

Town Council Meeting
April 27, 2009
DRAFT Minutes

The meeting was called to order at 7:02 pm.

Roll Call

Councilors present and answering roll call: Councilors Breen, Payne, Rodden, Wrobleski, Armitage, Pierce, and Libby.

Councilors absent: none

Public Forum

Caine Lucas from Youth Alternatives/Ingraham wanted to thank the neighbors, the Town and the School Department for the generous support they had shown to the women's group home located here in Falmouth for the past four years. Unfortunately the home will be closing and moving to South Portland. Mr. Lucas spoke of how welcoming and friendly the neighbors were and he thanked the School Department which went above and beyond to welcome the women and give them an incredible education.

**Item 1 (a) Order to approve the minutes of the March 9, 2009 Town
(Consent Agenda) Council Special Meeting and Workshop.**

**Item 1 (b) Order to approve the minutes of the March 23, 2009 Town
(Consent Agenda) Council Meeting.**

Councilor Breen moved to approve the consent agenda; Councilor Pierce seconded. Motion carried 7-0.

**Item 2 Report from Council Committees and liaisons regarding
 updates on assignments.**

Councilor Breen reported that GPCOG, (Greater Portland Council of Governments) will meet Wednesday April 29 at noon. The ad-hoc Communities Facilities Planning Committee will meet on Thursday at Town Hall at 7:00 pm; they have been compiling the data that was received from the community and are working on a summary report. Councilor Breen will be presenting a report to the Council.

Councilor Rodden reported from the Recycling Committee that recycling in Falmouth was at 52% in March. The Open Space sub-committee is working on a Forest Management Plan and has met with a Forester and a Wildlife Specialist. The new bus route will begin on May 11. A celebration party is scheduled at O'Natural's on May 14 from 10:00am to 11:30 am. There will be posters going up detailing the new route as well as a notice on the cable TV station and the web site. Councilor Rodden expressed her thanks to all the Falmouth business owners as well as to the Greater Portland Chamber of

Commerce, who has endorsed the marketing plan. Falmouth by the Sea and Oceanview are sponsoring bus passes for Falmouth residents good for ten free rides. Metro is offering residents of the new route only the opportunity to receive free passes good for one month for the next six months. Councilor Rodden thanked Councilor Payne for his assistance with the Park and Ride that will be located in the Shaw's parking lot. The State Legislature has approved Falmouth to join Metro.

Councilor Wrobleski reported that the Community Development Committee met with a representative developer and staff to discuss the Falmouth Shopping Center charrette. The recommendation is to schedule a two day charrette sometime in September. LPAC is continuing working on the Natural Resource Ordinance.

Councilor Pierce reported that the Library had a very successful auction in March and is now involved in the annual fund campaign. The Green Ribbon Commission is sifting through data and anticipating a report for the Council in May. The School Board has been very busy with budgets and the School Building Committee received its first approval for Phase 1 in the construction of the new elementary school. The wood chip boiler is scheduled to be installed some time this summer along with the athletic field construction behind the Superintendent's office. Councilor Pierce encouraged everyone to get involved in the upcoming meetings, the first one is scheduled with the Athletic Boosters at 6:00 pm on May 4 at the Falmouth Middle School to discuss how the athletic fields will be used during the upcoming construction. The second meeting will discuss the design for the playground the meeting will be held on May 5 at 3:30 at Plummer-Motz library.

Councilor Libby stated the Cable TV committee is transitioning into meeting every two months. The Harbor Committee still has dinghy permits left.

Item 3 Report from the Appointments Committee and order relative to filling various vacancies on Boards and Committees.

Councilor Payne moved to appoint the following people to the following Committees and Boards:

Cable TV Committee: James Demer, Steve Tietjen

Parks and Community Programs Advisory Committee: Ana Gabor

Planning Board: Becca Casey (Alternate)

Long-Range Planning Committee: Steve Hendry, Sandra Lipsey, Julie Motherwell, Rachel Reed, James Vamvakias, Steve Walker

Councilor Libby seconded the motion. Motion carried 7-0.

Item 4 Order to appoint two members to represent Falmouth on the METRO board.

