

Town Council Meeting Minutes May 28, 2014

The meeting was called to order at 7:00 pm.

Roll Call

Councilors Anderson, King, Mahoney, Orestis and Pierce were present and answering roll call.

Councilor Farber was absent.

Councilor Goldberg arrived late.

Pledge of Allegiance

Chair Pierce led those present in the Pledge of Allegiance.

Item 1 Public Forum

Mark Finks of Allen Ave Extension suggested that the candidates for both Council and School Board speak definitively about the Common Core standards being imposed on the public school system by the federal government. This is a momentous change in the way they do things, and he thinks it will be a disaster. Other countries have tried similar techniques, and they have failed. He didn't want the federal government impacting local property taxes.

Glen Brand of Johnson Road urged citizens to vote on June 10, and to support Cathy Breen for state senate. He felt she was a consensus builder, and he was thankful for her service on the Town Council.

Cathy Breen is running in the Democratic primary for Senator Woodbury's state senate seat for District 25, formerly District 11. Senator Woodbury has chosen not to run again. She explained that this is a primary, and would determine who would be the Democratic candidate for the seat in the November elections. She spoke about the endorsements that she has received. She spoke about her six years of experience on the Town Council, two as chair.

Item 2 (a) **Order to approve the minutes of the April 10, 2014, Town Council Special**
(Consent Agenda) **Meeting.**

Item 2 (b) **Order to approve the minutes of the April 10, 2014, Town Council Budget**
(Consent Agenda) **Meeting.**

Item 2 (c) **Order to approve the minutes of the April 16, 2014, Town Council Special**
(Consent Agenda) **Meeting.**

Item 2 (d) **Order to approve the minutes of the April 28, 2014, Town Council Meeting.**
(Consent Agenda)

Councilor King moved the consent agenda; Councilor Mahoney seconded. Motion carried 5-0.

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

Councilor Mahoney reported that LMAC spent time responding to the Council's decisions on the River Point bridge. They are also looking at ways to deal with dog use on public lands.

Councilor King reported that LPAC has begun its work on implementing the comprehensive plan in the growth areas; CDC is focusing on the rural areas. LPAC's goal is to locate a significant majority of new growth in the growth areas in the next 10 years. They have a three-pronged approach: the first is to realign zoning requirements with existing building patterns in established neighborhoods; the second is working on the development potential of the growth area while respecting existing neighborhood character; and the third is to promote compact, walkable neighborhoods. She spoke about the tactics they plan to use to achieve those goals. REAC hosted a showing of the movie "Bag It", about the environmental effects of plastic bags. They have developed a handout with tips for reducing fuel use. The town energy audit has been completed and will be presented to the Council soon.

Councilor Anderson reported that CDC is meeting with a consultant tomorrow to help them revise and update the Town's wayfinding system. Current wayfinding signs are faded and need to be updated. A public forum on this topic will be held May 29, 2014 at 5:15pm at Town Hall.

Chair Pierce thanked the American Legion for hosting the recent Memorial Day parade.

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

Councilor Mahoney presented the committee's recommendations for filling the ad-hoc Route 100 committee.

Councilor Goldberg arrived at the meeting.

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

Item 5 Report from the Veterans Memorial Committee regarding fundraising efforts and an Order for a supplemental appropriation and transfer from Unassigned Fund Balance not to exceed \$5,000 to bridge any gaps in fundraising for the Veterans Memorial project.

Diane Moore, chair of the committee, discussed the history of the committee and its work on the design and fundraising for the memorial. The committee has received generous donations, both cash and in-kind. As of this afternoon, they have met their goal. Any further donations they receive will be placed into a maintenance fund for the memorial.

Item 6 Presentation from the Maine Turnpike Authority (MTA) on construction projects scheduled for 2014 in the Town of Falmouth.

Erin Courtney of the MTA presented their plans to repair the Falmouth Road Bridge over the Maine Turnpike. They will add new bridge wearing surface and concrete, and do deck repairs. They will not close the bridge, but will have one-way, alternating traffic.

