

**Town Council Meeting
DRAFT Minutes
November 23, 2015**

The meeting was called to order at 7:00 pm

Roll Call

Councilors King, Hemphill, McBrady, Anderson, Goldberg and Farber were present and answering roll call. Councilor Kitchel was absent.

Pledge of Allegiance

Chair Goldberg led those present in the Pledge of Allegiance.

Item 1 Public Forum

Carol Kauffman of Blueberry Lane announced that Florence McCann, Falmouth's oldest female citizen, will turn 104 tomorrow, and she wished Ms. McCann a happy birthday. She announced that the Falmouth Historical Society is moving its office and archives from Whipple Farm to the Falmouth Historical Museum on Woods Road. She also mentioned that the Historical Society will celebrate its golden anniversary in 2016.

**Item 2 (a) Order to approve the minutes of the October 14, 2015, Town Council
(Consent Agenda) Special Meeting.**

**Item 2 (b) Order to approve the minutes of the October 26, 2015, Town Council
(Consent Agenda) Meeting.**

**Item 2 (c) Order to approve the minutes of the November 9, 2015, Town Council
(Consent Agenda) Special Meeting.**

Councilor King made an amendment to the minutes of October 14.

Councilor Farber moved the consent agenda; Councilor King seconded. Motion carried 6-0.

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

Councilor King said LMAC will hold a public forum for pet owners and others on Tuesday, January 19, 2016, from 6-8pm at Lunt Auditorium to discuss pets in parks and public spaces. Cumberland and Yarmouth have recently updated their ordinances on animals in public spaces. Since these towns share an animal control officer with Falmouth, the goal is unity among the ordinances and enforcement.

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

Councilor McBrady announced the committee's recommendations: Thomas McKeon as the Planning Board Representative to the Long Range Planning Advisory Committee; and Fred "Jay" Meyer to the Board of Zoning Appeals as an Alternate Member

Public comment period opened; no public comment.

Councilor King moved the slate of appointments; Councilor Hemphill seconded. Motion carried 6-0.

Item 7 Order to amend the charge of the Ad-Hoc Senior Citizen Advisory Committee.

Public comment period opened; no public comment.

Councilor Farber moved the order; Councilor King seconded. Motion carried 6-0.

Item 8 Order to amend the charge of the Ad Hoc Route 1 North Committee deleting the Town residency requirement for its members.

Town Manager Nathan Poore explained the rationale for this change. Committee members are often drawn from the business community for committees such as this; not all business owners are residents but their input is just as valuable. The residency requirement was an oversight when this charge was originally drafted.

Councilor McBrady said there is a lot of interest from the business owners in that area who are not residents.

Mr. Poore said the list of members includes residents from the local community, so there will be a fair amount of representation.

Public comment period opened; no public comment.

Councilor Farber wanted to see a minimum number of residents required for the committee; 3 or 4 should be residents at least. Councilor King agreed; this initiative is part of a bigger plan and they should have a residential opinion, not just the business perspective.

Councilor Anderson thought it would be unusual to have a committee that didn't have a majority of Falmouth residents. This opens the door to that possibility and he wasn't sure he was comfortable with that.

Councilor McBrady said it was never the intent to have a majority of the committee be business owners.

Mr. Poore suggested that, rather than have a set number, have a requirement that a majority of the members shall be residents.

Councilor Farber moved the order with an amendment "The Town Council shall appoint an ad-hoc committee of up to nine (9) members, ~~citizens of the town,~~ a majority of whom shall be residents of Falmouth, who shall serve without pay"; Chair Goldberg seconded. Motion carried 6-0.

Item 9 Discussion and update from the Connector Committee regarding a trail connection between the School Department campus and Community Park.

Councilor Hemphill said the goal of this effort is to establish a safe connection between the Community Park campus and the School campus. Challenges include topography, the railroad and the river.

