Town Council Meeting DRAFT Minutes January 27, 2014

The meeting was called to order at 7:00 pm

Roll Call

Councilors Anderson, King, Orestis, Goldberg, Farber and Pierce were present and answering roll call. Councilor Mahoney was absent.

Pledge of Allegiance

Chair Pierce led those present in the Pledge of Allegiance.

Item 1 Public Forum

Mike Doyle of Shady Lane praised Chief Howard Rice for his work on the Falmouth Fire Department.

Item 2 (a)	Order to approve the minutes of the November 13, 2013, Town
(Consent Agenda)	Council Workshop Meeting.

Item 2 (b) Order to approve the minutes of the November 25, 2013, Town

(Consent Agenda) Council Meeting.

Item 2 (c) Order to approve the minutes of the December 9, 2013, Town

(Consent Agenda) Council Meeting.

Councilor Anderson moved the consent agenda; Councilor King seconded.

Councilor Farber requested amendments to the December 9 minutes.

Motion carried 6-0.

Item 3 Report from Council Committees and liaisons regarding updates on assignments.

Councilor Goldberg announced that the School Board is bringing forth Geoff Bruno from Massachusetts as a candidate for superintendent. They will host an informational meeting on Wednesday, January 29 to allow the public to meet Mr. Bruno and ask questions.

Councilor King reported that Ecomaine has eliminated Falmouth's annual assessment of approximately \$120,000. The Finance Committee will discuss the impact of this on the Town's budget. Josh Olins, a first grade teacher at the Falmouth Elementary School, with the help of a grant from the Falmouth Education Foundation, is leading a charge to reduce waste from the cafeteria. He projects that they will reduce waste by 90% in a year. REAC hosted a home energy savings fair last Saturday. It was very successful, with at least 237 attendees. She recently worked on submitting a sub-regional proposal for PACTS.

Town Council Minutes January 27, 2014 Page **2** of **8**

Councilor Anderson reported that the Veterans Memorial Committee has finalized a design, location and a cost estimate for the memorial. They will come to the Council on February 10 to present their work. FEIC reviewed a survey on the "Shop Falmouth" event; participating businesses reported that it was worthwhile and better than last year. The committee thinks the best way to continue this event is to form an association of area businesses to take it over, rather than have the town continue to organize it, and they will work on forming that association over the next few months. CDC met this morning; they expect bid specs for Route 1 to go out next week with bids coming back in March. They need a formal communications plan to help them communicate about Route 1 with citizens and businesses; that will require a consultant. They also discussed the re-prioritization of the comprehensive plan and will continue those discussions at their next meeting on February 3.

Councilor Farber said the Finance Committee will meet on February 10 at 4:30pm; they will be discussing Clapboard Island and the budget spreadsheets.

Item 4 Report from the Appointments Committee and order relative to filling various vacancies on Boards and Committees.

There was no report from the committee.

Item 5 Presentation and discussion from Casco Bay Hockey Association regarding a proposal to renovate and upgrade the Village Park Hockey Rink.

Chair Pierce disclosed that her husband coaches and her sons play hockey for the Association.

John Veilleux, president of the Casco Bay Hockey Association (CBHA), explained that they are the largest youth hockey organization in the state, with 800-850 skaters every season, and they have been operating for 41 years. 15% of their skaters are Falmouth residents. They are the largest tenant at the three major rinks in the area. Their goal is to grow, but they are limited by the lack of good, quality ice time. With more ice time they think they could grow by 150-200 skaters. There is an outdoor skating rink in Falmouth, at Village Park, which is mostly unused. They are proposing to construct a seasonal, pavilionstyle ice rink on that location with heated locker room space. During the off-season the space could be used to host the farmer's market, indoor soccer, etc. They plan to secure initial commitments to purchase specific blocks of ice time – they can purchase \$100,000 worth of ice, in addition to the time they purchase from local rinks. They want to secure a long-term land lease from the Town for the location. They would own the rink on the Town's land, and would take on the debt service for its construction. They are talking with Family Ice to take on the management of the outdoor rink. Their goal would be to complete construction of the rink by the beginning of the upcoming season. The paved apron that is there is larger than the rink would be. They would not use the current boards, as they are slightly smaller than they need. He showed photos of the ice rink, which is currently unusable due to the conditions. He showed photos of the type of covered seasonal rink that they envision. It would be open on the sides, with vents in the roof to help with condensation.

Tom Marjerison, a consultant for CBHA, said Falmouth is the best spot for this rink. He presented estimates of how much the rink would cost to construct. A pavilion-style ice rink is the traditional prep school ice rink, and it works. This style also has great off-season use as well, for other sports and the Farmers' Market. This would provide an opportunity for local high schools to have more ice time for their hockey programs as well as CBHA. He presented a sample weekday and weekend schedule; there is no doubt that the ice would be rented. This would be a wonderful opportunity both for the Association and the area towns.

