.
2. This proposal will be setting a precedent to other zoning ordinances because of one property owner who decided to ignore the zoning requirements of the RD zone, while we must follow the requirements for any change to in our properties.
3. This whole process is being pursued because of one owner who seems to refuse to adhere to the zoning ordinances and go through the application and planning approval process.
4. I do not want anyone who decides to purchase the property across mine and be allowed to have heavy commercial vehicles, storage tanks, etc. This would totally destroy the environment that we looked for when we bought our land.

In conclusion, I am totally in opposition to approve this amendment for one specific owner and due to the previous enforcement not being followed per the OOB Zoning Documents.

Sincerely,
Carol Boccaleri
177 Portland Ave
Old Orchard Beach ME 04064

Town Council & Louise Reid- Assistant Town Manager,

We are opposed to the proposed Zoning Ordinance Amendment (Contractor Storage Yard 1) described in the letter we received by US mail and described further in the public notice attached to this email. We believe the proposed amendment, if passed, will have adverse effects on property values, traffic congestion, public safety and quality of life in the community as a whole.

As we are unable to attend in person, please include our comments on the proposal during the Public Hearing being held on September 18, 2018. We are opposed to the amendment...

Thank You,
Tom and Sheila Buckland

September 18, 2018

To Whom it may concern:

My name is Donna Daly and I have lived at 176 Portland Ave. since 1969. I am writing to voice my concerns on the proposed changes to the Rural Zoning Ordinance Amendment proposal dated August 15, 2018 to allow Contractor Storage Yard 1 as defined in the letter sent out advising of the Public Hearing to be held on Sept. 18, 2018.

How did we get to where we are today! Because Code Enforcement chose to look the other way and didn't know how to deal with the violations that were brought to their attention and discussed with them many times by more than one concerned individual. I was personally told that they are watching the activity! It wasn't until Walter Murphy retained a lawyer that the proper attention started to shed some light on the numerous violations that have been taking place on the MacDonald Property and are continuing at the present time.

July 6, 2018 - Code Officer Ricki Haskell and Jeff Hinderliter inspected the 3 MacDonald properties, and the following conditions were observed:

- The Septic Storage tank is no longer on-site. Ms. MacDonald had agreed to remove at the town's request.
Will this be allowed to be returned if the Proposal goes thru?
- Wood packing and excavating business
The business had split wood delivered to the property this year. In the past logging trucks brought in the tree length wood, and then it was split on site.
- Excavating business: Dump trucks, excavation equipment and the catch basin grit cleaning truck.
Does the process being used prior to being delivered to a facility in Scarborough meet the EPA/DEP Standards. It was stated that the DEP has inspected the site.
Does the town of OOB request documentation as evidence that the site meets the standard requirements?
- Approximately 7 unregistered/uninspected vehicles existing on the 173 Portland Ave. property.
Were they all the licensed/registered vehicles? out on jobs and just not located at the site when the visit occurred?
How many would be allowed with the Proposed change? How would this be monitored?
- Misc. OOB365 vehicles and items on 169 Portland Ave.
This is not attractive to the property owners to have to view these items on a daily basis.
- No Noise, Orders, vibrations were heard, observed or felt during visit.
This has been a problem in the past with the smell, the banging of the large trucks when emptying loads. These are

Heard inside my home.

Then the traffic this creates up and down the avenue during the day. Gear shifting at the end of my driveway.

This is can be very annoying to residents.

I am frustrated because it would appear that Septic holding tanks, the loud noises of the truck dumping, the excessive activity of excavation trucks up and down the avenue during the day, wear and tear on the avenue, the storage of all the equipment, materials relating to the business, the storage of misc. 365 vehicles and other items on the front lawn. This is not attractive to those us who have to look at it on a daily basis. There have been in the past, logging trucks delivering the wood, which is then cut and bundled on the property. This year cut wood was delivered so bundling was done on site. As was stated in the Site Inspection Report dated July 6th. I understand that the Septic holding tanks have been removed from the property, but the other violations are clearly industrial uses that are occurring on the MacDonald property. This property is located in a rural district, and one of the conditions of the rural district is the preservation of its rural character to the extent possible and is one of the most important purposes of the RD district. It appears that Code Enforcement has lost sight of this.

Code enforcement has acknowledged that there are violations on the property, to which there has been no action taken to rectify to date. This started out as a small business and has grown over the years to where we are today, leaving residents of Portland Ave. frustrated with the growth and the day to day activities that go on. I ask, if the growth of the business as it exists today couldn't be enforced under the current definition for Contractor Storage Yard 2, how can this be controlled, and enforced if the proposed change to Contractor Storage Yard 1 is allowed to pass to the satisfaction of the immediate abutters. This will give the MacDonald property owners a free rein to do whatever they want, because the Codes don't appear to apply to them, as is evident at the present time. There are no consequences or penalties to any of the violations identified to date. A period of over 10 years to even begin to look at the violations is unacceptable to me as a resident in this area. The town even has the aerial views showing the growth to present time.

