TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL WORKSHOP
Wednesday, January 22, 2014
TOWN HALL CHAMBERS
7:00 p.m.

A Town Council Workshop of the Old Orchard Beach Town Council was held on Wednesday, January 22, 2014. Chair O'Neill opened the meeting at 6:40 p.m.

The following were in attendance:

>> **Chair Shawn O'Neill**
>> **Vice Chair Bob Quinn**
>> **Councilor Jay Kelley**
>> **Councilor Malorie Pastor**
>> **Councilor Joseph Thornton**
>> **Councilor Michael Tousignant**
>> **Town Manager Larry Mead**
>> **Assistant Town Manager V. Louise Reid**
>> **Finance Director Diana Asanza**
>> **Recreation Director Jason Webber**
>> **Nationwide Representative Stacy Perry**

Absent: **Councilor Kenneth Blow**

The purpose of the first Workshop this evening was to introduce MuniciPAY, an electronic payment processing solution for cities and towns; a process that is simple, secure and with no cost to the municipality. Presenting for Nationwide Payment Solutions (NPS) was their representative, Stacy Perry.

She began by presenting the history of card acceptance and government availability. Municipalities began accepting credit cards and assessing surcharges in 1980. Then in 1993 Visa and MasterCard enforced rules prohibiting surcharges. In 1994 the GFOA and Municipalities introduced H.R. 1842, the Credit & Charge Card Disclosure and Interest Rate Amendments Act of 1993; and H.R. 2175, the Credit Card Reform Act of 1993. In 1996 Visa, MasterCard, Discover and Amex allowed convenience fee Internet/IVR. In 2007 MasterCard, Discover and Amex expanded the Convenience Fee Programs to include over-the-counter transactions; and in 2008 Visa expanded convenience program to include over-the-counter tax payments. The convenience fee is a fee that government entities are allowed to assess for credit card transactions verses other forms of payment (such as cash or check.) This fee is intended to cover costs associated with credit card acceptance. A convenience fee is paid directly by the individual consumer who chooses to pay via their credit card. It was noted that Cardholders must be notified of the convenience fee prior to payment and given the opportunity to opt out and choose another payment option. Best practice by MC is that the sale amount and convenience fee are processed as separate transactions. This reduces inquiries from cardholders due to amounts being listed as separate line items. Any municipal office, government agencies, schools, local state and federal courts, state and town utilities, and colleges and universities, etc. are eligible to sue this program.

It was pointed out that the options to credit cards are not to accept them; absorb the costs associated with card acceptance; or utilize a convenience fee program. Utilizing a convenience fee program such as this via a third party provider equals no processing fees. Maximizing the benefits to this program is done by offering as many options as possible including over-the-counter, by mail, and e-Commerce and assessing which departments should implement convenience programs. In a study by the University of Kentucky it was noted that citizens will take advantage of the electronic payment options if state government agencies accept electronic payment and establish policies and procedures which encourage and facilitate such payments.

Benefits to using this program include increased cash flow; maximized revenues as well as a reduction in delinquent payments; a reduction in processing costs associated with checks and cash payments; and efficient staffing efficiencies. According to most surveys customers are happier with the ability to have this service. It is obvious that the next generation will be totally electronic based. The age of pure checks and cash for most government services is in the decline. Card acceptance for utility payments has nearly doubled over the last seven years from 41% to 81%

The Service/Convenience Fee is allowed by the Credit Card Association which permits municipalities to assess this fee on transactions paid via credit card. This fee must be processed as a separate transaction so the fee amount is clearly identified to the Cardholder. The fee amount must also be disclosed to the Cardholder prior to the completion of the transaction and the option to decline the fee and us an alternate form of payments (cash or check) must be given to the citizen. There are no processing fees to the municipality but rather all Service/Convenience Fees are paid by the individual consumer who chooses to use their credit card for payment. There are no set-up fees, monthly fees, or processing fees assessed to the municipality when a Service/Convenience Fee Program is utilized. NPS is a certified Level 1 PCI-DSS Service Provider and meets all the Payment Card Industry-Data Security Standards) guidelines and requirements. The program eliminates any exposure to the municipality from the storage and/or transmission of cardholder data. Local, state and federal courts of law that administer and process court fees, alimony and child support payments; Government entities that administer and process local, state and federal fines; local, state and federal entities that engage in financial administration and taxation; local government services such as Auto (DMV), Property Taxes, Utilities, Parks & Recreation, Fish & Game, Court & Bond Fees, and more; State elementary and secondary schools for tuition, related fees and school-maintained room and board; and State colleges and universities, professional schools, junior colleges for tuition, related fees and school-maintained room and board; are all eligible to participate in this program.