Town Council Minutes January 27, 2014 Page **3** of **8**

Mr. Veilleux said they have talked about this project for years. They feel it makes a lot of sense, and there is no risk to the Town. They are taking on the risk and are willing to bet on their program that they can make this work.

Councilor Goldberg asked about any revenue stream during the off-season. Mr. Marjerison said they haven't firmed up that; they think there is an opportunity for some revenue but they aren't dependent on it.

Councilor Goldberg said the Freeport YMCA has an outdoor pavilion area but it isn't ice.

Mr. Veilleux said they have talked with the YMCA about that facility; it is exactly the same type of structure they want to build but doesn't have refrigeration. The Y doesn't want to run a hockey rink; they don't have the parking and have other plans for that area.

Councilor Goldberg asked if this would be a full, regulation-size hockey rink; Mr. Veilleux said yes, 85'x200'. It is currently slightly undersized as it is put together, but the paved apron is the size they would need. They could also use the pavilion for hockey-related, off-season uses, stick handling clinics for example.

Councilor Orestis asked if off-season use would go through the same management process as on-season; it wouldn't be exclusive to Falmouth. Mr. Veilleux said yes, but they can negotiate off-season use.

Councilor Orestis asked if there would be a fee. Mr. Marjerison said yes, but they are a non-profit so the fee would be low. They aren't looking to make a profit; their goal would be to break even.

Mr. Veilleux said they would still have costs in the off-season, for debt service and maintenance.

Councilor Orestis asked if they would have to pay for the farmer's market to be there; Mr. Marjerison said no, that would be free. If Community Programs wanted to run programs there, they could negotiate a fee for that to offset the costs.

Mr. Veilleux said they don't have anything built into their financial plan for off-season use, but they don't have anything built in for off-season costs either.

Councilor Orestis asked how they secure the facility when it is not being used. Mr. Marjerison said there would be a fence of some type around the rink, something similar to what is around a tennis court. Mr. Veilleux said the current rink has a surrounding, 10 foot high chain-link fence.

Chair Pierce thought there would be a person on site when it is open. Mr. Marjerison said that was correct.

Councilor Orestis asked about open hours, lighting, noise, and the impact on neighbors. 5:30 am is early in the morning. Mr. Veilleux said 5:30 am is a typical starting time for a rink but they don't have to open that early.

Mr. Marjerison said they wouldn't have horns or anything. It would be during winter when people would have windows closed.

Mr. Veilleux thought the roof would keep noise within it more than a typical outdoor rink, and the lighting would be ambient at best with the fabric around the sides. They were willing to work with the planning board on parking lot lighting.

Councilor Orestis pointed out that they would have noise from the parking lot.

Mr. Veilleux felt they would have less traffic than when the movie theater was letting out at night in that area. He thought most of Councilor Orestis' concerns would be addressed in the Planning Board process.

Councilor King asked about the other structures that would be needed, bathrooms, locker rooms, Zamboni garage and where those would be located.

Town Council Minutes January 27, 2014 Page **4** of **8**

Mr. Marjerison said they would be incorporated in the building. They would have 4 locker rooms with bathrooms and showers, and a warm viewing area. Their goal is to minimize costs.

Councilor King asked about the implications of a land lease with a large structure on it that they don't own. Mr. Veilleux said that would be part of the negotiations between them and the Town.

Mr. Marjerison said the life of the building is about 40 years. Getting the lease allows them to get financing to build it. After 40 years it would either go to the Town or they would negotiate a new lease.

Mr. Veilleux pointed out that the pressure for ice times available for even Falmouth are so high that the varsity boys' team practices at 9pm or 5am. The local rinks can't meet the needs of the local school programs. This would help alleviate the pressure for the school teams.

Chair Pierce said that Family Ice sits on Town land as well; they hold a 50 year lease.

Councilor Anderson said they are not asking the town to pay anything for this. Mr. Marjerison confirmed that they are not.

Councilor Anderson said the grassy area and gazebo are not going to be disturbed; Mr. Veilleux said that is correct. There is a line of trees separating the two areas that will remain.

Councilor Anderson asked about the warming hut and the maintenance shed that were shown on the plan as being removed.

Mr. Veilleux said the plan they showed was an earlier, grander plan; they now think they might be able to either keep or move those buildings. If they need more parking, they will work with the Planning Board on where to put it.

Councilor Anderson said the Town's need for the maintenance shed may grow due to the Route 1 infrastructure project.

Councilor Farber looked forward to seeing more clearly what the lease would entail, especially what the benefit would be to Falmouth programs. She thought they needed to touch base with the school department.