All the discussions, and recommendations on necessary changes that need to be made to the current ordinance amendments do not appear to be in the best interest of all parties. It appears to favor only the MacDonalds, with no considerations given to residents in the immediate area that have smelled, heard and seen the activity on a daily basis. This is not about the MacDonalds. This is about the changes being proposed that will change Portland Ave. as we have known it. Changes can be embraced, but not when it goes to an industrial growth in a rural area and affects the residents in the immediate area. The proposal as it is now. would allow for all properties with a minimum of 1 acre to fall within the new Contractor Storage Yard 1 from Ross Rd. to the Scarborough line. This would certainly change the characteristic of the current rural area that we as residents have been able to enjoy.

It was stated at one of the public meeting that the value of the residential homes on Portland Avenue would not be affected.

This is not completely true. For property tax purposes this may apply, but should a property owner want to sell, then it definitely will affect the market value of their property. This is not fair to home owners who have invested in their property over the years and have chosen to live here because one of the attractions was that it was rural.

I am not in favor of the Proposal to Change the Ordinance from Contractor Storage Yard 2 to Contractor Storage Yard 1.

I don't believe, based on where we are today, that the town has the capabilities to monitor and control the activities so that we aren't back here again in a few years, because it again has grown beyond the codes as defined. We all know that the purpose of any business, small or large is to grow and make more money. It is also my understanding that Debbie MacDonald does contracted work for the town. I ask, how can the Town of Old Orchard Beach knowingly award a contract to a business that isn't even licensed to do the business they are awarding the contract for. It appears that OOB is looking the other way. This certainly gives the impression of favoritism to me. The proposal as currently defined, certainly opens the doors for the MacDonald operation to expand with unlimited opportunities and further growth in the future. The proposal as presented, and if approved would allow any property owner with an acre parcel of property to operate a business comparable to the MacDonalds as long as it is located within the defined area of the Ross Rd to the Scarborough line. This is not acceptable to me as a resident of Portland Avenue.

I would ideally like to see the zoning to remain as a Contractor Storage Yard 2 and have Code Enforcement, enforce the code as defined today.

In 1999, I am sure that the MacDonald business was well aware of the code as it applied when the flower shop received conditional use approval for the retail business located at 169 Portland Ave. The Macdonald business has knowingly continued to enlarge without getting the required licenses for over 10 years with no consequences. This was solely their decision and the reason why we are in the position we are all in today!

I do plan to attend the public meeting tonight.

BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 7:25 p.m.

Brian Woodbury (104-2-10-42), 129 Portland Avenue, #42, one year round rental; **Salvatore & Concetta Costa** (205-18-16), 19 Miles Avenue, two year round rentals; **Leo Clarke** (206-29-11), 36 Summit Street, one year round rental; **Xtreme Mobile Detailing LLC/Garrett Stephens dba/Xtreme Mobile Detailing LLC** (208-2-1), 162 Saco Avenue, Personal Service – Auto Detailing; **Donald & Angela Cote** (211-14-6), 188 Saco Avenue, four year round rentals; **Fitzpatrick Realty Trust II** (303-1-5-3B), 105 East Grand Avenue, #3, one year round rental; and **Hollis Investment Company, LLC/John Roth** (313-2-4-2), 15 Bay Avenue, #2, one year round rental.

CHAIR: I close this Public Hearing at 7:27 p.m.

MOTION: Councilor Blow motioned and Vice Chair O'Neill seconded to approve the business licenses as read.

VOTE: Unanimous.

TOWN MANAGER'S REPORT:

Paving work is progressing. Work has been completed on the following streets: Atlantic Avenue, Portland Avenue, Miles Avenue, Birch and Fern Park Avenue. The following streets are still on the schedule for the next couple of weeks: Park Avenue from Somerset to the end; Hillside from Seaview to Woodland; Woodland from Hillside to Central Avenue; Central Avenue from Seaview to Cookman; West Grand from Randall Avenue to the bridge at the Saco Line; and we thank residents for their patience while the work is completed.

The Planning and Code Department will be adding an additional 20 hour per week Deputy Code Enforcement Officer to its staff beginning on October 1st. We welcome Mike Marino to the staff. The Code Office is still seeking applicants for an additional Deputy CEO. That is the position that is shared between Old Orchard Beach and the City of Saco. The position is a forty hour per week full time position that is split between the two communities so the person works 20 hours for each Town. Once we have that position on board we hope to be at full staff and we plan to concentrate on of these 20 hour positions on inspections of multi-unit properties to ensure that they are safe for tenants both from a building and fire code perspective.

On a related topic, most of the Town's J-1 seasonal workers have returned home after the summer season. Finding a sufficient quantity of safe and adequate housing continues to be a challenge for our community. With the addition of 20 hours of weekly staff time in the Code Office inspecting J-1 housing conditions will also be a priority next year.

The Town Manager did want to point to a very successful housing initiative for J-1 workers this summer. Palace Playland acquired the former Windward Sails Motel on Milliken Street

and was able to house 70 student workers there, or about ½ of their J-1 workers. Improvements were made to the property and a full time adult resident lived on site and oversaw the property and provided support to the students. It was a safe and comfortable housing option that worked beautifully for all involved. Congratulations to Palace Playland for this pro-active initiative to secure housing for summer workers.

This was the first summer for the re-configured intersection at Smithwheel Road and Ocean Park Road. For the most part the intersection functioned adequately with no serious accidents and without chronic congestion in the turning lanes to and from Smithwheel Road. Staff met last week with the regional MDOT engineer to discuss potential adjustments at the intersection to improve turning radiuses. MDOT is going to review the data and the request before responding.

