

**Town Council Meeting
DRAFT Minutes
September 8, 2014**

The meeting was called to order at 6:00 pm.

Roll Call

Councilors Anderson, McBrady, Hemphill, Farber and Goldberg were present and answering roll call.

Councilor Mahoney arrived just after roll.

Councilor King was absent.

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).

Councilor Goldberg moved the order; Councilor Hemphill seconded. Motion carried 6-0.

The Council returned from executive session at 7:00 pm.

Item 2 Report from the Appointments Committee and order relative to filling various vacancies on Boards and Committees.

Councilor McBrady moved to appoint Alison Bishop to the Library Board of Trustees for a three year term. Councilor Mahoney seconded. Motion carried 6-0.

Item 3 Order to approve a supplemental appropriation from Unassigned Fund Balance for renovations at the Mason-Motz Facility.

Bill Van Benthuyzen of Oak Point Associates gave a presentation on the proposed renovation of Mason-Motz. The base bid addressed the code required improvements to the building, including removal of the connector to the Plummer building. He discussed the 4 bid alternates that were proposed. They are proposing a high-efficiency gas furnace for the building.

Councilor McBrady wondered why alternate 4, patching the exterior wall where the corridor is, was an alternate.

Mr. Van Benthuyzen explained that there was some question as to whether there would be alternate funding for that project.

Chair Farber said she, Councilor Goldberg and Mr. Poore met with Oceanview to discuss their plans for Plummer. They said they are looking at low- to mid-income senior housing and thinking of creating a senior center in the original gym space in Plummer. They are considering historic preservation money for the building. They would consider asking the Town to manage the programming in that space, and might look at rebuilding a connector between the two buildings at some point.

Public comment period opened.

Delores Vail of Field Road spoke to encourage the development of a senior center, and about the benefits it would provide to the senior community. She stressed the importance of having a kitchen connected with a senior center. This is way overdue for the Falmouth community.

Mike Doyle of Applegate Lane wondered what is meant by “additional appropriation”. He wondered if the project had or would cost more than \$1 million, which would require a vote.

Public comment period closed.

Chair Farber clarified that they are considering an appropriation for the base bid, bid alternates 2 and 4, an IT allowance of \$100,000 and a 10% contingency.

Councilor Anderson asked why they selected bid alternates 2 and 4, instead of 1 and 3.

Lucky D’Ascanio, Community Programs Director, explained that price was the determining factor. The base plus bid alternate 1 brought the project over \$1 million.

Councilor Anderson didn’t think the Council had put a cap on this project.

Town Manager Nathan Poore said a lot of this came down to putting the puzzle pieces together for what they could afford. He didn’t think they would be back for more spending on this building for a while. They assumed that the Council wanted to see a package that was \$1 million or less.

Councilor Anderson said if felt like they were putting a lot of money into this facility without a vision of what they want to do with it. He felt they should set this aside and draft a vision for the building that included a senior center. He was opposed to this project.

Councilor Mahoney said there was nothing that prevented them from taking on additional construction in the future. He asked if they would consider the whole project if there wasn’t the concern with \$1 million.

Ms. D’Ascanio said when they first came to the Council the original project was estimated at \$1.9 million. The Council asked them to scale it back to under \$1 million. They broke it down into pieces to try to come in under that amount. The feedback from the open houses they did in the spring, as well as feedback from Councilors, told them that people wanted to have staff there at all times, making moving the office there a priority.

Councilor Mahoney wondered about the differences between the bid numbers for alternate 1; Ms. D’Ascanio said the scope was the same. She thought it might be due to the difference in the subcontractors.

Councilor Goldberg said this building is broken down, and needs this work. He felt alternate 4 is required. He felt they needed to fix the building and supported the project.

Councilor Hemphill toured the building last week; he agreed that this is a broken building. The proposed renovation gives them the option to use the building for many different things. He supported the project.

Councilor McBrady said patching the wall on this side of the connector is included in the base bid. All the ceilings in all the rooms will be fixed, and sprinklers and new lights will be installed. Ms. D’Ascanio said that was correct.

Councilor McBrady asked about the specific upgrades for ADA compliance. Mr. Van Benthuisen said they will upgrade one toilet and sink in each of the gang bathrooms to be ADA compliant.

Chair Farber asked about the cost of heating the building currently, and what the effect would be if they postponed the project.

Ms. D’Ascanio said the heat is currently supplied by a boiler shared with Plummer. Because Oceanview had a tenant last school year, they split the cost by square footage. The Town was paying 47% of the heat last year and the tenant paid 53%. For all utilities, including oil, the Town has paid \$73,000.

Chair Farber asked if they would be switching to liquid propane until natural gas came in. Mr. Van Benthuyzen confirmed that was correct.

