

**Town Council Meeting
DRAFT Minutes
July 28, 2014**

The meeting was called to order at 6:15 pm.

Roll Call

All Councilors were present and answering roll call.

Item 1 **Order to go into Executive Session pursuant to the Laws of Maine to discuss and consider the acquisition of real estate rights, pursuant to 1 M.R.S.A. § 405 (6) (C) and to discuss legal rights and duties regarding pending litigation with the Town's attorney pursuant to 1 M.R.S.A. § 405 (6) (E).**

Councilor Hemphill moved to enter executive session; Councilor Anderson seconded. Motion carried 7-0.

The Council left executive session at 6:50 pm.

Pledge of Allegiance

Chair Farber led those present in the Pledge of Allegiance.

Item 2 **Public Forum**

Bob Shafto, Open Space Ombudsman, spoke about the Town's trails. He thanked the people who have been involved in the building of those trails: the members of the Falmouth Conservation Corps, Caleb Hemphill, Ted Asherman, and Dave Gagnon who have all put in a huge number of hours. He was grateful to the New England Mountain Bike Association, and Eagle Scouts Chris Dougherty, Jay Lesser, Adam Meyer and Aaron Thomas, who have also worked on the trails. He reminded people that the Corps is always looking for new volunteers. He thanked the Lions Club, Walmart, Hancock Lumber, the Wolak Group, Shaw's, Hannaford, the Bike Coalition of Maine, and Idexx for their donations of money and/or volunteers. The Town has been the recipient of several grants from the following: the Recreational Trails Program of the Maine Dept. of Agriculture and Forestry, the Maine Community Foundation, the Let's Go Program, and the Healthy Casco Bay Program. He thanked the Council for their ongoing support of trail building. He encouraged people to get out and use the 40 miles of trails.

Chair Farber reminded people that more information about the Town's trails is available on the Town's website, and there is a printed map available at Town Hall.

Item 3 (a) **Order to approve the minutes of the May 12, 2014, Town Council (Consent Agenda) Special Meeting.**

Item 3 (b) **Order to approve the minutes of the May 19, 2014, Town Council (Consent Agenda) Special Meeting.**

**Item 3 (c) Order to approve the minutes of the May 28, 2014, Town Council
(Consent Agenda) Meeting.**

**Item 3 (d) Order to approve the minutes of the June 18, 2014, Town Council
(Consent Agenda) Meeting.**

Councilor Goldberg moved the consent agenda; Councilor Hemphill seconded.

Councilors Anderson and King both amended the minutes of May 12.

Minutes as amended carried 7-0.

**Item 4 Report from Council Committees and liaisons regarding updates on
assignments.**

Councilor Anderson congratulated the Falmouth Little League All Stars for winning the State championships, and wished them luck at Regionals. Councilor Mahoney said the game will be broadcast on ESPN on Saturday.

Councilor King said LPAC and CDC continue their work on implementation of the land use section of the comprehensive plan.

**Item 5 Report from the Appointments Committee and order relative to
filling various vacancies on Boards and Committees.**

There was no report.

**Item 6 Order to authorize the Town Manager to apply on behalf of the Town
for State financing assistance under the provisions of the Land &
Water Conservation Fund, for the acquisition of a parcel of land
bordering the Suckfish Brook Conservation Corridor.**

Public comment period opened; no public comment.

Councilor Farber said this item was discussed during executive session.

Councilor Mahoney moved the order; Councilor King seconded. Motion carried 7-0.

**Item 7 Order to authorize the Town Manager to apply on behalf of the Town
for state financing assistance under the provisions of the Maine
Natural Resources Conservation Program, for the acquisition of a
parcel of land bordering the Suckfish Brook Conservation Corridor.**

Public comment period opened; no public comment.

Councilor King moved the order; Councilor McBrady seconded. Motion carried 7-0.

Item 8 Discussion with the Trustees of the Falmouth Memorial Library to review the recently updated library expansion design effort, revised project cost estimates, next steps and related schedules.

Mark Porada, President of the Library's Board of Trustees, gave an overview of the work they have done in the past year and summarized the preliminary study that was done for the library expansion.