Councilor Rodden moved to approve the order to appoint two members, one Councilor and the Town Manager, Councilor Payne seconded. Motion carried 7-0.

Councilor Breen nominated Councilor Rodden and Town Manager Nathan Poore and Assistant Town Manager Amy Lamontagne as an alternate. Councilor Libby seconded. Motion carried 7-0.

Item 5 Public Hearing on the FY10 Town Budget.

Councilor Armitage opened the Public Hearing.

Karen Lucas from Stapleford Drive spoke about the Pleasant Hill Fire Station. She thanked everyone for their time and hard work and the generosity of the Town Manager, the Fire Chief and the members of the Council during this time with phone calls, emails and meetings as this matter was discussed and contemplated. Ms. Lucas stated that she felt that the time line was compressed for this decision and it was presented to the public after already being removed from the budget. She stated she keeps going back to the same questions: is this the best plan for the long term interest, for the Pleasant Hill area and the entire Town of Falmouth; is this a strategic decision being made and not a specific tactical financial decision? Ms. Lucas would like to see an actual agreement with Portland. She felt that Councilor Wroblewski's resolution gives the Town a chance to step back and look at a broader view of the long range perspective. In closing, she acknowledged the incredible Firefighters and EMS personnel and their families and she thanked them for their service and generosity.

Mr. Fred Bopp of 6 Mayflower Drive commented on how he and Karen Lucas had tried to figure out what was best for the community as well as the Town with respect to this decision by involving their neighbors. Mr. Bopp thanked the Council for taking the time to speak with him; he said they were very generous with their time and he appreciated how this has been handled. He acknowledged this is a highly emotionally charged issue for many. He, as well as many other residents in the community, are not comfortable with the decision, despite the excellent work the Chief has done. The purpose of the resolution is to allow the opportunity for additional time to explore some of the issues and to either say "let's take another look at closing" or "closing does not mean the loss of the station, let's look at other uses". Mr. Bopp felt there is true value to allowing the residents to wrestle with these issues and come up with some sort of community consensus. Mr. Bopp asked everyone to support the resolution.

Ms. Sally Barrows of 71 LedgeWood Drive hoped the Councilors had the opportunity to read the email she had sent because it expressed how important the firefighters are to the safety of the community and who they are to the community. Sally Barrows informed the Council that the reason why the firefighters were not present was because they were at a State Certified Training. Ms Barrows explained that the resolution allows for a full discussion of the elimination of funding, as the Pleasant Hill neighborhood does not feel they were part of the decision. Ms. Barrows asked the Council to consider the impact of water capacity going from four engines to three. She referred to paragraph two of the resolution: a memorandum of understanding with Portland does not exist and should not

be replacing the safety of the Pleasant Hill citizens, nor do we know what type of calls they respond to. In paragraph four the proposed organizational changes have not been evaluated yet. The response times are only from curb to curb. How often will Ladder 4 respond? What about wait times at the railroad crossings. How will the paramedic firefighter allocate his time? Portland will have ice storms and dry spells at the same time Falmouth does. Ms Barrows declared she supported the new paramedic, as it is a benefit for the whole Town. She questioned what we were giving up to pay for something else.

Councilor Armitage closed the public hearing.

Councilor Wroblewski made a motion to adopt the resolution and order for continuing the operation of the Pleasant Hill Fire Station and Engine Three through the fiscal year 2009-2010; Councilor Libby seconded.

Councilor Pierce asked for clarification: would Pleasant Hill be running concurrently with Central and the paramedics or would Pleasant Hill remain open but not running as a Fire Station.

Councilor Wroblewski responded that it would be the latter. Pleasant Hill would remain operational and answer calls in its jurisdiction. Basically it would be a temporary situation to give the Town time to evaluate the accuracy of a memorandum of understanding with Portland and the paramedic/firefighter service from Engine 2.

Councilor Pierce inquired about the two items relating to insurance and if they were imperative to keeping the Station open and if the cost of these items were included in the expenditure of 10,000 to keep the Fire Station open.

Town Manager Nathan Poore responded requesting additional time to look into this matter with Chief Rice as well as to review an asbestos report they just received.