Staff also met with the MDOT representatives to discuss possible changes to the intersection at Cascade and Ross Roads. MDOT completed a traffic study of the intersection and is considering the cost and safety efficiencies of various options, including 4-way stop, traffic signal, and re-alignment.

NEW BUSINESS:

7242 Discussion: Town of Old Orchard Beach Property Tax Relief Assistance Program.

BACKGROUND:

As part of the FY19 municipal budget process the Town Council appropriated \$35,000 to fund a property tax relief program for residents 70 years of age or older who had lived in Old Orchard Beach for at least 10 years. The purpose of the program is to provide tax relief to residents who have limited income but who are seeing increased taxes due to rising property values of residential property in Old Orchard Beach.

The program being presented for Council review utilizes the State's existing Property Tax Fairness Credit Program to determine financial eligibility of residents. The State program is incorporated into the filing of Maine income tax forms that provides the basis for income qualification. The advantage of using the State program as the basis for qualification is that the Town does not have to collect and analyze income information from resident applicants and residents do not have to respond to two different processes, State and local.

As proposed this program would be implemented in 2019 based on taxes paid and income earned in calendar year 2018.

TOWN OF OLD ORCHARD BEACH PROPERTY TAX ASSISTANCE ORDINANCE

Section 1. Purpose

The purpose of this Ordinance is to establish a program pursuant to Chapter 907-A of Title 36 of the Maine Revised Statutes to provide property tax assistance to qualifying persons who reside in the Town of Old Orchard Beach. Under this program, the Town of Old Orchard
Page 16 of 35 Town Council Meeting Minutes of September 18, 2018.

Beach may provide tax rebate and rental rebate payments to those individuals who meet the criteria established by this Ordinance.

Section 2. Definitions

Homestead: For purposes of this Ordinance, “homestead” shall have the same meaning as defined in 36 M.R.S.A. § 5219-KK(1)(C). Generally, a homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be a permanent residence, occupied by that person and that person’s dependents as a home.

Homestead Exemption: The State of Maine property tax exemption for all individuals who have owned a permanent residence in Maine for twelve (12) months as of April 1. Established by the State of Maine pursuant to 36 M.R.S.A. §683, as may be amended from time to time.

Property Tax Assistance Program: The program established by the Town of Old Orchard Beach under this Ordinance. Also referred to as the “Program.”

Property Tax Assistance Program Fund: The special revenue fund established by the Town of Old Orchard Beach under this Ordinance. Also referred to as the “Program Fund.”

Property Tax Fairness Credit Program: The property tax credit established by the State of Maine pursuant to 36 M.R.S.A. §5219-KK, as may be amended from time to time.

Qualifying applicant: A qualifying applicant is a person who is determined, after review of a complete application under Section 4 of this Ordinance, to be eligible for a tax rebate or rental rebate payment under the terms of this Ordinance.

Program Administrator: The Town Manager or his/her designee.

Section 3. Funding of the Program Fund

A special revenue fund entitled the Property Tax Assistance Program Fund as defined under the terms of this Ordinance shall be created to fund the payments under this Program.

The Town Manager may propose to the Town Council as part of his/her annual budget recommendation an appropriation of monies to fund the Program. Contributions and grants for the purpose of property tax and rent relief will be accepted and deposited into the Property Tax Assistance Program Fund.

Payments under this Ordinance shall be conditioned upon the existence of sufficient monies in the Program Fund for the fiscal year in which participation is sought. If there are not sufficient monies in the Program Fund to pay all qualifying applicants in full under this Ordinance, payments shall be limited to the amounts available in the Program Fund on a pro-rata basis to each eligible participant based on the amount of the participant’s calculated rebate under the Program. In the event that a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.

Section 4. Criteria for Participation

To qualify for participation in the Property Tax Assistance Program, an applicant must demonstrate all of the following:

1. That the applicant has a homestead in the Town of Old Orchard Beach at the time of application and for ten (10) continuous years prior to the date of application.
2. That the applicant has received a tax credit under the provisions of the State of Maine Residents Property Tax Fairness Credit Program.
3. That the applicant is age 70 years or older as of the application deadline of November 1st.

Additionally, if the applicant is a property owner:

4. That the applicant has applied for and received the Homestead Exemption for the year for which the rebate is requested.
5. That the applicant has paid property taxes in full through the date of application.

Section 5. Application procedures and determination of eligibility

Persons seeking to participate in the Property Tax Assistance Program shall submit a written request to the Program Administrator no later than November 1 of the year for which the rebate is sought. A new application shall be required for each year in which participation in the Program is sought. The Program Administrator shall provide an application form for the Program, which shall include, at a minimum, the applicant's name, homestead address and contact information.

The Program is based on the State Property Tax Fairness Credit and relates to property taxes and rent paid in the preceding calendar year. As part of the application to the Town, the applicant shall authorize the Town to seek documentation from Maine Revenue Services of proof and dollar amount of the State Property Tax Fairness Credit received by applicant.

The Program Administrator shall review and determine if the application is complete and accurate, and if the applicant is otherwise eligible to participate in the Program. The Program Administrator shall notify an applicant if an application is determined to be incomplete or inaccurate. Applications not deemed complete by November 1 shall not be considered. The Program Administrator's decision on eligibility to participate in the Program shall be final.