Chair Farber asked what the projected cost of propane would be for this building. Mr. Van Benthuyzen didn't have the number.

Chair Farber pointed out that they have spent \$90,000 to date on this project, and capital improvements in the future. She was concerned that they were pushing the cost over the \$1 million.

Mr. Poore said that preliminary engineering costs are not included toward the \$1 million mark. They have consulted with the attorney in the past on this issue.

Chair Farber encouraged the Finance Committee and the Community Programs staff to work on some of the other desired items in the future as well as a capital improvement plan.

Councilor Anderson asked what the construction schedule would look like, if this passes tonight.

Ms. D'Ascanio said the notice of award would go out tomorrow. The heating system would be running by November 21, with the project scheduled to be completed by December 31. If the connector had to wait, it could be done in the spring. The heat is currently off; their goal was to leave it off until mid-October. They have discussed heat alternatives for the interim.

Councilor Goldberg asked about the changes in the programming due to heat; Ms. D'Ascanio didn't foresee any. She said they would continue to be operational during construction.

Mr. Poore explained that the proposed IT allowance has been lowered by \$10,000 based on new estimates, but they have added owner's representation for \$16,000.

Councilor Mahoney asked if they would be able to add any of the alternates that were not included back into the project if they don't use the contingency funds.

Mr. Poore said staff could not, but they could come back to the Council for permission to do that.

Councilor Mahoney felt strongly that the kitchen/break room (alternate 3) should be done, but he wanted to see the project move forward as quickly as possible.

Chair Farber thought that Oceanview might be further along in their planning for their project by the time this project is complete, which might address the need for a kitchen/senior center. Reviewing this in December or January might make sense. She agreed with Councilor Goldberg that they own this building and they need to invest in it to make it usable. This is a hive of activity already, and would only get better with this project. What they are fixing in the building will not change their opportunity for programming in the building. They need to have conversations about aging in Falmouth and what support and programming they need for that population. Nothing they are talking about here is going to stop them from implementing anything. She felt going through another year with the building the way it is would be bad fiscal sense.

Councilor McBrady felt getting rid of this building would be fiscally irresponsible. He supported conversations about a senior center. He asked how the Town would manage the contingency.

Mr. Poore said they would hire Oak Point as an owner's representative for \$16,000; that wasn't included in the original order. A change order within the original scope could be approved by staff; anything outside that scope would come back to the Council.

Councilor McBrady wondered why they didn't do this right by doing the full project and go to referendum for the full cost. He wanted this to be a nice space.

Chair Farber explained that would have to wait for the June election at this point, since there is no time to put it on the November ballot, and they would have to pay for the utilities for the winter.

Councilor Anderson said this is the time to invest in the building in a way that is responsive to their seniors. He would prefer to postpone this, spend time discussing what they need to do with this building to make it responsive to their seniors and, if it was over \$1 million, go out to vote in June.

Councilor Mahoney asked what the staff is hearing from people who are using the building currently.

Ms. D'Ascanio said they offer a lot of senior programs at this facility. It provides daytime space, which they were lacking. If they had clarity on what they Town wanted to do with the building three years ago when they acquired it, they would have done some minor work before now. They have held off on improvements pending this process. They have joint programming with Oceanview all the time.

Councilor Goldberg agreed with a visionary process, but the items being discussed would have to be done regardless of the proposed use of the building. The only alternative to doing this project is to sell the building. The only other work proposed is to put the people running the building in it. Once this work is done, they can do anything they want with the building. This project is logical.

Councilor Goldberg moved the order; Councilor Hemphill seconded. Motion carried 4-2. (Anderson, McBrady)

Item 4 The Council will consider the following orders pertaining to the proposed renovation and expansion of the Falmouth Memorial Library:

- **An Order to authorize the Town Manager to execute a Memorandum of Understanding with the Falmouth Memorial Library Association;**
- **An Order authorizing up to \$2,810,000 of the Town's Bonds to finance one-half the cost to renovate and expand the Falmouth Memorial Library, to be matched by funds to be provided by the Falmouth Memorial Library Association through a capital campaign and other fundraising efforts (the "Bond Order");**
- **A vote to recommend passage of Question 1 at the election; and**
- **An Order Submitting the Falmouth Memorial Library Order to Referendum.**

Councilor Mahoney moved to suspend the rules to allow public comment; Councilor McBrady seconded. Motion carried 6-0.

Mark Porada, president of the Board of Trustees, presented a handout to the Council that answered some of their questions from the previous hearing. If the library is not renovated, the cost of essential, deferred repairs to the building in the next 5 years would be over \$300,000. He discussed each of these repairs and why they are needed. He discussed the break-down of the \$300,000 preconstruction costs. The cost per sf for this renovation is slightly over \$300/sf; other libraries they have contacted have come to \$368/sf (Lithgow), and \$225/sf (Cape Elizabeth). It is difficult to compare projects, as the Falmouth project includes demolition and other projects are renovating interior space so their costs per sf would be lower.