Councilor Libby is aware of the numerous citizens concerned with this issue. Having had twenty two years with the Fire Department he hears what they have to say and understands, but he also understands and hears the facts and data that have been presented. Councilor Libby said he fully supports Councilor Wroblewski's resolution with two amendments: he proposed an amendment to change March 31, 2010 on the last sentence to November 30, 2009. His second amendment, which does not have to be in the resolution, would be to create an ad-hoc committee of three Councilors (himself, Councilor Breen and Councilor Wroblewski) the Town Manager Nathan Poore and Fire Chief Howard Rice to craft a final report for November 30, 2009.

Councilor Breen asked if Councilor Libby was still proposing the \$10,000 with a shorter time frame.

Councilor Libby confirmed that even though it was a shorter period of time they would be doing some hard work between now and then and because of the Capital Budget process it is imperative to have the shorter time frame.

Councilor Payne requested to hear from the rest of the Council on the broader discussion.

Councilor Libby removed his amendments from the table.

Councilor Breen thanked Chief Rice and the citizens of Falmouth. She wanted to make it clear that the Council decided in these tough economic times that they did not want to

increase the mil rate. They informed the School Board and the Town Manager of that decision and asked for a budget that projected the highest quality of service the most efficient way. Furthermore, Councilor Breen stated that the Fire Chief and his staff eats, sleeps and breathes public safety. She spoke of the history the Town has working successfully with other neighboring towns, emphasized that she has no concerns about safety and said this is a good proposal to change dollar bills around. With respect to the building if it were closed there are lots of possibilities. If there is a group of folks who have a proposal for the building then the Communities Facilities Committee would welcome it with open arms. Councilor Breen commented on Councilor Wroblewski's resolution and said it felt like a band aid being slowly pulled off. Whether it is three, six, or twelve months she doubts that everyone who has fears about the station closing will be relieved of all their fears. At some point you can "what if" yourself to death. Councilor Breen concluded by stating that at this point she can not support the resolution.

Councilor Payne said he would not repeat what Councilor Breen had said but he agrees with her analysis. He complimented the citizens for their respectful and civil communication. Councilor Payne discussed the revenue shortfall the Town would be facing next year of possibly two million dollars; if the Town's budget is ten million and the schools is twenty five then two million dollars is a huge gap. The band aid that Councilor Breen spoke of might not have a tiny scratch underneath but a horrible gouge. Analysis of the data from Chief Rice shows response time, number of firefighters that responded or not responded and the role of Engine 3. Despite the long history, today's numbers are not stellar, and they are not enough to continue the investment in the facility. Councilor Payne informed everyone that insurance companies require Fire Stations in a five mile radius and the Pleasant Hill area has two or three stations. He reminded everyone that Central will be the primary responder for Pleasant Hill and Portland will be the back up. The civil alternative for the future of the property, although it is wonderful to see it become the center of the neighborhood, that is not the primary goal of the tax dollar; the Town's priority is life and safety. Councilor Payne explained he is a native of Deering Center, which is a mini-city within itself. Portland has lost its sense of city and he does not want to see Falmouth do the same. Falmouth has done a good job keeping its overall character with its long range plan and open space. Councilor Payne concluded that he could not support this resolution as written. He would like to dispute the statement in the resolution: it is not a decrease in fire protection. This has been a pretty good public process, with notices to the public as well as three public hearings with a lot of good input. He thought they had all the data to move forward.

Councilor Rodden noted that she agreed with a lot of what Councilors Breen and Payne said. She supports Chief Howard Rice and all the work he has done to help the Council evaluate the facts. Councilor Rodden spoke of her experience with a fire and how she was helped by the Fire Department and a neighbor; she emphasized her understanding of the fears the Pleasant Hill citizens have. She understood why the citizens perceived it to be a done deal, before it was even started, but explained that this is the way a budget is done. She felt the Community Facilities Committee's presentation and the question of the long term plan for the fire station was timed badly. She proposed not to sell Engine 3, have Ladder 4 respond as a test. She would like to change the date Councilor Libby suggested to October 26 not November 30 to allow Nathan Poore time for his Capital Improvement Budget. The other change would be to use the Station as storage not as an operational

station. This was not an easy decision for anyone and there was no way everyone was going to be happy. She felt that \$10,000 is not too much to ask to ease peoples' minds.

