

**Town Council Special Meeting
DRAFT Minutes
February 14, 2011**

The meeting was called to order at 7:01 pm.

Roll Call

All Councilors were present and answering roll call.

**Item 1 Presentation by the Town Attorney and Town Council discussion
 regarding conflicts of interest.**

Dick Spencer of Drummond Woodsum made the presentation on behalf of Town Attorney Bill Plouffe, who was out of town.

**Item 2 Order to authorize the completion of the Rt. 88 and Johnson Road
 sidewalk and crosswalk project final design.**

Town Manager Nathan Poore explained that in 2008 the Town submitted an application to PACTS for federal and state funding for a sidewalk and crosswalk connecting Johnson Park to the Rt. 88 sidewalk in order to get people down to Town Landing. There have been difficulties trying to locate the crosswalk without impacting parking for the Town Landing Market. Mr. Poore met with the property owner, Councilor Chase, Parks and Public Works Director Jay Reynolds and engineers from the MDOT regarding relocating the crosswalk and creating a flush “safe landing” zone. While DOT has since decided that the project could go forward without the crosswalk, the crosswalk was included as part of the project in the application to PACTS. Mr. Poore suggested an order for the Council that would allow the Town to proceed with the construction phase of the sidewalk project without the crosswalk, provided that a crosswalk is considered in an expanded or additional project that will include an undetermined length of sidewalk on Landing Road to the Town Landing. They are considering a crosswalk across Johnson Road, and then another crosswalk across Rt. 88.

Public comment period opened.

Dan Groves, the owner of Town Landing Market, thanked the Council and the Town Manager for the consideration of his business needs and the parking. It is a small lot.

Mike Doyle of Shady Lane has walked from his home to Town Landing hundreds of times and has never had a problem crossing Rt. 88 without a crosswalk. He testified to the parking difficulties of Town Landing Market. He suggested the Town consider a crosswalk across from Holy Martyrs Church instead of in front of Town Landing Market; he felt it would be safer there.

Public comment period closed.

Councilor Pierce moved the amended order suggested by Mr. Poore; Councilor Chase seconded.

Chair Payne read the order: “Order to direct the Town Manager to proceed with the construction phase of the sidewalk from Underwood Park to the intersection without the crosswalk, provided a crosswalk is considered in an expanded or separate project that will include an undetermined

length of sidewalk on Landing Road to Town Landing. This expanded or additional project should include the design of a crosswalk at the intersection, with consideration to limit the impact on the Town Landing Market. Such direction to the Town Manager is conditioned upon any additional authorization that may be necessary from the Portland Area Comprehensive Transportation System, also known as PACTS.”

Councilor Armitage wondered if the order should say “may include an undetermined length of sidewalk” instead of “will include”.

Councilor Chase asked if that proposed sidewalk would be on the opposite side of Town Landing Road from the Market.

Chair Payne said that was the case, if that were determined to be the proper place. He explained that the Town Manager is being authorized to look at the entire expanse of options in order to cross the road.

Councilor Armitage moved to amend the order to say “may include an undetermined length of sidewalk” instead of “will include”. Councilor Pierce seconded.

Motion to amend the order carried 7-0.

Amended order carried 7-0.

Item 3 Update on the Community Facilities project, including potential future use of the Plummer-Motz and Lunt property.

Mr. Poore discussed some of the additional work the staff has done since the last Council meeting. He presented the five different options currently on the table: the first option is the committee’s original idea, as a comparison. The second option is for the Library in Lunt, CDS in Mason, and a Community Center in Mason/Motz and Plummer. Option three is for a new freestanding library building on the site; a site plan for this option is included in the Council’s packets. Option four includes an unidentified “other” tenant in Plummer, Community Programs in Mason/Motz and the Library in Lunt. Chair Payne, Councilor Pierce and staff recently met with Oak Point to try and trim this option as close to a “net zero” impact as possible.

Theo Holtwijk, Long-range Planning Director, presented the fifth option, called “net zero” and the expense estimates associated with it. This option includes the same building uses as option four, with different amounts for various line items.

Councilor Rodden asked about the difference between the upper and lower ranges for the Library estimate.

Jim Thibodeau, of Associated Design Partners, explained that they looked at upper and lower ranges because this was a concept and not a detail design, and with a detail design there might be some variations.

Mr. Holtwijk explained that the numbers reflected in the report are based on Oak Point’s estimating what would be needed to bring the buildings into code compliance, for the Town to be a good landlord, and for a tenant fit-up. He discussed the estimated revenue sources to pay for this project. The net effect of the fifth option was a cost of \$33,195. He proceeded to discuss the analysis of the operational costs for the project. This analysis included an estimate for the

additional taxes the Town would collect from the properties that were sold as part of the project as well as additional revenue from expanded community programs. Increased expenses included utilities, staffing and insurance for both the Library and Community Programs. The effect of the increases in revenue and expenses came to a net cost of about \$53,000/year. That would add 2.7 cents to the mil rate, which translates to an additional \$2.68/\$100,000 of value. He cautioned the Council that this figure is based on some broad assumptions.

