

Eastern Trail Management District Board of Directors Agenda
November 8, 2006 • 8:30 – 10:30 am
Kennebunk Town Hall

Most of the items listed under “Agenda Items” will have an attached sheet that provides information including background, necessary attachments, staff recommendations and proposed motions. This should allow you to be better prepared and reduce the amount of time that I need to talk thus allowing more focus on the actual issues.

I. Welcome & Introductions

II. Presidents Report – As needed

III. Approval of Minutes

- A. Minutes for October 11, 2006 approval by consensus or as amended
- B. Minutes for May 10, 2006 approval by consensus or as amended
- C. Minutes for June 14, 2006 approval by consensus or as amended

IV. Agenda Items

A. Finances

- 1. Finance Report for October 2006 accepted by consensus
- 2. TABOR – Outcome of vote – next steps
- 3. Saco Trail Bond – Outcome of vote
- 4. Membership Fee for Fiscal Year 07-08

B. Grant Applications

- 1. Fund for the Efficient Delivery of Local/Regional Services FY 07 Application - Update

C. Trail Projects

- 1. S. Portland – Scarborough Connector Project
 - a. Final Revised Report provided
- 2. OOB Project
 - a. Status
- 3. Scarborough Project
 - a. Project Closeout
- 4. Kittery Dennett Road Project
- 5. Turnpike Crossing Project

D. GSGT Update

E. ETA Report – For items related to the events and activities of the ETA or its members

V. Consultant Report – As needed

VI. Next meeting December 13, 2006 8:30am – 10:30am

VII. Adjourn

2006 Meeting Schedule (Second Wednesday of the month)	
January 11	February 8
March 8	April 12
May 10	June 14
July 12	August 9
September 13	October 11
November 8	December 13

ETMD Agenda Commentary

Agenda Item: IV-A.2 Agenda Item: TABOR Outcome

- Discussion based on the outcome of the TABOR/Question 1 initiative

Agenda Item: IV.A.4 Agenda Item: Membership Fee for FY 07-08

- The Board will need to set the membership fee for fiscal year 07/08 no later than the December 13 meeting so that notice can be sent to the municipalities as they begin their budget process.

- **History** - The membership fee has remained level at \$5,000 for the past four years (it was at \$2,500 for the first two years). Workman has advocated for an increase in some amount for the past two so that progress can be made in meeting the identified need of maintenance funds. Additionally, the costs associated with operating the ETMD have been increasing every year while the revenue has not.

- **Membership Status** – The ETMD is comprised of 13 members (ETA + 12 towns). Three members are not in good standing (paid their dues): Eliot, North Berwick, South Portland. Eliot and North Berwick express lack of benefit for cost as their primary reasons for leaving. South Portland is committed, but feels that its money for trails is best put into the upkeep of the Green Belt which makes up a portion of the constructed ET. All remaining members expressed some level of concern (from minor to major) that the 06-07 appropriation would not be approved and wondered what that would mean for the coming 07-08 appropriation.

- **Threats** – **TABOR** presents the biggest threat if it passes. Studies have shown that funding for all non-essential services will be eliminated in years 1 & 2 of the passed legislation. **LD-1** is beginning to jeopardize ET funding. Some municipalities have already reached or are nearing the property tax spending limits imposed by LD-1. This is less of a threat because there are mechanisms in the law that will allow a municipality to appropriate money above and beyond the limit if approved by a majority vote; however, this requires a wide based support for the ET. **Us & Them or the Separate Line Item** – The first time the ETMD was voted on it needed to be a stand alone article because it included entering into the membership agreement as well as the year one appropriation. After that first year the ETMD should have been added to the line items that include other interlocal agreements/funding that all municipalities do as a matter of business. By leaving the ET as its own line item it increases public scrutiny and looks as if the ETMD is an outside agency, like Red Cross, rather than an entity created by the municipalities to work on their behalf. By allowing the ETMD to stay in this position, detractors have had an easier time eliminating funding. **Constructed Trail** – The lack of completed trail either as a whole or in sections like the southern portion of the trail is causing voters not to support the ET. Voters and even those within our own ranks have forgotten that the vision of the ET was sold to the public it was very clearly and repeatedly stated that this was to be a 15-20 year project under the best case scenario and could take longer. The burden, however, rests of the ETMD and ETA to present accurate information to educate the public so that they know what other work is going into the trail which comes long before (and after) a section of trail is constructed. **Trail Maintenance** - As sections of trail are built they must be maintained in order to maintain public support. Building a facility that does not meet the needs of the users to which it was sold is one of the quickest ways to erode base supporters.