Councilor Wrobleski summarized that he has already spelled out his arguments in his resolution and the people who have come up before the Council to speak in favor of his resolution have articulated it better than he ever could. It is middle ground, an opportunity for us to wait and not move so quickly. He felt that they have a responsibility to the people of Falmouth to make sure one of the core services is adequate. He would like to have the response time data from Engine 2 and Portland. At the end of six months, nine months or twelve months if everything is working well he thought he and many of the people in the neighborhood would feel more comfortable. He felt they are gaining some time for people to have confidence in a new plan. The Fire Station has a long history with a lot of dedication involved in it and he thought if they have this time to look at the new plan everyone will feel more comfortable.

Councilor Armitage has gone back and forth on the issue trying to figure out what makes the most sense. He said what strikes him the most about the people who have come up and spoken on this issue is that no one has contested the Chief's numbers, in fact they have complimented him on his analysis and his numbers. The argument that is sinking in is the emotional argument of losing this and the risk and not having a good handle on what the risk benefit is. The Council has the Chief's analysis and the Chief's numbers and he felt that they don't need to study this anymore. He wasn't sure if forming a committee and doing more work will provide any more answers than they have right now. He wondered about the time to test the theory; will the response times be what the Chief said they would be. The Council relies on staff to give their professional analysis and Chief Rice has done that. He was comfortable with the Chief's analysis and didn't see why the response times would be any different. He had some concerns around the language in the resolution. He would like to see the facility closed and the engine left untouched in the facility in cold storage for six months to test this. He was concerned with spending the money right now because the Council has held everyone else to task on sticking to the budget and he felt they need to do the same. The Council is here to serve the Town as a whole, and not just individual neighborhoods within the Town. He suggested tabling the resolution until May 11. The budget can still be passed; the issue is if they are going to spend this \$10,000 or not and how they are going to expend it.

Councilor Breen asked if \$10,000 was a realistic number.

Town Manager Nathan Poore said he was confident about the operating expense; it would be a little more to go into the month of March. The primary expenses are heating and insurance for the building and the truck. He was unsure about the capital piece without consulting with Chief Rice. It would depend on how the building was used.

Councilor Wrobleski confirmed that procedurally it was okay to table it because the request comes out of the fund balance not out of the budget. The vote could be put off until May.

Chief Rice said the insurance company is concerned about the floor in the boiler room because it is wood and you can't operate the boiler with a wood floor. The second issue is the trees hanging over the building. He has discussed the life safety and the stairs with Nathan Poore.

Town Manager Nathan Poore agreed that the trees need to be taken care of regardless. He asked everyone to keep in mind the possibility of repairs to the fire truck or equipment; if it was being stored there then it should be available for use.

Councilor Pierce remarked that she really saw this issue in two different lights: one is the safety of the town's people and the other is community building. She thought these two have melded in a way that's interesting. The most important thing is: are people going to be safe. While Chief Rice's analysis has not been proven in a day-to-day situation the depth of it has a lot of validity. The Town has one of the highest per capita fire house buildings in relation to the surrounding communities of comparable size. She wished the process had felt better for the community. Councilor Piece echoed Councilor Breen's band aid analogy; she felt that it's going to hurt and it is going to hurt either way. She would rather rip the band aid and execute the plan. A firehouse could be at every corner and trying to save everyone every minute of the day and something could always go wrong. She felt that, even in a six month window you would not gain much more information. She was not inclined to go with the resolution, though she understood and appreciated its intent.

Councilor Breen made a motion to move the question.

Councilor Rodden made a motion to amend the resolution, removing the last "whereas" and "now therefore be resolved" and replacing it with the following: Now whereas a modest expenditure of \$10,000 will maintain Station 3 to be used as storage for reserve fire engine pumper truck while evaluating the effect of these changes on the delivery of those services to the Pleasant Hill neighborhood and the Town as a whole. Now therefore be it resolved and ordered by the Falmouth Town Council assembled this 27 day of April 2009 To appropriate \$10,000.00 from undesignated fund balance to maintain Station 3 to be used as storage for reserve engine pumper truck in fiscal year 2010. The Town Manager will report to the Town Council no later than October 26, 2009 on effect of any changes made to the Town's delivery of Fire and Emergency Medical Assistance.