Justin Beauregard of Middle Road gave a presentation on the work of the Committee to date. The project is located in the center of Town and there are a lot of trails. The railroad line is located between Community Park and the school campus, blocking access. If a student wanted to get from one to another, they would have to take a long, circuitous route instead of going straight across. There are also challenges with the river and the topography of the area. The Town has been discussing this issue since 1996. In 2007, the Town removed a snowmobile bridge that crossed the Piscataqua River due to safety concerns. The Town has explored installing a tunnel underneath the rail line, but it was too expensive. He presented the options the committee has identified: 1. No action; 2. An at-grade crossing, which the Railroad and MDOT both oppose; 3. Build a bridge over the rail line with ADA accessible approaches on each side; this option is about half the cost of the tunnel; and 4. Build the bridge, ADA approaches, and improve the trail system to be ADA compatible as well. This last option may open other revenue sources that might not otherwise be available. This connector would immediately link 21 miles of existing trail, and provide access to the school campus through alternative modes of transportation. ADA compliance will serve a population that is currently

underserved by the Town's trail network. He discussed the demographics of the immediate population that would have access to the campus and trail system. 10% of Falmouth's population lives within a 1 mile radius of the trail. There are foundations and grant options through GPCOG, Cumberland County, LWCF, Regional Trails Program, the Transportation Alternatives Program, and Portland area PACTS. They felt that improving the ADA access would be an opportunity; it would open up these revenue streams and perhaps reduce the amount of Town funding required. They need additional engineering work to explore the trail upgrades, estimated at \$20,000, as well as \$10,000 for a consultant/grant writer to help them identify possible alternative revenue sources. They are not asking for any funding tonight, as there are some right, title, and interest concerns that have to be resolved first.

Councilor Farber wondered how this might dovetail with the bike/ped plan. She asked if providing this alternative connection between these two neighborhoods was a way to avoid doing bike/ped infrastructure work (sidewalks and shoulders) on the roadway.

Councilor Hemphill agreed that this will move them toward a bike/ped connection between Route 100 and Route 1; Falmouth Road is not a good road for sending students down.

Councilor Anderson asked the length of the proposed trail. Mr. Beauregard said it is about 1800 feet; this is about ½ mile.

Councilor Anderson said they will still need a bridge over the river; Mr. Beauregard said that is correct, but they do not have a cost estimate for the river crossing. Preliminary estimates for that were much less than the bridge over the railroad.

Councilor Anderson said, when you add it all up, they are looking at well over \$1 million when all is said and done. This would have to come from additional taxes, debt services, or private fundraising and/or grants. He thought this is too big an idea and it was time to move on.

Councilor King liked the idea of pursuing an ADA trail and exploring alternative sources of funding but she was concerned about competing with the library for fundraising. She asked about the timeframe for this compared with the library.

Councilor Farber said the library project and fundraising effort is fully underway; this is well far back of that. She thought this project would eventually go to the voters.

Chair Goldberg asked the cost for the bridge over the river at Riverpoint. Councilor Hemphill said it was \$40,000-\$50,000. The railroad bridge would be very similar to the one at Riverpoint.

Chair Goldberg felt this connection would be an enhancement to two large portions of open space that the Town already has. He felt this was an alternative to purchasing new open space; it would make these spaces more accessible and usable.

Item 10 Discussion and update from the Tercentennial Committee regarding the development of a plan to celebrate the 300th anniversary of the Town's incorporation and an Order to authorize the expenditure of money to support the planning efforts, such funding to be available through TIF district development plans.

Public comment period opened.

Marge Devine, chair of the Committee, spoke about the excitement of the Committee members for this task.

Mr. Poore said the Committee felt there needs to be public input into the planning early on. He discussed some of the items discussed by the Committee, including event ideas, publications, and promotion and branding. The Committee is leaning toward a significant event, which would require a fairly large budget. The Committee hasn't yet explored how to fund that budget but discussed options such as town funds, TIF funds, fundraising, sponsorships, and grants. The Committee is recommending the Town hire professional

staff to assist them in planning and implementing the event; town staff do not have the capacity or experience in this type of planning. The Committee is asking for feedback from the Council on their vision, and for funds to hire professional support. If the Council approved the funding tonight, it would be used to further refine the Committee's vision and goals.