Section 6. Determination of rebate

If the Program Administrator determines that the applicant is eligible to participate in the Program, he/she shall determine the rebate. The rebate shall be the lesser of the following amounts, but in no case shall the Town's rebate exceed the property taxes or rent paid in the preceding calendar year, less the State Property Tax Fairness Credit:

- A. The amount of credit qualified for under the Property Tax Fairness Credit Program; or
- B. A pro rata share of available monies in the Program Fund based on the calculated amount of the rebate.

The Town Manager shall report to the Town Council each year the projected payments and number of eligible applicants requesting assistance from the Program fund.

Section 7. Timing of rebate payments

A person who qualifies for payment under the Program shall be mailed a check for the full rebate amount (or pro-rated amount of available funds) no later than December 31 of the year in which the application is submitted.

Section 8. Limitations upon payments

Only one qualifying applicant per homestead shall be entitled to payment under this Program each year. The right to file an application and to receive a rebate under this Ordinance is personal to the applicant and does not survive the applicant's death, but such rights may be exercised on behalf of the applicant by the applicant's legal guardian, attorney-in-fact or personal representative.

TOWN OF OLD ORCHARD BEACH
PROPERTY TAX ASSISTANCE PROGRAM

Application Deadline –

Name: _____

Home Street Address: _____

If different from home address, mailing address: _____

Home Phone Number: _____ Email address (optional): _____

Please answer the following questions:

- | | YES | NO |
|--|--------------------------|--------------------------|
| 1. Has the applicant paid taxes, or rent, on a primary residence in the Town of Old Orchard Beach at the time of application and for ten (10) years prior to the date of application? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Has the applicant filed Form 1040ME and the Property Tax Fairness Credit (PTFC) for 20? If yes, the Town will seek documentation from Maine Revenue Services of proof and dollar amount of the PTFC received. | <input type="checkbox"/> | <input type="checkbox"/> |

Please provide the Town of Old Orchard Beach, on my behalf, confirmation of the amount of credit I received from the State of Maine 2018 Property Tax Fairness Credit.

Signature

Social Security #

- | | | |
|--|--------------------------|--------------------------|
| 3. Will the applicant be at least 70 years old as of November 1? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. If a property owner, has applicant applied for, and received, the Homestead Exemption as of April 1 st for the year for which the rebate is requested? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. If a property owner, has the applicant paid property taxes in full through November 1? | <input type="checkbox"/> | <input type="checkbox"/> |

I declare that I have examined this application and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Applicant

Date

If you need any assistance with the completion of this form please contact the Town Manager's office at (207) 937-5626.

7243 Discussion with Action: Set the Public Hearing Date of October 2, 2018 to Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 2, Administration, adding Article VII, Property Tax Relief Ordinance.

MOTION: Councilor Blow motioned and Councilor Kelley seconded to Set the Public Hearing Date of October 2, 2018 to Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 2, Administration, adding Article VII, Property Tax Relief Ordinance.

VOTE: Unanimous.

NOTICE OF PUBLIC HEARING

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on October 2nd, 2018 at 6:30 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the Code of Ordinances, Chapter 2, Administration, adding Article VII, Property Tax Assistance Ordinance, by adopting the underscored language as follows:

TOWN OF OLD ORCHARD BEACH
PROPERTY TAX ASSISTANCE ORDINANCE
Chapter 2, Article VII, Town of Old Orchard Beach Code of Ordinances

Section 2-480. Purpose

The purpose of this Ordinance is to establish a program pursuant to Chapter 907-A of Title 36 of the Maine Revised Statutes to provide property tax assistance to qualifying persons who reside in the Town of Old Orchard Beach. Under this program, the Town of Old Orchard Beach may provide tax rebate and rental rebate payments to those individuals who meet the criteria established by this Ordinance.

Section 2-481. Definitions

Homestead: For purposes of this Ordinance, "homestead" shall have the same meaning as defined in 36 M.R.S.A. § 5219-KK(1)(C). Generally, a homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be a permanent residence, occupied by that person and that person's dependents as a home.

Homestead Exemption: The State of Maine property tax exemption for all individuals who have owned a permanent residence in Maine for twelve (12) months as of April 1. Established by the State of Maine pursuant to 36 M.R.S.A. §683, as may be amended from time to time.

Property Tax Assistance Program: The program established by the Town of Old Orchard Beach under this Ordinance. Also referred to as the "Program."

Property Tax Assistance Program Fund: The special revenue fund established by the Town of Old Orchard Beach under this Ordinance. Also referred to as the "Program Fund."

Property Tax Fairness Credit Program: The property tax credit established by the State of Maine pursuant to 36 M.R.S.A. §5219-KK, as may be amended from time to time.

Qualifying applicant: A qualifying applicant is a person who is determined, after review of a complete application under Section 4 of this Ordinance, to be eligible for a tax rebate or rental rebate payment under the terms of this Ordinance.

Program Administrator: The Town Manager or his/her designee.

Section 2-482. Funding of the Program Fund

A special revenue fund entitled the Property Tax Assistance Program Fund as defined under the terms of this Ordinance shall be created to fund the payments under this Program.

The Town Manager may propose to the Town Council as part of his/her annual budget recommendation an appropriation of monies to fund the Program. Contributions and grants for the purpose of property tax and rent relief will be accepted and deposited into the Property Tax Assistance Program Fund.