Scott Warshon, project manager, said the schedule is to come on-site in late June; traffic lights will be set up on either side of the bridge around July 4. They will close the north side of the bridge first. Their goal is to be finished by the end of August, and they are not planning any night work.

Councilor Mahoney asked if there would be any conflict with the start of school; Ms. Courtney said school starts September 3 so it shouldn't conflict with that.

Beverly Debevoise of Falmouth Road asked what time construction would start in the morning.

Mr. Warshon thought it wouldn't start until after 7am, according to Town ordinance.

Ms. Debevoise asked about gas lines; Chair Pierce said that the gas line isn't scheduled for this road until 2016 according to the new schedule.

Item 7 Presentation by the Falmouth Memorial Library Board of Trustees of the Fundraising Feasibility Study Report.

Mark Porada, President of the Library Board of Trustees, said the library purchased the abutting property in April and the former owners still reside in the home for the time being. The hired Ovation Fundraising of Bangor to conduct the feasibility study and asked them to: determine how much of the \$5 million they could raise with a fundraising campaign; identify local leaders to help, major donor prospects, and any potential issues or challenges that might impede the library with this campaign; and contact local leaders for their input, feedback, and buy-in. Ovation met with 42 local leaders and businesses over the past few months. Their findings say that a majority of those they met with consider the library a valuable and significant asset to the community; were appreciative of the library staff and its programs; and want the library to succeed with their goals for the expansion. Ovation identified a number of major donors and potential volunteers. A majority of those interviewed felt the library should launch a capital campaign, though they felt it would be difficult for the library to raise \$5 million. Ovation's final report stated that the library could reasonably raise \$2.5 million in a capital campaign. The trustees are very pleased with this outcome and the feedback they received. They have now gone back to Scott Simmons Architects to review the preliminary design in light of the feedback they received and see if there is any way to tweak it, both to address comments and lower the cost. They hope to have a response by the end of June. Their next step is to put together a fundraising plan and timeline; they will return to the Council at the end of July.

Councilor Orestis asked about the timeframe; Mr. Porada felt it would take at least a year. Hopefully they would commence this summer. While they do not have any actual pledges yet, Ovation got a general sense in the meetings they held of what people might donate.

Councilor Orestis asked about how they would meet the rest of the financial needs outside of the fundraising. Mr. Porada said they would have a better sense of that in July when they have a design that is closer to final.

Item 8 Order to create an Ad Hoc Economic Improvement Committee Plus (FEIC+), authorize that committee to manage the selection process for consulting services to assist with the preparation of an Economic Development Plan for Falmouth using the recommended approach, and authorize the expenditure of up to \$40,000 from the Town's Tax Increment Financing accounts for consulting services.

Councilor Anderson explained that the FEIC discussed the best way to work on the economic development plan as well as their other tasks and felt adding to the existing FEIC was the best approach.

Director of Long-range Planning Theo Holtwijk said staff would send out a RFP for consulting services if the Council approves the expenditure. This money would come from the TIF funds, and not the unassigned fund balance.

Councilor Mahoney asked they could use Route 1 TIF funds for this, since it would impact the entire Town.

Mr. Holtwijk said TIF funds are for economic improvement. The TIF districts are commercial districts, and any benefit from this plan would impact all of them. The Town has three TIF districts: Route 1 South, Route 1 North, and West Falmouth.

Councilor Anderson said they looked at other towns; each of them had put a plan into place to implement the economic development plan. They feel this is a good opportunity to reinvigorate the FEIC with a new charge.

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

Item 9 Ordinance to amend the Zoning and Site Plan Review Ordinance to accommodate the construction by Casco Bay Hockey Association (CBHA) of a covered ice rink, locker rooms and bathrooms at Village Park.

Steve Blais, of Blais Civil Engineers, discussed changes that have been made since the last meeting. The landscaping buffer along the back has been changed to balsam firs since those are a bit bigger and can tolerate wetter conditions than the plants originally proposed. They also increased landscaping around the transformers. They have added “focal points” to treat stormwater, much like how stormwater will be treated on Route 1. They will cut out pavement around the catch basin and slope it to a landscaped “bowl” which will act as a big filter. They feel there is plenty of space to stack snow in the parking lot. They changed the paver system to a porous system. They relocated some shade trees in the parking lot, as well as the Village Park sign. The sign on the building will remain the same; they have asked that if they want to change the sign that it could be approved by staff.