Mayer Fistal, member of the Committee, spoke about the payback to businesses. A good, once-in-a-lifetime affair could provide a big financial benefit for businesses.

Public comment period closed.

Councilor King would like to see more concrete visioning before bringing on a consultant. She wasn't sure what the consultant would do.

Councilor Farber said there is a clear, fixed timeframe within which everything needs to be planned and implemented. She was concerned that the alternative to a consultant was a dedication of staff time that the Town cannot afford; current staff are already busy and there are no dedicated staff to this effort. She was concerned that, if they don't get dedicated professional assistance, they are going to get behind. Councilor McBrady agreed; it would be a shame if they didn't give this Committee the support they need.

Councilor Anderson agreed that this is a lifetime event, and deserves significant recognition. He was concerned with the estimate. He thought there were opportunities for donations for private sources; businesses could sponsor events, fundraising, etc. He felt it was premature to hire someone. He thought they needed public input.

Councilor King thought it would help to bring someone on in a limited way to help the Committee draft a more concrete plan with cost ideas and funding suggestions.

Chair Goldberg is experienced in event planning, and said the Town is already late in its planning for this event. The idea is to create a high-quality celebration, though that doesn't necessarily mean high-cost. Pulling that off will need someone with a particular skill set. He felt the Town doesn't do enough celebrating and they could use it. He pointed out that a sure way to lose control of costs is to not have professional guidance. He thought funding this, and finding the right person, is imperative.

Councilor Farber thought the Council needs to discuss a budget for the event and the sources for that funding. She suggested the Finance Committee should start talking about it.

Councilor Anderson was grateful for Chair Goldberg's comments. He had experience in event planning as well, and said there is an endless list of logistical considerations that would need to be addressed. This celebration needs to be focused on a few, good quality events. He wanted to see a few events, clustered together and not dragged out, over the summer, with a goal that 50% or more of the costs would be covered by sources other than Town funds.

Councilor King asked if the Committee could develop the next steps if they followed Councilor Anderson's suggestion. She urged them to conduct a public input process soon.

Mr. Poore said staff has drafted a job description and also interviewed a local person with extensive experience in event planning. He said they could hire this person at an employee rate, for 10-15 hours a week. This would be less expensive than hiring a consultant. He felt that this would grow bigger before it got smaller; they need a strong person to filter all the ideas they would get out of the public input process. He didn't think they could put together the next steps at the Committee/staff level without professional support.

Councilor Farber asked about the source for this \$25,000; Mr. Poore said it would be pulled from all four TIF districts, but more heavily weighted on Route 1 South/Route 100 TIFs at this point.

Councilor King asked why it can be funded out of the TIFs. Mr. Poore said the parameters on the TIF funds include event planning. The Economic Development Plan calls for more events and the FEIC has advocated for more events to bring people in to Falmouth.

Councilor Farber moved the order; Councilor McBrady seconded.

Councilor Anderson was not clear what the professional support person would do, when they would hear back from the Committee, and when the public input would come in. He asked what the next step would be.

Mr. Poore said the Committee has developed this vision, and it will need a workplan. With this funding, answering those questions will be their first priority.

Chair Goldberg suggested that, once hired, the consultant come back with a plan that answers Councilor Anderson's questions.

The Council discussed how soon that plan could come back to them. Mr. Poore said the Committee will work with the consultant and staff and will come back to the Council as soon as they can.

Motion carried 6-0.

Item 11 Discussion about the need to enhance insulation in the attic of the Town Office.