Payments under this Ordinance shall be conditioned upon the existence of sufficient monies in the Program Fund for the fiscal year in which participation is sought. If there are not sufficient monies in the Program Fund to pay all qualifying applicants in full under this Ordinance, payments shall be limited to the amounts available in the Program Fund on a pro-rata basis to each eligible participant based on the amount of the participant's calculated rebate under the Program. In the event that a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.

Section 2-483. Criteria for Participation

To qualify for participation in the Property Tax Assistance Program, an applicant must demonstrate all of the following:

6. That the applicant has a homestead in the Town of Old Orchard Beach at the time of application and for ten (10) continuous years prior to the date of application.
7. That the applicant has received a tax credit under the provisions of the State of Maine Residents Property Tax Fairness Credit Program.
8. That the applicant is age 70 years or older as of the application deadline of November 1st.

Additionally, if the applicant is a property owner:

9. That the applicant has applied for and received the Homestead Exemption for the year for which the rebate is requested.
10. That the applicant has paid property taxes in full through the date of application.

Section 2-484. Application procedures and determination of eligibility

Persons seeking to participate in the Property Tax Assistance Program shall submit a written request to the Program Administrator no later than November 1 of the year for which the rebate is sought. A new application shall be required for each year in which participation in the Program is sought. The Program Administrator shall provide an application form for the Program, which shall include, at a minimum, the applicant's name, homestead address and contact information.

The Program is based on the State Property Tax Fairness Credit and relates to property taxes and rent paid in the preceding calendar year. As part of the application to the Town, the applicant shall authorize the Town to seek documentation from Maine Revenue Services of proof and dollar amount of the State Property Tax Fairness Credit received by applicant.

The Program Administrator shall review and determine if the application is complete and accurate, and if the applicant is otherwise eligible to participate in the Program. The Program Administrator shall notify an applicant if an application is determined to be incomplete or inaccurate. Applications not deemed complete by November 1 shall not be considered. The Program Administrator's decision on eligibility to participate in the Program shall be final.

Section 2-485. Determination of rebate

If the Program Administrator determines that the applicant is eligible to participate in the Program, he/she shall determine the rebate. The rebate shall be the lesser of the following amounts, but in no case shall the Town's rebate exceed the property taxes or rent paid in the preceding calendar year, less the State Property Tax Fairness Credit:

- C. The amount of credit qualified for under the Property Tax Fairness Credit Program; or**
- D. A pro rata share of available monies in the Program Fund based on the calculated amount of the rebate.**

The Town Manager shall report to the Town Council each year the projected payments and number of eligible applicants requesting assistance from the Program fund.

Section 2-486. Timing of rebate payments

A person who qualifies for payment under the Program shall be mailed a check for the full rebate amount (or pro-rated amount of available funds) no later than December 31 of the year in which the application is submitted.

Section 2-487. Limitations upon payments

Only one qualifying applicant per homestead shall be entitled to payment under this Program each year. The right to file an application and to receive a rebate under this Ordinance is personal to the applicant and does not survive the applicant's death, but such rights may be exercised on behalf of the applicant by the applicant's legal guardian, attorney-in-fact or personal representative.

7244 Discussion: Odor Mitigation at the Wastewater Plant.

BACKGROUND:

The Town Council approved funding to include odor mitigation measures as part of the process building improvements completed this year at the wastewater treatment plant. While the odor mitigation efforts were effective within and adjacent to the process building there continues to be odor concerns beyond the plant grounds and particularly in the nearby residential streets. For this reason the Town Manager tasked the department with gathering information related to odor mitigation options to address neighborhood concerns. Over the past few months the Department has researched potential odor mitigation measures. There are numerous sources of odor as part of plant operations, including the primary sludge holding tank, secondary sludge holding tank and process building as primary sources of odors. Five (5) primary clarifiers (with a maximum of two (2) operating at any one time), two (2) secondary clarifiers and two (2) aeration tanks are also considered secondary sources of odors.

The Department focused its research on the primary sludge holding tank because it is likely the primary source of pervasive offensive off-site odors and because directing mitigation measures there would likely yield the most effective results relative to cost of implementation. Three vendors submitted proposals for covers and odor control equipment.

All vendors were confident that their equipment would effectively treat the odors from the primary sludge holding tank. All have offered technical assistance through the process of design and installation. The estimates presented are for equipment only. These costs do not include installation, plumbing, HVAC, electrical, design or final drawings. No engineering costs have been incurred as of yet in this process. Wright Pierce has offered the town a proposal to further define the sources, consistency and kinds of odors as well as evaluate our proposed options. This proposal does not include the efforts for design, construction or final drawings. If the town chooses to move forward with one of the vendors without upfront engineering efforts we would rely on the vendors guarantee. Wright Pierce would then be asked for a proposal to help with the design, construction and final drawing efforts.

Commentary

Vendor #1 offered the lowest budgetary number. The vendor #1 system will require media change outs every 4 years at an approximate cost of \$10,000 per change out. This vendor uses enhanced capacity carbon as the system media. This media is not proprietary and can be commonly sourced which offers likely financial savings going forward. The media change out for this vendor is more involved than the others but it can be done in-house by Wastewater Department personnel. Old media must be vacuumed out and replaced with 50 pound bags. The system does not require constant water feed. The vendor has multiple installations throughout the northeast.