Agenda Item: IV.B.1 Agenda Item: Fund for the Efficient Delivery of Local Services Grant Application

- The ETMD did not receive a grant award. The state awarded 14 different grants totaling \$500,000. It was interesting to note that not one of the funded projects was related to the delivery of recreational type services.

- The process that Workman went through to make the application was valuable in that he created a plan that he believes is vital to the sustainability of the ET. He will continue to look for grant funds that could support this work, but suggests that the ETMD & ETA should find ways to move the plan forward as presented and with the same level of professional services providers that have been identified under certain tasks. See Plan attached below

• Proposal Plan

I. Education and Advocacy

A. Rationale: Educating the public is key to the success of any initiative. Construction is a highly visible act; however, as with most services there is a significant amount of “behind the scenes” work that is required before constituents see the fruits of their investment. This is the case with the Eastern Trail; however, our limited resources have not yet allowed us to present this to the public effectively. The ETMD has to be able to make a more meaningful connection of the benefits of the trail system, regional collaboration and the expenditure of tax dollars to the lives of its residents. Effective communication requires the consistent and duplicative dissemination of information. The ETMD must develop and implement a better system to articulate the work it is doing and why.

B. Action Steps:

1. Contract with specialized service providers (to include public relations, marketing & web design consultants) as needed to accomplish tasks.
2. Develop a marketing and communication plan.
3. Create a clear, concise, and consistent message for the public about the trail, ETMD and ETA.
4. Revise or create promotional materials that reflect the marketing and communication plan and public message.
5. Develop and produce public relations kits with identical information so that the same clear, consistent message is being delivered to the public.
6. Revamp the ETMD website into one that is highly interactive, allows visitors to get detailed information about the trail and its operation and take virtual tours of the entire existing and proposed trail.
7. Gather/develop material to create the virtual tour of the trail (See Goal 6).
8. Develop and produce a color promotional poster for the trail.
9. Increase the visibility of the trail by securing a minimum of 2 Eastern Trail submissions in news media, magazines and other local publications that will increase use and support of the trail.
10. Implement other recommendations as identified in the marketing and communication plan.

II. Planning Documents

A. Rationale: The work of municipal, state and federal governments is shaped through planning documents. Until a project, service or future goal is made a part of such documents the allocation of resources will not occur. In order to be successful, the Eastern Trail and bicycle/pedestrian issues must be included in local comprehensive plans and state and federal plans including transportation, recreation, land use, health and economics. These issues must also be included in private and charitable foundation investment plans such as the United Way in order to capture resources that are not dependent on taxes.

B. Action Steps:

1. Represent the Eastern Trail and bicycle/pedestrian issues at monthly meetings of MDOT established corridor committees including Route 236, Route 1 and the Southern Maine Corridors.
2. Participate in the formation of regional, state and federal policy, work plans and expenditures whenever appropriate to the Eastern Trail.
3. Represent the Eastern Trail and bicycle/pedestrian issues at MDOT public hearings and visioning and strategic planning sessions of significance to the Eastern Trail including KEYS Region Our Future by Design, the Seacoast United Way and others as identified.
4. Develop language about the Eastern Trail for inclusion in the Comprehensive Plan for each ET municipality.

III. Service Agreements & Ordinances

A. Rationale: The unification of the Eastern Trail municipalities was the first and most critical step; however, there are several subtasks that are required if the ETMD is to operate on behalf of the municipalities the way it was intended. Service agreements are important because they authorize and direct municipalities to provide a service for the trail that each is able to do cheaper and more efficiently than contracted services providers. Using maintenance as an example, town A has a grader, but town B does not under a service agreement the ETMD could provide materials purchased with its operating budget (co-mingled, municipal funds) but hire a municipal work force to do the work across multiple town lines because it can do it at a cheaper rate or as an in-kind service to the trail. This provides an immediate reduction in the need for greater tax dollars to operate the trail. The development of an Eastern Trail Ordinance will insure that enforcement is

uniform across municipal boundaries. This allows municipal emergency services to legally enforce rules and usage and respond to emergencies on the trail without requiring the creation of a Eastern Trail enforcement agency.