Kevin Browne of the Library Board of Trustees discussed the schematic design. They have worked with Scott Simmons Architects (SSA) to develop a refined design that meets all zoning requirements. They included more community members and sought a third party estimate to help them develop a financing plan. He discussed the layout of the site and their goals: to stop people from using the parking lot as a cut through, create a drop-off area in front of the building, and develop pedestrian connections to the Route 1 corridor, the baseball fields, and Lunt Road. This will increase the parking spaces on the lot from 50 to 70. The lot will have tree islands to treat some of the stormwater. There is a 6' drop in grade from one end of the site to the other; this allows them to create a daylight basement for the library. The proposed renovation would remove the Iverson house and the 1960's addition; the only piece that would remain would be the 1995 addition. The new pieces would wrap the older building and provide more energy efficiency. The new library would have a 30% increase in the adult collection; an expanded youth collection and programming space; small study and meeting rooms; more dedicated computer space and technology infrastructure; flexibility with movable shelving; more work space for both volunteers and staff; and improved air quality, energy efficiency and visibility within the building. Their goal is to be LEED Gold certified with the new building. He discussed the proposed floor plan

Austin Smith of SSA presented some example photos of what the renovations will look like and discussed the clerestory, which will provide natural lighting in the building. When they did the site engineering they discovered the potential for basement space. He showed elevations of the building. While they are taking the Iverson building down, they are preserving the memory of that building in the design. They were charged to increase the size of the building without increasing the energy consumption; the new facility will be 9,000 sf larger, but the utility costs will be less than the current building.

Mr. Porada discussed the budget; the original estimate was \$5 million for the whole project. Since then they have contacted Conestco Construction, who estimated the cost of the project at \$4.3 million based on 2014 costs. Including a contingency for increased construction costs in the future, furniture and fixtures, further architecture and engineering fees including LEED certification, and improvements to Depot and Lunt roads brings the total estimate to about \$5.6 million. They are requesting that the Town contribute half of the cost, or \$2.8 million, while the library would raise remaining \$2.8 million. They would ask to hold a vote on a bond for the Town's portion in November 2014. They would also like to meet with the Town Council to work out a MOU between the two parties.

Councilor Goldberg asked how long it will take for them to raise the library's portion of the funding.

Mr. Porada said they are hoping that the November vote will lead to some momentum for them to speed up their process. They hope the fundraising would take about a year.

Councilor Goldberg asked if they need to raise all of it before they break ground.

Mr. Porada didn't think so, but he thought that they should work that out with the Town as part of the MOU.

Councilor Mahoney wondered what would happen if the fundraising fell short; are there pods to the design that they could leave off to reduce costs, or some way to phase it.

Mr. Porada said phasing would increase the cost of the project by about \$100,000. They have designed it to move forward all at the same time. They would discuss a shortfall if it came up.

Councilor Anderson asked where the purchase of the Kowalsky lot is in the budget numbers.

Mr. Porada said that purchase is not included. The Library decided that it was so important to them to buy that lot that they would not ask for that amount to be included in the bond to be recouped from the taxpayers.

Councilor Anderson thought it was included in the past; Mr. Porada agreed that was the case.

Councilor Anderson said that means the project has essentially gone from \$5 million to \$5.9 million; repayment of the loan has to come from somewhere.

Mr. Porada said that is a 5 year note. After the expansion goes through, they will have additional years to cover the note. There was feeling in the community that the lot did not have to be included in the expansion; the trustees felt strongly that it did, and so they decided to hold it separate from the expansion.

Councilor Anderson said the Library will have to raise \$3.1 million over 3-5 years in order to fund the expansion as well as the property purchase. He said the fundraising feasibility study published by Ovations said the Library could reasonably raise \$2.5 million, which they categorized as "better than expected". He asked how comfortable Mr. Porada was with reaching the fundraising target of \$2.8 million.

Mr. Porada said they asked Ovations to be conservative and give them the bottom number of a range of how much they could raise. He felt that, when people were confident that the Town was going to contribute, they would be willing to contribute as well.