Public comment period opened.

Mike Doyle of Applegate Lane didn't understand why they would do this, when 20 Kindles would provide more books than adding space would. He felt the library should be subject to FOAA requests if

they are receiving tax dollars. He spoke about Siemens, who are providing HVAC services all over Town and are subject to lawsuits all over the world.

Marsha Clark of Lincoln Farms Road thanked the Council for their support. She felt the questions they have asked have led to a better project. Libraries are about more than just books; it is a place where people gather to gain information. Kindles do not serve the same purpose.

Andi Jackson-Darling, Director of the Library, thanked the Council for recognizing the value of the library and the services they provide. The library staff is excited about the proposed renovation, and is hopeful for support. This library provides educational, cultural, and informational services for everyone in Town free of charge. She asked them to let the library provide the community with a flexible space to learn.

Amy Kuhn of the Library Board thanked the Library Expansion Committee for all their hard work, and the Town Council, their Council liaison Karen Farber and the Town Manager. She urged the Council to send this referendum to the voters with a unanimous recommendation for passage. They will need to recruit an army of volunteers and donors to raise the \$2.8 million they need, and she felt that recommendation would help with the fundraising campaign.

Jim Hauptman of Hedgerow Drive is a Library Board member and said a unanimous recommendation from the Council would be a powerful message and help them in their fundraising efforts.

Pam Peeler of Applewood Lane is a Library Board member and spoke about the vast scope of the programs offered by the Library. It is an amazing place. She urged the Council to support it.

Public comment period closed.

Councilor Mahoney voiced his support for the project. He felt it was time to send it to the voters.

Councilor Anderson thought the referendum language caps the town at \$2.81 million, or 50% of the cost, whichever is less. There is language in the bond that addresses what happens if they receive a premium on the bond, and what the Town can do with that premium. He wanted some assurance that any premium would be spent to reduce the interest costs and not to exceed the cap.

Jim Saffian, Bond Counsel, agreed that the language allows for an adjustment in the proceeds from the sale of the bonds. He explained the process of the bond sale.

Councilor Anderson felt there should be some clarity that they are authorized to spend the \$2.81 million and not any more. He wanted any further spending to come back to the Council.

Mr. Saffian said it is common for any premium to be used for the cost of underwriting or issuance.

Councilor Anderson asked if the preconstruction costs of \$300,000 would require a separate bond issuance. He felt it would be more fiscally responsible to take it out of fund balance and then pay it back once the bond is issued.

Mr. Saffian said a separate bond would not be required. They would likely issue a bond anticipation note, which would be rolled into a larger construction note before they reached final financing.

Chair Farber clarified that this grants them permission to borrow. Mr. Saffian said this is correct.

Chair Farber wondered about the language in the MOU that references the square footage of "not less than 16,000 sf of interior space". She wondered if this would bind the square footage. It is a different number than the bond order, which states 18,000 sf.

Councilor Mahoney didn't think it bound them.

Councilor Mahoney moved the bond order. Councilor Anderson seconded.

Councilor Anderson felt this project has improved as a result of the conversations they have had over the past year. He has asked a lot of questions, and said the responsiveness from the trustees has been stellar.

Motion carried 6-0.

Councilor Goldberg moved to send the question to referendum; Councilor Hemphill seconded.

Councilor Goldberg moved to amend the order, adding that the Council recommends approval of the question. Councilor Anderson seconded. Motion carried 6-0.

Amended order carried 6-0.

Councilor Anderson moved the order on the MOU; Councilor Hemphill seconded.

Councilor Anderson asked why they are approving this before the Library Board. Chair Farber explained that the MOU has been drafted by a subset of the Trustees and the Council.

Mr. Porada clarified that the Board typically meets on the first Monday of the month. They did not hold their regularly scheduled monthly meeting in September because they will hold their annual meeting on September 15. After that meeting they will hold their monthly Trustees meeting and will take up the MOU at that time.

Motion carried 6-0.

Item 5 Order to schedule a public hearing on Monday, September 22, 2014, regarding the November 4, 2014, referendum question concerning the expansion and renovation of the Falmouth Memorial Library.

Public comment period opened; no public comment.

Councilor Mahoney moved the order; Councilor McBrady seconded. Motion carried 6-0.

Adjourn

Councilor Hemphill moved to adjourn; Councilor Anderson seconded. Motion carried 6-0.

Meeting adjourned 8:52 pm.

Respectfully submitted,

Melissa Tryon
Recording secretary