Councilor Wrobleski seconded the motion.

Councilor Armitage was not comfortable about voting on the \$10,000.

Councilor Wrobleski moved to amend the amendment to make it so as not to exceed the \$10,000 so the Town Manager could spend less than \$10,000 and the Town Manager would come back to the Council on how much he needs to spend on the operating side and the capital side.

Councilor Pierce supported that clarification because a modest amount can mean a lot of different things.

Councilor Rodden seconded the amendment to the amendment.

Motion failed 3 yays (Rodden, Wrobleski and Pierce) 4 nays (Breen, Payne, Armitage and Libby).

A vote on the amendment made by Councilor Rodden failed 2 yays (Rodden and Wrobleski) 5 nays (Breen, Payne, Armitage, Pierce and Libby).

Councilor Rodden moved to table the resolution; Councilor Wrobleski seconded. Motion carried 4 yays (Rodden, Wrobleski, Armitage, and Pierce) 3 nays (Breen, Payne and Libby).

The resolution will be reconsidered on May 11.

Councilor Breen observed that to pull money out of the fund balance would be going directly against a resolution which was agreed to unanimously by the Council to hold the mil rate and budget in line. The School Board recently found out from the State that 1.1 million dollars was being cut from their budget, and they then cut their budget to compensate because that's what the Council told them to do. They don't have the liberty to take from a fund balance. She though taking money out of the fund balance is cheating, and that if they are going to spend more money on this station then it is incumbent on them to find other ways in the budget, other places to cut, and not just pull from savings.

Item 6 **Order to approve the FY0 Municipal and School Department Budgets in accordance with the Town Charter, Article 5.**

Councilor Breen moved to approve the order; Councilor Pierce seconded. Motion carried 7-0.

BE IT HEREBY ORDERED THIS 27th DAY OF APRIL, 2009, BY THE FAMOUTH TOWN COUNCIL, FALMOUTH MAINE, IN TOWN COUNCIL ASSEMBLED:

Pursuant to Article V of the Falmouth Town Charter and to the relevant sections of Maine state statutes, the Falmouth Town Council hereby adopts the fiscal year 2009-2010 General Fund budget and appropriates the budgeted funds to the various departments as follows:

GENERAL FUND:

GENERAL GOVERNMENT: \$1,066,209
FINANCIAL ADMINISTRATION/DEBT SERVICE: \$1,230,988
PUBLIC SAFETY: \$3,233,217
PARKS & PUBLIC WORKS: \$3,231,596
COMMUNITY DEVELOPMENT: \$612,762
COMMUNITY PROGRAMS: \$169,243
OTHER AGENCIES / NON-DEPARTMENTAL: \$1,009,625
EDUCATION: \$24,947,205

TOTAL GENERAL FUND OPERATING BUDGET: \$35,500,845

Item 7 **Public hearing regarding an amendment to Chapter 6, Article 6.68, Appendix B of the Falmouth Town Ordinance that will change maximum levels of income and expenses for the General Assistance Program.**

Councilor Armitage opened up the meeting for public comment.

There was no public comment.

Councilor Armitage closed the public hearing.

Item 8 Presentation and Introduction of a Zoning Amendment to correct an unintended conflict between the West Falmouth Master Plan Development District and the Route 100 Corridor Overlay District regarding signage.

Director of Community Development Amanda Stearns spoke about the amendment that Councilor Libby introduced. There will be a public hearing on May 11.

Item 9 Discussion about the Annual Volunteer Banquet.

Councilor Pierce said that, at a time like this, it was an important time to gather and thank the volunteers who commit countless hours of their time to the Committees and Boards.

Councilor Armitage liked the idea of having the Councilors serve the volunteers.

Councilor Libby suggested that every liaison personally invite everyone to the banquet because of the drop in attendance. The Councilors are the host and hostesses.

It was decided to email invitations for the June 17 banquet.

Councilor Pierce suggested using local talent.

Adjourn

Councilor Payne motioned to adjourn Councilor Breen seconded. Motion carried 7-0.

Meeting adjourned at 9:08 pm.

Respectfully submitted,

Ellen Planer
Town Clerk