Councilor Mahoney wondered if the Town should go to bond for more than the \$2.8 million; if this is one of the Town's most-used assets, and is an investment in the future of the town, it might be worth considering. He pointed out that the Library has annual, on-going fundraising goals for the operating costs.

Councilor King asked about the future use of the basement level.

Mr. Porada said it would be essential storage space for the library in the short-term. In the long-term it could be built out for little additional cost.

Mr. Smith said they are building in elevator infrastructure for the future, as well as including space for a staircase in the main room, allowing it to become usable space in the future.

Councilor Farber wondered how this design compares with the preliminary design.

Mr. Porada said the preliminary design was 18,000 sf and the current design is 16,000 sf. SSA found ways to compact things to reduce the square footage.

Councilor Farber asked about the members of the community committee involved in the project.

Marsha Clark, of the Friends of Falmouth Library, discussed the community members who have been involved. The members are all users of the library, and represent a wide swath of ages, interests, and experience.

Councilor Farber shared Councilor Anderson's concerns. She thought they could craft referendum language that would allow some flexibility; she was nervous about asking for a commitment of funds before final numbers are set. She didn't think they wanted to start the project without some clarity that the money will be there. She asked about the Library's undesignated fund and whether it could be used for the Kowalsky lot.

Mr. Porada wasn't sure of the amount; they would be hesitant to deplete the whole thing to pay off the Kowalsky lot. He said the Board has discussed potentially obtaining a 30 year mortgage on the house, using rental income and interest on the endowment fund to pay off the loan.

Councilor Anderson spoke about the MOU; the agreement drafted around the 1995 expansion was good and he thought they could use that as a starting point. He supported the project and wanted it to go through, but he wanted the Town's contribution to be capped at 50% and he wanted to make sure the fundraising will go through.

Councilor Goldberg asked how the Library arrived at the 50% contribution request.

Mr. Porada said the current library facility is owned 50/50 Town/Library; the agreement on the prior expansion in 1995 was also split evenly, though in that case the Library ended up raising more than the Town's contribution.

Councilor Goldberg didn't think asking the Library to prove what they can do was the right tone. This is the Town's library; he would support going beyond 50%. He wondered if they would be having this conversation if the Library was a town asset like in other municipalities.

Town Manager Nathan Poore discussed the process for drafting a referendum for November. His goal would be to have the first reading at the August 11 meeting. This would allow them to have it ready for a public hearing at the first meeting in September.

Councilor Mahoney asked about the fundraising and the construction timing, if the bond passed in November.

Mr. Porada said the fundraising could start now, but he felt it would get up and running after the November vote.

Mr. Smith said preparing construction documents and permitting would take about 8 months; the construction would take 9-10 months. The design phase could run concurrently with the fundraising, and the two would feed into each other.

The consensus of the Council was to move forward with draft referendum language. Councilors Mahoney and Farber and Mr. Poore will work with the trustees to draft language for the MOU.

Item 9 Presentation of Verizon Wireless's request for conditional rezoning for the construction of a Tier III Personal Wireless Facility at 121 Field Road, Map-lot R03-079.

The item was tabled at the applicant's request.

Item 10 Order to vote for MMA Vice President and Executive Committee Directors.

Public comment period opened; no public comment.

Councilor Goldberg moved the slate; Councilor King seconded. Motion carried 7-0.

Item 11 Ordinance to amend the Zoning and Site Plan Review Ordinance to relax zoning provisions for the replacement of utility infrastructure.

Councilor Anderson moved the ordinance; Councilor King seconded. Motion carried 7-0.

Item 12 **Order to go into Executive Session pursuant to the Laws of Maine to discuss and consider the acquisition of real estate rights, pursuant to 1 M.R.S.A. § 405 (6) (C) and to discuss legal rights and duties regarding pending litigation with the Town's attorney pursuant to 1 M.R.S.A. § 405 (6) (E).**

Councilor Hemphill moved to enter executive session; Councilor Goldberg seconded. Motion carried 7-0.
The Council left executive session at 9:18 pm.

Adjourn

Councilor Mahoney moved to adjourn; Councilor Goldberg seconded. Motion carried 7-0.

Meeting adjourned at 9:18 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary

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