Commentary (continued)

Vendor #2 offered the second lowest budgetary number and included a cover. Their system will require media change outs every 5-7 years at an approximate cost of \$5000 per change out. This vendor uses seashells as their media. Replacement media consists of cartridges that contain the seashells. The media cartridges are a proprietary product at this time. Their system does require constant water feed. They have multiple installations throughout the northeast. Vendor #3 offered the highest budgetary number. Their media is considered permanent and does not require a change out. This vendor uses an engineered media. Their media is

proprietary and cannot be sourced elsewhere. Their system does require constant water feed. They have multiple installations throughout the northeast.

Primary sludge holding tank

Odor control system from vendor #1 - \$112,000 (cover by others included in price)

Odor control system and cover from vendor #2 - \$145,000

Odor control system from vendor #3 - \$262,000 (cover by others included in price)

Respectively submitted,
Christopher White
Wastewater Superintendent

Waste Water Superintendent spoke to the Council indicating that after years of odor complaints the Town took steps to help mitigate the odors at the Facility as part of the process building and dewatering upgrade. This included eliminating a sludge holding tank and adding a potassium permanganate system. While these were small steps, it was his belief that they have made conditions better on site. The Department however continues to receive complaints from residents. This was expected as the Facility contains multiple sources of odors. Both staff and two of the local residents have identified the primary sludge holding tank as the most offensive tank. This makes sense as primary sludge is normally the greatest source of odors. This summer the Department was tasked with investigating odors control methods and gathering budgetary prices. Budgetary prices that include a cover and odor control system for the primary sludge hold tank ranged from \$112,000 to \$262,000. These numbers are for equipment only and are based on limited information. After speaking in depth with each manufacturer they have all offered to assist with the gathering data and designing the system. They have also assured me that a properly designed system will eliminate the majority of the odors emitted from this tank. This however would require the Town to commit to the purchase of the manufacturers system. The alternate route is to hire Wright Pierce to gather the data and review each proposal and then make a recommendation to the Town. The Wright Pierce proposal as presented to the Council at a cost of \$20,000. If the department was to recommend; and the Council was to approve one of the proposals; then we could move directly to the preliminary design. In order to create a budgetary number for the completion of the project, a preliminary design would be necessary.

The Council appeared to agree with the proposal as presented.

7245 Discussion with Action: Accept the Proposal from Jim Godbout Plumbing & Heating in the amount of \$5,600 for work to be done on the heating system for the jail cell construction project at the Fire Department; from Account Number 52002-50813 – CIP Facility Improvements – Fire Department, with a balance of \$70,742.70.

BACKGROUND:

MOTION: Councilor Blow motioned and Vice Chair O'Neill seconded to Accept the Proposal from Jim Godbout Plumbing & Heating in the amount of \$5,600 for work to be done on the heating system for the jail cell construction project at the Fire Department; from Account Number 52002-50813 – CIP Facility Improvements – Fire Department, with a balance of \$70,742.70.

VOTE: Unanimous.



Old Orchard Beach Fire Department

136 Saco Avenue · Old Orchard Beach, ME 04064

Edward Dube
Fire Chief

Rich C. Kindelan
Deputy Fire Chief

Phone: (207) 934-7790
Fax: (207) 934-1750

Discussion with Action: Accept the Proposal for \$5,600 from Jim Godbout Plumbing & Heating for work to be done on the heating system for the jail cell construction project for the Fire Station from Account Number 20138-50813 –Facility Improvement Fire Account, with a balance of balance of \$65,142.00 Larry Mead

This work needs to get completed before construction of the jail cells can begin. See list below.

- Cut and cap one water line to jail cells 1 and jail cell 2
- Cut and cap three heating lines to jail cells 1 and jail cell 2
- Loop together one heating line to jail cell 2
- Fabricate and install duck work for heating and cooling at the rear stairwell
- Add one more zone for heating and cooling system for the new office
- Replace the old heat hydronic fan coil unit in the gear room

Proposal Below

- 1) Jim Godbout Plumbing and Heating, Inc. for \$5,600.00
- 2) Haley's Metal Shop, Inc. \$8,425.00
- 3) HVAC Service, Inc. for \$9,500.00
- 4) Atlantic Comfort System, Inc. Never show up for their schedule appointment on 8/7/2018.

Jim Godbout Plumbing & Heating Inc.
P.O. Box 365
48 Elm st.
Biddeford, Maine 04005
207-283-1200 fax 207-283-2739
www.jimgodbout.com

September 10, 2018

Old Orchard Beach Fire Department
136 Saco Ave
OOB, Maine 04064
edube@oobmaine.com Ed Dube 934-7790

Proposal for Fire Station Office Side Remodel

We shall cut and cap heating lines to three convectors and one length of baseboard (side entrance, chief's office, cell block 1, cell block 2).

Lines are black iron and possibly copper in chief's office---loop back if necessary.

Total Office Side Heat cut/cap \$600.00

Garage Heat-

Existing is underperforming 22,000 BTU steam (15,000 water) unit heater.

Budget to install additional similar size unit piped to direct heat across garage door is **\$2,500.00**.

Duct work-

Budget to add a 4th zone to existing 3-zone office HVAC system by installing new duct,

reworking existing duct, installing zone control, one new thermostat and standard grills **budget \$2,500.00** pending drawings or site evaluation.