The following cards can be used to receive funds including Visa, MasterCard, American Express, and Discover all allow a Service/Convenience fee for government and educational entities. Funds will be deposited into the municipality's account(s) within two (2) business days and can be automated to include multiple depository accounts for various departments. MuniciPAY offers real-time, detailed reporting. Municipalities are able to view reports separated by user, departments, payment items, and daily settlement reconciliation. It can also handle cash and check reporting options, and can be integrated with the municipality's current software.

There are several advantages to using MuniciPAY including the municipality is completely insulated from Service/Convenience Fee collection; NPS handles the collection of the Service/Convenience Fee and automates the payments of municipality transactions; Multiple

payment item/Deposit Account Capabilities; Increased expedited cash flow because funds are deposited directly to municipality's account(s) on the second business day after the transaction date; detailed transaction reporting; and the municipality is able to offer more payment options to the citizens of the community.

Depending on the individual needs of our municipality will determine the length of time to implement the MuniciPAY program. Some of the considerations include the number of depository accounts and the complexity of the inventory list and/or fee schedule. NPS is committed to completing implementation as quickly as possible and the typical implementation program usually takes one to two weeks.

The Chair complimented the Finance Director and expressed appreciation to the Presenter for the information provided this evening.

Discussions continued on the future of a possible Skateboard park. Jason Webber, Director of the Recreation Department and Bill Robertson of the Public Works Department presented their report updating the Council. The old skate park, located where the new Police Department was built on E. Emerson Cummings Boulevard, was torn down in 2009. It was constructed of wood and not built to endure the harsh winters in Maine and was deteriorating. The Recreation Director has always said that if you build a good park people will come from our community and outside the community. From the beginning the proponents of the Skateboard project have always wanted it built at the Ballpark. They feel this is appropriate since it is near the schools and the police station. Studies have shown that parks near police stations have less vandalism. As far back as 1996 it was suggested that areas like Memorial Park, Milliken Street Parking Lot as well as a site location along E. Emerson Cumming's Blvd. would be a considered location. Many feel that the Memorial Park location is not a consideration as most Councils wanted it to remain as a passive green-space area. They also suggested that the Milliken Street location may be desirable in the minds of the skateboarders but the negative impact is that it is surrounded by three residential areas.

A skate park is a purpose-built recreational environment for skateboarders, roller skaters, inline skater, and scooter riders who ride and develop their techniques. Unlike organized sports like basketball or football, skateboarding has no set arena or rules and skate parks have no standard design template. Each skate park is designed specifically to provide unique challenges to its users. The design area would be approximately 60 feet by 120 feet with considerable buffer zone. There are three main categories of skate park design – bowl, street plaza and flow parks. Old Orchard Beach would probably have either the bowl, the street plaza park or the flow park. Bowl parks are designed to emulate and improve upon the pool skating experience. Skaters in bowl parks can move around the park without taking their feet off the board to push. The curved walls of bowls allow skaters to ride around and across the bowl in addition to the back and forth skating you might see on a traditional half pipe. Bowls come in an endless variety of shapes and sizes but most bowls are between three and twelve feet deep. The street plaza park, which is the favorite of the vast majority of skaters, and the most expensive, is designed to emulate and improve upon the street skating experience. Obstacles in the street plaza are styled to look like natural street terrain such as stairs, railings, planters and benches. The flow park combines both the bowl parks and street parks which allows the skaters to use that speed to hit street obstacles such as stairs, railings and benches. Some of the considerations of a skate park in a community is exposure to liability litigations which seemed to be less than had been feared in the past. Some jurisdictions have found that it is much easier to enforce existing ordinances prohibiting skating in public areas. Some have toughened their ordinance as a result. Some of the disadvantages include that

fact that they tend to attract graffiti. Skate parks required regular and frequent maintenance to ensure safety of equipment, particularly half and quarter pipes and the cleanliness of the surrounding area. They also need to be fairly isolated and located away from residential areas, high volume commercial area that generate foot traffic and other potentially incompatible athlete uses. In the past the Old Orchard citizens have embraced the recreational and societal benefits of skate parks. Skate parks, even the more challenging ones, are far safer than kids rolling through busy downtown streets and there is a lot less damage to picnic tables and other items throughout the community that skate boarders use as obstacles when they ride.