B. Action Steps:

1. Research ordinances, policy and management plans for other state and national trails. When possible visit the trail and interview management.
2. Attend a national trails conference to gather information about the development and operation of other trail systems in order to bring new ideas and products back to Maine.
3. Meet with police, fire, and emergency service officials along the trail to determine what considerations should be included in responder agreements and an ET Ordinance.
4. Contract for legal services to develop and review an ET Ordinance as needed.
5. Draft and revise language for the ET Ordinance.
6. Develop an implementation plan for adoption of the ordinance by municipalities.
7. Begin the tasks outlined in the ordinance implementation plan.

IV. Alternative Funding Sources

A. Rationale: Property taxes alone cannot sustain the cost of constructing the Eastern Trail; however, there are several funding streams available for construction. There is a lack of funding sources available for on-going daily maintenance and operation of the trail. This means we must fund maintenance completely through the membership fee (i.e. property taxes). The problem with maintenance is that it is not “sexy”. People expect the trail to be in good repair to insure safe operation; however, you will not get the same outpouring of funds to fill a pot hole or correct erosion problems that the initial construction of the facility received. This problem can best be addressed through the creation of reserve accounts and an endowment fund that will provide for future, long-term maintenance and operation of the trail. The ETMD has not yet been able to establish reserve accounts because there has not been enough money to meet daily operational needs let alone future needs. The creation of an endowment fund requires the dedicated and specialized skills of a fund-raising professional combined with an educational component that explains why maintenance is vital to the continued operation of the trail.

B. Action Steps:

1. Research endowment funds and their financial management tools.
2. Identify what kind of fund is needed to meet the needs of the ETMD.
3. Establish the Eastern Trail Endowment Fund.
4. Contract with a fund-raising consultant to develop and implement a fundraising plan to build the endowment fund.
5. Join the Maine Association of Non-Profits to gain access to their national, charitable foundation database.
6. Research and apply for a minimum of two grants per year to support the identified goals of the ETMD.

Agenda Item: IV-C-1 Agenda Item: SP Connector Study

- Wilbur Smith has sent the revised report to Workman along with the electronic PDF version for posting on the ETA and ETMD websites. Workman will have at the meeting. Project closeout is now underway.

Agenda Item: IV-C-2-a Trail Projects - OOB Project Status

- Plan review has been completed by the towns and MDOT. There have been no comments from any of the utilities to date and there are now significant objections expected that cannot be handled during construction. The 100% design plans are completed and most of the special specifications. Construction documents are almost complete and will require final notice of approval from MDOT before being released.

- Tentative schedule for Bid Process:

- Release of bid documents: Week of 12/4/06
- Contractor Site Walk: Week of 12/4/06
- Bids Close: Week of 12/25/06
- Contractor Research & submittals: 12/29 – 1/9/07
- ETMD contractor approval: 1/10/07 meeting

Agenda Item: IV-C.4.a Trail Projects – Scarborough Project – Project Closeout

- The remediation of the bridge truss sections and hand railings along the trail is complete. Workman inspected the site with CPM on Friday, November 3 and found everything to be in order. The truss sections were spot painted as needed while the railings were completely repainted. Workman has requested that CPM provide the documentation about the original bridge coating work which he requested last spring and that Duncan Galvanizing provide a written statement guaranteeing the repair as well as the sections that did not require repair, but have a product that Duncan knows failed on 6 other projects this year.
- With the completion of the coating remediation, CPM has completed all outstanding construction obligations under our contract. Project closeout is underway. Issues between ETMD and its engineers will be resolved first followed by final negotiations with CPM. All parties are eager to close this project; however, the outstanding issues are about money and could take considerable time and as Workman has warned several times previously may result in legal action.

Agenda Item: IV-C-5 Trail Projects – Kittery Dennett Road Project

- The MDOT Project Agreement was executed and sent to MDOT for final execution. The ETMD must wait until it receives written notice to proceed from MDOT before it can undertake any action on the project.

Agenda Item: IV-C-6 Trail Projects – Turnpike Crossing Project

- The bid process for hiring an engineering firm will follow the tentative schedule below.
 - Development of bid documents & MDOT review of bid documents: December
 - Release of bid documents, pre-bid site walk, bids close, consultant research & submittals: January
 - ETMD Consultant approval: 2/14/07 meeting

Agenda Item: IV-E GSGT Update

- Workman will be talking about staff changes at GSGT/Columbia/Nisource, easement agreement status and future considerations.