Amanda Stearns, Community Development Director (CDD), said staff has not had a chance to review the new plans. In light of that, she has recommended some conditions to be placed on the approval tonight; CBHA has received and agreed to these. She discussed the conditions, including: adding the date of the final approved plans to the ordinance language; language authorizing the CDD to approve any future signs in accordance with zoning; final site plan review by Town staff; any limits on horns, buzzers and operating hours imposed by the Council; and final staff review of the landscaping plan. Staff recommends a temporary construction agreement between the Town and CBHA, an easement from Falmouth Plaza, LLC for the stormwater improvement around the catch basin on the Plaza’s property, and a performance guarantee.

Councilor Anderson asked for clarification on the horns and buzzers. The ordinance does not allow them, but they seem essential to sporting events.

Tom Majerisen of Casco Bay Arena said they will need some kind of auditory indicator to demonstrate the end of a period. They recommend a low-decibel signaling device, to be approved by the Town. They can position it so that it is directed toward the warming area and away from the open sides of the rink. It would be about the same volume as a whistle or tone.

Councilor Orestis lives across the street from the Fire Station on Winn Rd; the tone they use there is not obtrusive in his experience.

Mr. Majerison said most of the ice time would be for practices, not games, so use of the indicator would be rare.

Councilor Anderson asked how they document this in the ordinance; Chair Pierce thought it would be incorporated in the lease. Mr. Majerison agreed.

Mr. Blais said they incorporated a note, “low-decibel buzzers or tone system to be used”, on the site plan, along with a note on the hours of operation: 7am-10:30pm, 7 days a week.

Councilor Anderson thought the end time was supposed to be 10pm. Mr. Majerison said they sell ice time in 1:10 blocks: 1 hour ice time, 10 minutes resurfacing. They would go over a 10pm limit on Saturdays.

Councilor Goldberg, in reference to the buzzer, asked when games would be held. Mr. Majerison said game times would likely be on the weekends, before 7:30pm. He said practice time is already scheduled for weeknights.

Councilor Mahoney wanted to make sure that the ordinance incorporates the most recent site plan revision date. Ms. Stearns said that is included in condition #1. The final revision date will be after the final staff review.

Councilor Anderson wanted the hours on the plan to meet the expected hours of operation; they had originally asked to be open until 10pm and had said they didn’t want kids out that late on a school night. He was concerned with the noise late at night.

Mr. Majerison said they didn’t want to limit themselves for the next 40 years. 10:30pm provides them a little flexibility. Also, they will have adults using the rink. Limiting it to 10:00pm would force them to give up an hour of ice time, in order to avoid going over by 10 minutes on Saturdays.

Chair Pierce felt they should limit it to 10:00pm Sunday-Thursday and 10:30pm Friday-Saturday.

Mr. Majerison said that would be okay; he asked that they add “without the express, written consent of the Town” so that they don’t have to come back to the Council if they want to change it.

Councilor Goldberg wondered what would happen if it went over the time limit; Mr. Majerison said they would follow the rules. He felt they would have enough leeway to not go over; if they need to change it, they would come back to the Town. 10:00pm during the week is fine; the weekends are the only time it might be an issue.

John Veilleux, president of CBHA, clarified that if they start at 7am, they would turn on the lights at 6:40. Hours of operation indicates the start of ice time.

Councilor Mahoney moved the order and conditions; Councilor Goldberg seconded. Motion carried 6-0.

Item 10 Order on a Limited Development Agreement between the Town and Casco Bay Hockey Association regarding the construction of a new ice rink on property owned by the Town and commonly known as the Village Park Ice Rink.

Public comment period opened.

John Veilleux, president of CBHA, thanked the Town staff and Council for their collaborative work on this project and for embracing it. This will help both their members and the Town.