Mr. Poore discussed the two phases of renovation for the Town Hall in the last few years. It is unclear what level of scrutiny was given to the attic insulation during the design phases but it is now clear that the existing insulation is insufficient. The result of the building envelope being tightened up last year is that heat from the building now goes straight up to the roof. Last winter, the building had such significant ice dam issues that they became a public safety issue and caused some damage when they fell. Staff hired a professional to evaluate the insulation in the attic and now has a realistic design concept. Staff are recommending to send this out to design/bid to see what other contractors have for design suggestions. They want to get this done right. There is an aggressive schedule to try to get this work completed before ice dams become a problem again this winter, so the advertising for bids already went out. If the Council doesn't support this project the bid process can be called off. Preliminary estimates for this work range from \$40,000 to \$70,000. Staff focused the bid specs on quality and meeting the objective. They want to make sure that contractors didn't see this as a low-bid project. They want a quality contractor to come in and do this right.

Councilor King asked what the impact to air quality would be if they tightened up the building. Mr. Poore said there is an air exchange system already in the building.

Councilor Anderson asked if there was a possibility for heat coils on the roof to melt the ice, and whether they would be a good alternative. Councilor McBrady said the ice dams are so bad he wasn't sure heat coils would be able to keep up, they wouldn't address the real issue anyway, and they use a lot of energy.

Councilor King asked about the payback period in energy savings. Mr. Poore said the initial estimate for the payback period is 16 years; life expectancy for an insulation job is 20-25 years. They think the Town will save \$3000-\$4000 per year in energy costs.

Councilor Hemphill said there is a comprehensive lack of insulation in the building. The building is now a very efficient chimney, sending all the heat directly up. The only effective way to solve this problem is to insulate the roof. It wouldn't prevent all ice damming, but it will reduce it a great deal.

Mr. Poore further explained that the application of the insulation will be difficult, due to the different construction of each section of the Town Hall. That contributes to the cost.

The Council supported moving forward with the bid process.

Item 12 Order to adopt a Health Reimbursement Arrangement (“HRA”) for eligible employees of the Town; authorize the Town Manager to enter into an agreement with Group Dynamic to provide administrative services to the Town with respect to the HRA; direct the Town Manager to execute said HRA and said administrative service agreement provided said documents are in a form acceptable to the

Town Manger and to the Town's legal counsel; and authorize the Town Manager to any execute future amendments to the HRA as may be necessary under the law or generally advisable.

Chair Goldberg said this item relates to the new Public Works contract.

Public comment period opened; no public comment.

Councilor Farber moved the order; Councilor King seconded. Motion carried 6-0.

Item 13 Order to go into Executive Session pursuant to the Laws of Maine to discuss and consider negotiation parameters associated with the Maine Association of Police contract renewal, pursuant 1 M.R.S.A. § 405 (6) (D).

The Council did not enter executive session. Councilor Farber moved to approve order 64-2016; Councilor Anderson seconded.

Mr. Poore said the Police Union has voted to accept this contract.

Motion carried 6-0.

Order 64-2016

ORDER TO AUTHORIZE THE TOWN MANAGER TO EXECUTE A LABOR CONTRACT AND TO AMEND THE MAINEPERS SERVICE RETIREMENT PLAN FOR POLICE OFFICERS

BE IT HEREBY ORDERED THIS 23rd DAY OF NOVEMBER, 2016, BY THE FALMOUTH TOWN COUNCIL, FALMOUTH MAINE, IN TOWN COUNCIL ASSEMBLED:

To authorize the Town Manager to execute a labor contract between the Town of Falmouth and the Maine Association of Police.

BE IT FURTHER ORDERED:

- To approve the adoption of Special Plan 3C under the MainePERS PLD Consolidated Plan for the Town's Police Officers as of January 1, 2016. Plan 3C is applicable to future service only. Service rendered prior to January 1, 2016 shall remain under Special Plan 2C; and
- To authorize the Town Manager to sign the amended agreement for participation in the new plan on behalf of the Town.

Adjourn

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

The meeting adjourned at 9:25 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary