

**Public Works Directors Association Meeting**  
**Wednesday, June 11<sup>th</sup>, 2008**  
9:00-11:00 a.m.  
GPCOG Conference Room

**Present:** Erik Street, Chair, (Yarmouth); Mike Bobinsky (Portland); Doug Fortier (Windham); Robert Malley (Cape Elizabeth); Roger Mosley (Standish); Jim Plummer (Freeport); Mike Shaw (Scarborough).

**Staff and Guests:** Carol MacKenzie (GPCOG), Sue McIntyre (GPCOG).

1. **Welcome and Introductions** – Erik Street - Chairman

Erik Street called the meeting to order at 9:08 a.m. and welcomed those present.

2. **Acceptance of Minutes from May 14<sup>th</sup>, 2008 Meeting**

*Mike Shaw made a motion for approval of the May 14<sup>th</sup>, 2008 meeting minutes, seconded by Doug Fortier. Vote taken. All were in favor. Minutes approved.*

3. **Roundtable Discussion** – Permits and Fees

Copies of town permit and license fees and procedures were distributed among the group for reference. (These will be uploaded on the GPCOG website in the Public Works Directors' section).

Members discussed procedures for permits, licenses, ordinances, etc. and related fees as they pertain to public works in accordance with each respective town. It was noted that prices are a big factor.

Bob Malley began the discussion by sharing some of *Cape Elizabeth's* various town ordinances as they pertain to street openings and driveway entrances. He spoke of sight distances, culvert needs, and slope requirements. These items must be addressed before a building permit is obtained. They also must have a driveway and sewer permit in hand before beginning any type of work. The current fee for a driveway permit is \$25.00. When driveway locations are depicted in subdivision plans they must show the curb cuts as well.

A certificate of insurance is required for street openings and the town of *Cape Elizabeth* must be shown as an additional holder of the certificate of insurance. The fee for a street opening permit is currently \$30.00 but may soon increase to \$50.00. With regards to any utility restorations, there is a provision in the ordinance that allows the permit recipient to have the work done by a town approved paving contractor. Otherwise, the Town could do the work at a cost of \$50.00 a square yard. This policy seems to be working well but some tweaking is needed in the ordinance with regards to what is considered an appropriate time to allow for settlement. The driveway entrance is important for proper sight distance. If the Town finds it questionable, a traffic engineer is hired to clarify the issue. Permits can be denied.

Jim Plummer spoke of *Freeport's* ordinances, etc., noting that the ordinances are similar to Cape Elizabeth's, but their fees are higher. A driveway permit fee is \$150.00 and the street opening permit is \$150.00 as well. For replacement asphalt it costs so much per feet. Once it passes inspection, they give back 90% of the monies keeping the 10% in an escrow account. If there is an issue with that particular project 3 or 5 years later, they use the monies in the escrow account to make the necessary repairs. That escrow money is not used for anything else. License fees are also set at \$150.00. A license goes according to the calendar year.

With respect to the replacement asphalt, if it costs \$800.00 to do the work and it is not done correctly, the permit recipient/licensee does not get this money back. This is in addition to the \$150.00 that was initially paid for the permit. The town also keeps the 10%. Contractors are responsible for their work during winter months. Only emergency work is allowed. If an issue involves a posted road, such as remodeling, for instance, a contractor must call their police department to get a permit. It costs \$15.00 for each vehicle that travels on that road.

Freeport also developed an impact fee for subdivisions based on square footage of the building. That money goes to public works and goes toward capital road projects. It is kept separate from road pavement. During the first year, this generated \$100,000 in revenue. Costs to the homeowner ranges from \$150.00 to \$300.00.

Mike Shaw summarized *Scarborough's* impact fees, one of which is a school impact fee. This topic generated a small discussion. Mike Bobinsky noted that *Portland* does not have a school impact fee. Instead, they provide a

formula pertaining to the impact on public improvements. This involves impact on sewer, water, etc. but it is conditional. Improvements have to be spent in the area of development. Further discussion continued about the differences in each town's ordinances. Freeport's fees can be used for the whole town.

Mike Bobinsky spoke of his experience with one of the country's western states where he once worked. They had impact fees for individual homes. This revenue went into a general fund and was used to offset costs of services provided by police, fire, schools, etc. It was not used for capital improvements. The developer was responsible for making infrastructure improvements.

Doug Fortier provided an overview of *Windham's* permitting fees, etc. The fee for a street opening is \$100.00 and sight distance, culverts, etc. are scrutinized. Windham's ordinance states that the town cannot deny a permit if it meets the criteria. If an inspection is done five years later and the road has to be repaved, the developer is required to do the work. Exceptions are sometimes made with roads that have a paved shoulder. But, if the digging gets too close to the white line, the developer is held accountable for the repair. Jim noted that Freeport currently has a five-year moratorium on the digging up of roads.

Doug spoke of new subdivisions in *Windham*. Driveways and drainage, among other items, must be depicted in the subdivision plans. If the plan involves curbing, they must all be curbed cut. Subdivisions must go through town council for approval. Currently, the town's philosophy is that if a road is built to standard, the town takes it over.

The discussion then focused on the benefits of belonging to "Dig Safe", as well as moratoriums and how emergency repairs are handled with utility companies and water districts. *Portland* is currently evaluating their moratorium policy with respect to those homeowners who are faced with emergency type situations. There is a need to clarify what constitutes an "emergency situation". Portland currently charges a penalty fee if you dig up a moratorium street. It can be very expensive. Sometimes a contractor will opt to reconstruct the street.

Mike Shaw noted that their excavator's license is based on a calendar year and that the contractor must show proof of general liability insurance coverage. *Scarborough's* ordinance also states that the contractor is responsible for up to three years for any digging. With regards to driveway permits, their ordinance is similar to Cape Elizabeth's. A building permit is needed before anything begins. Mike added that fees for licensing go towards administrative costs for monitoring license expiration dates and for making sure that insurance certificates are current and valid. They issue an average of 100+ licenses per year.

This topic generated discussion about each town's permitting process including occupancy permits. In *Windham*, the town must sign off on the driveway before giving out the building permit. In *Yarmouth* an occupancy permit is denied if items are not done accordingly. Discussion continued on other items such as culverts, driveways, and concrete curbing especially with subdivisions, as well as driveway elevations. Jim noted that *Freeport* does not have any "subdivisions"; they are all "associations".

Roger Mosley spoke about ordinances in *Standish*. They have similar fees to some of the other towns. The fee for a road opening or driveway entrance is \$25.00. There is a need to set criteria for road excavations. Standish is due to get state roads returned to them as well as compacts. They have begun preparations for that event. Standish also currently has a 5-year moratorium on new construction. Anything within that timeframe has to go to the Town Council. They are also working on changing their inspection process and making revisions in their ordinances. Standish does not provide public sewer service and public water is very limited. With respect to subdivisions, they now have clusters. Cluster subdivisions have to be built with the utilities underground.

Erik spoke of *Yarmouth's* driveway entrance permit process. There is no charge but culvert specs and sight distance must first be approved. Their street opening permitting process is similar to Cape Elizabeth. The application fee is \$25.00. There is a \$75.00 per square yard cost for the excavation piece. Yarmouth retains a contractor to do work for the town. There is a provision for the excavator's license that says they must show proof of insurance. They must have a certificate of insurance. A contractor's handbook was developed a few years ago and includes information on subdivisions. It is updated every year or so and has worked well.

Mike Bobinsky summarized *Portland's* permitting process. Street excavation permits cost approximately \$223.00. A restoration fee costs about \$65.00 per square yard. License fees for excavators are \$519.00 and proof of insurance must be submitted and the city of Portland must be included in the insurance coverage. There are streets listed under a moratorium. Any entity that must do work on any of these streets is subject to a penalty fee.

With respect to street openings and temporary patches, Mike noted that the contractor is required to maintain that patch from six months to one year.

A discussion began about the policies and procedures pertaining to street signs. *Yarmouth* has an ordinance that addresses this issue. The sign must first be reviewed before allowing it. In *Standish*, Roger noted that their ordinance states that the town will provide the signs for all streets except those located in a mobile home park. In *Windham*, the town will order the first set of street signs and the developer must install them. If replacements are needed later on, the developer must pay for those. The town only pays for the first one. *Scarborough* policy is similar to Windham. They buy the first set of signs but don't replace them. A short discussion followed pertaining to costs associated with street signs and their maintenance.

All the permits, licenses and fees information submitted at the meeting will be uploaded on the COG website for reference.

**4. Announcements**

- Road salt is opening on the 25<sup>th</sup> of June. The specs were changed and COG is using a version of the MDOT specs and we are not requiring building storage. This should help keep the price in the mid \$60s range.
- Carol spoke about the catch basin cleaning bid. A majority of the feedback on this topic has been that some of the towns did not want this to be included in the bid while others felt it was negotiable. It was left out as a requirement. Some towns felt that the work was not being done correctly. Carol is trying to keep the bid flexible to give members options.

**5. Other Business**

- John Cannell, MaineDOT Region I Manager, will be speaking on compact maintenance issues with regards to catch basins and what is expected from towns and from MDOT when it comes to maintenance.
- Bob said he would like to see the meeting that is scheduled for October to focus on the 2009 Cumberland County Snowplow Rodeo.

**6. Next Meeting - July 9<sup>th</sup>, 2008**

- The next meeting will focus on different town web pages.

**7. Adjourn**

The meeting adjourned at 10:41 a.m.