Public comment period closed.

Mr. Poore discussed the changes that have been made to the document since the last hearing. Sections 12 f and h address off-season use of the facility for Community Programs, the number of free hours the Town would receive during the off-season and the cost of any additional hours the Town might use. Staff are comfortable with the language as it is drafted. Section 19 includes a requirement that CBHA prove their financial capacity to carry out the project prior to construction. The lease includes the provision that there are no third parties of interest in the lease.

The Council asked to include a provision on buzzers/horns and hours of operation in the lease to correspond with the note on the plans.

Councilor Mahoney moved the order; Councilor King seconded.

Mr. Poore discussed the Town's financial involvement in the parking lot improvements. The lights are around \$30k and the stormwater is around \$35K. The Town was planning to do work to the parking lot in the future anyway, and some funds were already set aside for this area in the capital budget.

The consensus of the Council was to support the Town paying for the work in the parking lot. An order to approve that appropriation was scheduled for June 18.

Motion carried 6-0.

Item 11 Order to approve an easement that will restrict certain uses of a new bridge which is to be constructed this year that will connect the River Point parcel to a public access point over the Pan Am Railroad. The easement will be held by the Falmouth Land Trust (FLT).

Councilor Anderson wondered why they were doing this; this is a Town property and a Town bridge. If they want to treat it a certain way, he asked why they want FLT to enforce it.

Councilor Mahoney said involving FLT keeps it honest; placing the easement on the bridge alone keeps the property free for the Town to use as mitigation and grant matching in the future.

The Council discussed the merits of an easement on the use of the bridge, versus leaving it under the control of the Town and its elected officials.

Councilor Anderson felt this easement wouldn't protect the property, and would involve them ceding authority. He would rather see an easement on the property itself, and not just on the bridge. He asked about a sunset provision on the easement.

Mr. Poore said a sunset is built in since the easement is limited to the life of the bridge, which remains under the control of the Council.

Councilor King wondered why this is limited to the life of this bridge; why wouldn't it be renewed if and when the bridge is replaced.

Councilor Mahoney felt they could only control what they are funding at this time. Any future bridge would have to be funded by a future council, and he didn't think they could bind a future council in this manner, nor should they. He pointed out that, in the event the property is protected by an easement, this easement is supplanted. There is every intention to have this land covered by an easement in the future; it is just a matter of timing.

Public comment period opened; no public comment.

Councilor Mahoney moved the order; Councilor Goldberg seconded. Motion carried 5-1. (Anderson)

Item 12 Order to approve a supplemental appropriation and transfer of \$45,000 from Unassigned Fund Balance for services associated with final design and bidding of Phase II of the Town Hall construction project.

Mr. Poore gave an update on Phase I, which is in week 2 of the projected 9-week schedule. Phase II includes some electrical and a lot of architectural work including roof work, insulation, new siding and windows, space planning inside the building, and new landscaping. It is estimated to cost \$500,000-

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525,000. Phase 1 came in around \$70,000 under budget. These estimates do not include the food pantry; which would be covered by a CDBG grant.

Public comment period opened;

Mark Finks of Allen Avenue Ext asked if anyone had looked at a company called Humidex that has a different strategy for treating air other than a dehumidifier. This design is effective and more efficient than a dehumidifier.

Public comment period closed.

Chair Pierce felt that, since the voters decided that the Town Hall should remain in this building, they have a responsibility to take care of it and make it functional.

Councilor Goldberg agreed; they have a responsibility for this building and this work is long overdue. This probably isn't a lot of money, given the age and state of the building.

Mr. Poore clarified that this is for final design and bidding; staff will come back with construction bids in a couple months.

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

Councilor Goldberg reported on a student at the middle school who suffered a spinal stroke last Friday; she is in intensive care in Boston. A rally was held over the weekend to support the student and a Facebook page and Instagram account have been set up to support her as well.

Adjourn

Councilor Goldberg moved the order, Councilor Orestis seconded. Motion carried 6-0.

Meeting adjourned 9:15 pm

Respectfully submitted,

Melissa Tryon
Recording Secretary