At same time we can install duct and register into back stairway by extending existing in drop ceiling over approximately 8'.

\$ 5,600



Haley's
Metal Shop, Inc.
"Since 1917"

539 Elm Street • Biddeford, Maine 04005
(207) 284-8571 • Fax (207) 284-9597



TOTAL COMFORT
SERVICES

DATE OF PROPOSAL

April 2, 2018

BUDGETARY PROPOSAL SUBMITTED TO:

Old Orchard Beach Fire Department

136 Saco Ave

Old Orchard Beach, ME 04064

Attn: Chief Edward Dube

We are pleased to submit our proposal to supply labor and materials to install and relocate duct work, replace a hydronic unit heater, rezoning the office area HVAC, and removing the hot water baseboard heating. The work will be performed at your fire station located at 136 Saco Ave in Old Orchard Beach.

Sleepin Quarters' – Rear Stairwell Heat:

- Fabricate and install new insulated 6" Ø ductwork and drop-ceiling grille to handle the rear stairwell with heating and cooling.
- This will be tied into the existing ductwork associated with the hallway + bathroom zone. This will not be enough air to be a primary heat source for this area.

Total: \$560.00

Initial to accept:

Gear Room - Unit Heater Replacement:

- Drain and remove the existing McQuay hydronic unit heater (UHH-022A-A) located in the Gear Room.
- Provide and install a new Modine hydronic unit heater (HSB-047) in the same location as the existing.
- Provide and install two new valves and a new thermostat. This will remain tied to the hot water circulation loop.

Total: \$3,415.00

Initial to accept:

Chief's New Office Zoning:

- Provide and install a new thermostat and control wiring to allow for a fourth zone in the office area. The new thermostat will be located in the Chief's new office. We will reuse the majority of the existing ductwork, 3 zone dampers, 3 thermostats, bypass damper, and zone panel.
- Provide and install additional ductwork to extend the existing ductwork in this area from the middle of the room.

Total: \$930.00

Initial to accept:

Remove Office Hydronic Heating:

- Drain, remove and cap all of the hydronic baseboard (secondary heating) and accessible copper piping associated with the office area.
- We will install valves and caps on all open pipes.
- We will test and operate the boiler systems before and after the demolition.

Total: \$3,520.00

Initial to accept:

All work to include:

- A one-year warranty on the work performed.
- Operational and testing of the systems.
- All work to be performed will occur during normal business hours.

Proposal

HVAC Services, Inc.

73 Bradley Dr
Westbrook, ME 04092
207-854-4822

August 21, 2018

Summary: PROPOSAL
Reference #: 3513-21404
SP: JO
Due Date: 9/5/2018

OLD ORCHARD BEACH
FIRE DEPARTMENT
1 PORTLAND AVENUE
OLD ORCHARD BEACH, ME 04064

Job Name:

136 SACO AVENUE
OOB FIRE DEPARTMENT
136 SACO AVENUE
OLD ORCHARD BEACH, ME 04064

207-934-4911

207-934-1750

We Hereby Submit Specifications And Estimates For:

Proposal to perform HVAC upgrades to "the old first floor police station" side of the building.

Our work to include:

- (1) Isolate, cut free, and cap the supply and return hydronic piping serving (5) sections of baseboard heat.
- (2) Relocate the zone-3 HVAC thermostat from Terry's office to the Chief's new office.
- (3) Install a second supply duct to feed the Chief's new office.
- (4) Install a new (heat only) thermostat in Terry's office.
- (5) Install a 4th HVAC zone to feed the old vestibule.
- (6) Replace the hydronic fan coil unit heater in the "Equipment Room"
- (7) Upgrade the (2) existing HVAC thermostats.

Proposal

HVAC Services, Inc.

73 Bradley Dr
Westbrook, ME 04092
207-854-4822

August 21, 2018

Summary: PROPOSAL
Reference #: 3513-21404
SP: JO
Due Date: 9/5/2018

OLD ORCHARD BEACH
FIRE DEPARTMENT
1 PORTLAND AVENUE
OLD ORCHARD BEACH, ME 04064

Job Name:

136 SACO AVENUE
OOB FIRE DEPARTMENT
136 SACO AVENUE
OLD ORCHARD BEACH, ME 04064

207-934-4911

207-934-1750

We Hereby Submit Specifications And Estimates For:

(8) Replace the failed "Sleeping quarters" stairwell cabinet heater.

We propose hereby to furnish material and labor - complete in accordance with the above specifications, for the sum of: \$9,500.00

Acceptance and Payment Terms:

CONTRACT PRICE VALID FOR 30 DAYS. PAYMENT 25% UPON ACCEPTANCE - PROGRESS INVOICES THEREAFTER - COMPLETION PAYMENT NET 20 DAYS OF INVOICE.

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon delays beyond our control. Purchaser agrees to pay all costs of collection, including attorney's fees. This proposal may be withdrawn by us if not accepted within 30 days of the proposal date.

Authorized
Signature _____

Acceptance
Signature _____

Date _____

7246 Discussion with Action: Approve the services of Ted Berry Company for Pump Station Maintenance for the Waste Water Facility, in the amount of \$9,790; from Account Number 20161-50342 – Waste Pumping Expense, with a balance of \$32,958.97.