MEMO:

TO: **Larry Mead; Town Manager**
From: **Jason Webber, Recreation Director**
Date: **January 15, 2014**
RE: **Skate park update for Town Council workshop**
CC: **Louise Reid; Assistant Town Manager**

The Skateboard Park is a purpose-built recreational environment for skateboarders and the public support of a Skateboard Park has been ongoing for several years. As we move closer to the process of actually building the park, there are some areas to be addressed. I have included the necessary steps to move forward and a copy of the most current financial statement for the Skateboard Park.

The next steps:

The Recreation Department will return to the Planning Board for the final approval of the Park so we can move forward with this process. Wright Peirce has been brought on as a Consultant to develop the appropriate drainage for the park and to help us through the Department of Environmental Protection (DEP) and Planning Board process.

Once we receive approval from the Planning Board, we will schedule the site preparation and installment of the drainage system. I will be working with Bill Robinson, Public Works Director, to see how his department can assist us with the process.

During this planning process we will go out to bid to construct the bowl. Below is the projected timeline for the remainder of the park construction, upon Town Council's approval of the construction bid.

1. Clearing and grubbing – 3 weeks

2. Importing, placing and compacting soil – 1 week|

3. Fine grading, forms and rebar – 2 weeks

4. Concrete – 2 weeks

5. Caulking, painting and clean up – 1 week

Total of 9 weeks total barring any major weather issue

During the discussion of the financial statement it was noted that some of the funding areas to be considered and included here was the Tony Haak Foundation which offers grants that range from $1,000 to $25,000 to eligible 501C3 organizations wishing to build skateboard parks in low income areas. There are other foundations such as the Gannet Foundation, National Park Service Lane, Water and Conservation Fund, Community Development Block Grants, and then individual contributions.

Town of Old Orchard Beach - Skatepark Fund

As of: January 15, 2014

Revenues:

Tony Hawk Grant	**5,000.00**
Ollie Grant	**3,000.00**
Town Council Appropriation	**30,000.00**
Fundraising/Donation/ Recreation Fund	**30,636.00**
Land & Water Conservation Fund (Reimbursement)	**18,617.00**
Total Revenues	**87,253.00**

Expenses:

Pillar Design	**8,900.00**
John Turner Consulting (Ground Testing)	**3,000.00**
AMEC (TOPO Map)	**1,100.00**
Wright Pierce (Site Plan & Drainage)	**1,991.00**
Wright Pierce (Permitting, DEP & Planning board process)	**1,500.00**
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Total Expenses	**16,491.00**

Excess of Revenues over (under)

Expenditures   **70,762.00**

The Council asked relevant questions about the skateboard project including security issues, damage to the property, and oversight after hours, winter considerations, and projects and addressed additional programs that could be offered through the Recreation Department. The timeline was presented as well and it was mentioned by several members of Council that this has been a project promised to be completed over the past six years. The Recreation Director assured the Council that the next step is going back to the Planning Board and that we are on schedule. It was indicated that completion could be done late in the summer or early fall.

The Skateboard Park would be located on The Ballpark property, on the right side, before the ball field when driving into the park. There would be a tree barrier between the proposed skateboard park and nearby houses and the facility would be closed in the winter. The Town previously had a skateboard park located at E. Emerson Cummins Boulevard on what is now the Police Station. In 2011 the skateboard park was built of wood and constructed to survive winters in Maine and was torn down in 2009. It is anticipated that the skateboard park, once all permits are received, would take about nine weeks to build. The proposed concrete skateboard park would have a bowl-shaped structure with both a deep and a shallow end and will cater to skateboarders of different abilities. The proposed design also includes a street court. The proposed design includes three parking spaces; two for 10-minute drop off, and one handicapped space. For parking beyond this, people could utilize the Ballpark's parking lot.

The Town Manager spoke of the $18,617 Land and Water Conservation Grant and reminded the Council that after the value of the land (the portion on which the Skateboard Park would sit) is met (say in twenty years), the land will have to continue to be used for recreational purposes. Sustainability means using, developing, and protecting resources in a manner that enables people to meet current needs and provides that future generations can also meet future needs, from the joint perspective of environmental, economic and community objectives. In a sense taking this grant means preserving this land in perpetuity. The Council members expressed concern on this issue and suggested that perhaps in the budget process the grant should be returned and the Town fund that amount to assure no complications to land ownership in the future.

The Council Chair thanked the participants for their involvement in the workshop this evening.

ADJOURNMENT:

Respectfully Submitted,

V. Louise Reid
Town Council Secretary

I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of six (6) pages is a copy of the original Minutes of the Town Council Workshop of January 22, 2014.
V. Louise Reid