Mr. Veilleux thought in the past kids were bussed to the outdoor rink and Family Ice for physical education programs.

Chair Pierce said that the boosters club pays for ice time for the school program, so they should reach out to them as well as to PACPAC.

Town Manager Nathan Poore spoke about possible timelines; he thought they could be back before the Council with a proposal on the lease by the end of February.

The consensus of the Council was for staff to work on a lease proposal and come back to the Council.

Item 6 Order to authorize the Town Manager to negotiate a contract for the delivery of assessing services from Cumberland County.

Chair Pierce opened a public comment period.

Carol MacNaught of Hideaway Lane asked the Council to go slowly and carefully. She liked having staff in the town office to address concerns. She felt the proposal was confusing. She has had experience with assessing in other parts of the state, and spoke highly of Falmouth's assessing department. She hated to lose what the Town has; it is small, accessible and has a clear process.

John Winslow of Gray Road was strongly against regionalizing this office. It is run efficiently and effectively.

Town Council Minutes January 27, 2014 Page **5** of **8**

Willie Audet of Merrill Road has concerns about consolidation. He was concerned that the regional office has not been open very long. He felt it was an experiment at best. He spoke highly of the Town's Assessing office. He was concerned that records would eventually be moved to the County office. The Town hasn't even advertised this job yet; he thought it was a coveted position. He said this is a huge risk and not a good deal for the taxpayers. He didn't think they would get the same level of service from the County.

Jon Berry of Falmouth Road urged caution. He didn't support transferring the assessing office to the county. He has been employed by counties across the state, largely to assess opportunities to regionalize. Over the 15 years that he has been involved he has seen that it hasn't taken root, for many reasons. It is not an efficient form of government. The State has taken regionalized responsibilities away from the counties, including prisons and budgeting authority. He pointed out that the County doesn't even have authority over its own budget, and yet the Town is proposing to turn over its assessing services to them. He felt the Town could provide the service, in the same way they provide dispatch services for other towns, for less money and could even turn a profit. He felt, if there was an opportunity for savings to be made in Town Hall, it could be done. This proposal would require an investment in the County. Moving costs from the Town to the County doesn't mean that there would be cost savings, and it would remove local control.

Stan Given of Hillside Avenue disclosed that his wife works in the assessing office and could lose her job as a result of the consolidation. In his job as an engineer and project manager he looks at large projects and how much labor is involved. He didn't feel that the staffing level proposed in the regional assessing office would be sufficient. He urged them to look closely at the manpower needs. This is the primary revenue generating office in the Town and no matter how good the contract is, moving it to the County will lead them to relinquishing local control of that function.

Bill Lunt of Lunt Road spoke of his long-standing involvement in local government. He spoke of the history of the assessing office prior to the current assessor. Revaluations that were done out of the office were very expensive and people were very angry. Revaluations that have been done in-house have been cheaper and the personal attention given to people with questions has helped. He felt they would lose that personal touch if they regionalize.

Public comment period closed.

Councilor King moved the order; Councilor Farber seconded for purposes of discussion.

Chair Pierce has concerns about turning this over to the county level but they are presented with an opportunity with the current assessor leaving.

Mr. Poore gave a presentation on the recent history of county regionalization efforts. He said it is not uncommon for towns to share a common assessing office: South Portland and Westbrook share an assessing office out of the South Portland office. He spoke about the proposed budget: the projected budget for the assessing office to remain in Falmouth would be \$194,000. An estimate of the costs Falmouth would pay the county office would be \$138,000, a savings of \$56,000. He spoke about how this would be accomplished: the Town would still appoint a Town Assessor out of the regional office. Office hours would be held 1 or 2 days a week, more if necessary. Customers would also have the ability to make appointments and meet with the Assessor at one of the other towns. They don't think there would be any loss of local control with regards to the assessing software. All the towns use the same computer program. Personal property would be assessed and managed similar to current practice. There will be no change to valuations comparisons; they will continue to be based on best practices. If the Town was not satisfied with the service there is a 12 month notice requirement to withdraw. Two towns are already participating and two more communities are considering joining. There are opportunities for reduced costs and economies of scale with this model. This model cannot function without oversight by the towns.

Town Council Minutes January 27, 2014 Page **6** of **8**

Gary James, director of regional assessing for the county, gave a brief overview of his assessing experience. This is not a consolidation; the assessments for Falmouth would not be in the assessments for Cumberland. He would be operating as an enterprise fund so the goal would be to break even, not turn a profit. The cost of the services would come out of the various contracts. The county would not be subsidizing this, other than the start-up costs. His charge is to be self-sufficient. Either he or another Maine-licensed State assessor would take an oath of office as an officer of the Town, and represent the Town's interests. There are not a lot of assessors in Maine that are available. There is a concern about where to get qualified assessors.