BACKGROUND:

The Wastewater Facility does not have an automated grit removal system. Much of the grit goes through the Treatment System and creates excessive wear on pumps and equipment. The Department attempts to mitigate this by cleaning out twice a year some of the tanks at the Facility and Pump Stations. Ted Berry will provide all the equipment necessary to perform the task. Additional disposal expenses expected to be paid directly by the Town to ECO MAINE. These expenses will depend on the amount of waste removed. Prior years indicate these additional costs will be \$8,000 to \$10,000.

MOTION: Councilor Tousignant motioned and Vice Chair O'Neill seconded to Approve the services of Ted Berry Company for Pump Station Maintenance for the Waste Water Facility, in the amount of \$9,790; from Account Number 20161-50342 – Waste Pumping Expense, with a balance of \$32,958.97.

VOTE: Unanimous.



Chris White
Town of OOB Wastewater Department
1 Portland Avenue
Old Orchard Beach, ME 04064

September 13, 2018

Greetings Chris,

Subject: **Fall 2018 Pump Station Maintenance Proposal M-18-00664**

Thank you for giving us the opportunity to provide you with the following proposal for cleaning pump stations and conducting the confined space entry program. As you know the Ted Berry Company has been performing pump station cleaning in OOB for a number of years and has the intimate understanding of the individual pumping systems and components and upon your request would be willing to take on additional responsibilities associated with the cleaning and confined space management.

Scope of work: Work to be done during the spring and fall of each year at the request of the collection system manager

- A. Confined Space Entry, including continuous air monitoring and retrieval system
- B. Lock Out Tag Out Pump Stations
- C. Plug inlet line to stop incoming flow as needed
- D. Perform pump station cleaning at the following locations, as requested by the customer:
 1. Comfort St. Pump Station
 2. Portland Avenue
 3. Ross Road
 4. ½ way grit chamber
 5. West Grand Pump Station
 6. East Grand Pump Station
 7. Dune Grass Pump Station 100 & 200
 8. Primary Holding Tank
 9. Primary Influent Launder
- E. Remove and dispose debris at Eco Maine, paid by customer

Project Responsibilities

Old Orchard Beach Wastewater Department: To help achieve a smooth and successful project, you will be considered the owner of the project and it will be your responsibility to perform the following:

- Provide a designated contact person
- Provide all access to all pump stations
- Provide access to lockout/tagout locations
- Operate Pump Stations as needed
- Provide disposal site or payment for disposal at an approved site – EcoMaine

TED BERRY

COMPANY Inc.

Ted Berry Company, Inc.

- Provide a designated project manager
- Provide a written work plan prior to start of work
- Provide all traffic control per MUTCD regulations as required to complete the project.
- Provide a cleaning team with all necessary tools and equipment
- Provide confined space entry equipment and permit. All personnel are confined entry trained within the previous 12 months.
- Provide disposal of all materials in accordance with state, local and federal regulations at an approved disposal site.

Ted Berry Company, Inc. Employees

- Project Manager (Off Site)
- Project Crew Supervisor
- Jet/Vac CDL Operator
- Technician – confined space entry trained (2) technicians may be required for individual pump stations and will be charged individually.

Ted Berry Company Inc. Equipment

- Combination Jet/Vac Truck
- Service Truck
- Various size Plugs as needed
- Portable Air Compressor
- Confined Space Equipment

Differing conditions

1. **Flows at the pumping station higher than anticipated by the owner** - If flows at the wastewater pumping station are higher than anticipated a modification to the pumping or work plan may be required and shall be paid by the Owner at no additional expense to TBCI.

Delays

1. Delays caused by circumstances outside of the control of the Ted Berry Company shall be compensated fully by a standby rate that is defined in the contract terms and conditions. Items outside of the control of the Ted Berry Company include but are not limited to.
 - 1) Delays caused by "others"

Terms and Conditions

All quotes are good for 30 days from date of inquiry.

Payment is due Net 30 from the date the project is completed.

TED BERRY

COMPANY Inc.

Billable Units for Each Biannual Cleaning

Item Description	Day Rates	Estimated Days	Estimated Cost
Municipal Vactor Truck with Supervisor & CDL Operator	\$2,350.00/Day	3 Days	\$7,050.00
Support Truck	\$80.00/Day	3 Days	\$240.00
Confined Space Technician	\$750.00/ Day	3 Days	\$2,250.00
Confined Space (each day)	\$250.00/Each day	3 Days	\$750.00
Total Estimated Project Cost			\$9,790.00

Old Orchard Beach Waste Water Department will pay EcoMaine for debris disposal fees.

The total cost is based upon an estimated 3 days of work.

The invoice will be based on the actual number of days of cleaning and disposal.

We appreciate the opportunity to provide you with this proposal and look forward to working with you this year on the town's pump station maintenance. Please sign and return signed copy upon acceptance of this proposal.

Sincerely,

Paul Pomerleau
Project Manager/Team Leader

No job is so important and no service is so urgent that we cannot take the time out to perform or work safely.

Accepted by:

Print name:

Title: _____ PO# _____

Date: _____

ADJOURNMENT:

MOTION: Councilor Blow motioned and Councilor Tousignant seconded to Adjourn the meeting at 8:15 p.m.

Respectfully yours,

**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 thirty-five (35) pages is a copy of the original Minutes of the Town Council Meeting of September 18, 2018.

V. Louise Reid