Councilor Anderson has seen proposals to centralize services in his work experience; most of the time when those plans are implemented they fail. Falmouth does assessing very well; he hasn't heard that the regional office can do it better, only that they won't do it worse. Outsourcing in the business world is done with functions that are not at the core of the business. Assessing is a core function of the Town. It is central to what is important to the taxpayers. He wasn't opposed to the staff working on a contract that might address these concerns, but wondered how they draft contractual language to address these concerns. He was concerned about it growing very large, and Falmouth having less attention due to the number of towns participating.

Councilor Goldberg asked how long Cumberland and Yarmouth have been with the county.

Alex Kimball, County Finance Director, said it has been 4 months.

Councilor Goldberg asked how their experience has been; Mr. Poore said their town managers have said it has been going very well. One town manger met with Mr. James with a concern about an abatement and his concerns were resolved. One of the towns has had 3-4 citizens make appointments with Mr. James so far.

Councilor Farber felt they should take the next step but echoed Councilor Anderson's concerns about it growing.

Councilor King thought it would be good to hear what an expansion plan would be. She felt there would be good coverage for people coming into Town Hall.

Chair Pierce was also concerned with adding more towns to this; it wouldn't benefit Falmouth. She would like to see a limit on that. She wanted to see details on the time they would spend on-site.

Anne Gregory, Town Assessor, agreed that Falmouth is unique. She like the concept of regionalization, but was concerned with the track record of the county. Her initial wish was for a joint office to serve Cumberland, Yarmouth and Falmouth. She urged caution.

Councilor Anderson wondered when the contract would come back to them for review. Mr. Poore said his goal was to have something for them to review for the March 10 meeting.

Councilor Farber asked about the cost of this office to the County and whether that cost would be passed on to the towns participating or to all the towns of the county.

Mr. Kimball said there were some minimal costs that are being distributed across the tax base; they used funds from an existing strategic planning fund. The costs were for a couple desks and a laptop.

Councilor Farber said the plan is for this to be self-funded. Mr. Kimball said that was correct.

Motion carried 6-0.

Item 7 Order to establish an ad-hoc committee with the charge to recommend to the Council a long range vision and plan for the

Town Council Minutes January 27, 2014 Page **7** of **8**

Route 100 corridor between Mountain Road and the town line with the City of Portland. This area is classified in the 2013 Comprehensive Plan as a Commercial Growth Area.

Public comment period opened; no public comment.

Councilor Farber moved the order; Councilor Goldberg seconded.

Councilor Farber hoped they could do a more aggressive outreach to the businesses along Route 100; she thought this was an opportunity to get more participation from the businesses community.

Motion carried 6-0.

Item 8 Order to authorize the Town Manager to submit two funding applications to PACTS for its 2016-18 Work Program.

Public comment period opened; no public comment.

Councilor Farber moved the order; Councilor King seconded.

Councilor Goldberg asked whether a study would follow if they received the funding.

Theo Holtwijk, Director of Long-range Planning, explained that, if they receive the funding, the design would be done by a consultant and a public meeting would be held to work out the specific details. There are some conceptual plans in the draft application for the roundabout. They have applied in the past and been denied for this project, so some work has already been done. The grant would include funds for a final design. While these are included in one order, they are separate applications and separate pots of funding. This is not planning money but bricks and mortar funding, and they would both require a 25% investment from the Town.

Councilor Farber asked if there has been study as to the need for a roundabout in that intersection.

Mr. Holtwijk said that was his understanding. A roundabout would be a more efficient system for that intersection than what they have now. The funding application addresses the specifics of the roundabout proposal.

Councilor Goldberg asked what future Council action would be required after tonight, if the funding is approved.

Mr. Holtwijk said a further vote would be required to accept the funds, if they were awarded, and to agree to the required match.

Councilor King said there is plenty of competition for this funding. Mr. Holtwijk agreed; Portland has several projects that, if they are awarded, would receive the majority of the funds available.

Motion carried 6-0.

Item 9

Order to go into Executive Session pursuant to the Laws of Maine to discuss and consider the acquisition and disposition of real estate rights, pursuant to 1 M.R.S.A. § 405 (6) (C).

Councilor Goldberg moved to enter executive session; Councilor King seconded. Motion carried 6-0.

The Council entered executive session at 9:16 pm.

Town Council Minutes January 27, 2014 Page **8** of **8**

Adjourn

Councilor Farber moved to adjourn; Councilor Goldberg seconded. Motion carried 6-0. Meeting adjourned 11:00 pm.

Respectfully submitted,

Melissa Tryon Recording Secretary