Mr. Poore said that the \$53,000 was an average estimated cost; it would take a few years to get there. It would take some time for the properties to be developed to the point where the tax revenues reached the projected numbers. He said there might be potential to make some cuts out of the expenses as well.

Councilor Chase asked about the money in the community center capital reserve.

Mr. Poore said that would go into the pot; that number used to be around \$300,000 but those funds were merged into the overall capital fund when it appeared that the community center was not going to happen.

Councilor Breen confirmed that history. The reserve has been carrying \$100,000 for some years.

Councilor Rodden asked about the annual property taxes for the land from the Plummer/Motz site. She pointed out that there isn't a definite plan for that land.

Councilor Breen was interested in a presentation from Oak Point regarding a new library building on the site.

The Councilors asked for some numbers to be changed in the spreadsheet for option 5, in order to see what the effect would be on the final number. They discussed the likelihood of finding and keeping a tenant in Plummer; according to Councilor Armitage there is a lot of vacant office space in the Portland area. Councilor Breen discussed the undesignated fund balance: according to the policy, 2/3 of the fund is set aside for two months of town operating expenses in case of disaster. This leaves \$3.6 million that can be used at the Council's discretion, with some limits. Councilor Pierce said there is also some capital improvement money sitting in the fund balance as well, such as the \$100,000 for the community center. The town can use the fund balance for one-time capital expenses, such as when they used it for the security system for the high school, and they can use it to loan themselves money and save on interest.

Councilor Armitage asked about the furnace numbers: the Oak Point report had an estimate of \$125,000 for both Plummer and Motz and he wondered if it was duplicated.

Mr. Poore said it was split; the total estimate for the furnace is \$250,000.

Mark Gianniny of Oak Point Associates discussed the code compliance issues regarding the change of use of the existing buildings. They discussed the feasibility study drafted by Oak Point.

Councilor Armitage asked about the abatement of hazardous materials and whether those estimates are included in the numbers they are reviewing.

Mr. Holtwijk said that number can only be finalized when they have a final design, but staff did ask Oak Point to add Northeast Test Consultants' figures to their report.

Mr. Gianniny clarified that Northeast Test Consultants' figures were based on removing all hazardous materials, which they wouldn't necessarily have to do. If the hazardous materials were properly wrapped and covered, and they didn't have to disturb them, they might not remove them.

Alison Towne of Oak Point said that some of the Northeast Test Consultant numbers are in there because they are captured in other items, replacing all the windows in Plummer for example.

Ms. Towne presented the option of a new building for the library. The only two areas they explored were the existing playground next to the Lunt building, and the open area between the Mason building and the property line. The area next to Mason was challenging due to topography, the cost of running utilities to the new building, and sharing parking. The area near Lunt was the better location. They estimated \$200/sf for new building construction.

Councilor Varney said she had received a lot of emails; most of them were in favor of option 5.

Chair Payne asked if there was any interest from the Council in having the Library and Community Center as separate questions on the ballot. There was some request for this from residents.

Councilor Breen felt it was important to keep this as one question; the site is one enormous asset and one big investment.

Councilor Pierce agreed. She didn't want to pit the library people against the open space, for example. This is about building community and not about individual projects.

Councilor Chase wondered what would happen if the question failed.

Chair Payne said the Council would then address the issue.

Councilor Breen said the referendum question was about whether the Council could spend more than \$1 million.

Councilor Rodden said this is a binding referendum. She felt the question at hand really is about what they are going to do with all the school buildings, not just one of them. She supported having one question; anything more than that is confusing to the voters.

Councilor Varney said people have asked her whether they would have the opportunity to vote on whether the library could stay where it is and it sounds like they won't.

Councilor Armitage felt there would be more clarity if there was more than one question, because it would help to focus on where people's priorities are. He could support either scenario.

Chair Payne asked if there was any line item in the estimates for landscaping the play area.

Ms. Towne indicated that there was not.

Councilor Breen said the committee had originally envisioned something simple for that area; removing the stone dust and installing grass for example. They thought that it could be a community project down the road.

Councilor Rodden asked about the playground equipment.

Ms. Towne said the school department is not taking the playground equipment with them. They did include an estimate for giving a facelift to that area, and leaving the playground equipment, which came to around \$200,000.

The consensus of the Council was to have one referendum question. Staff will come to the next Council meeting with draft language. There will be a public hearing before they approve the referendum language.

Item 4 Order to schedule a Public Forum/Hearing on March 30, 2011 to provide the public with an opportunity to ask questions and offer input pertaining to the proposed Fiscal Year 2011-2012 Municipal Budget.

Councilor Pierce explained that this meeting would include the School Board. It would be a presentation of both the Municipal and the School budgets.

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

Item 5 Discussion and review of the 2010 - 2011 Town Council annual work plan.

Mr. Poore and the Council discussed the work plan and made adjustments.

Item 6 Discussion about future Council agendas.

Mr. Poore discussed the upcoming Council agendas.

Item 7 Order to go into Executive Session pursuant to the Laws of Maine to discuss the possible acquisition of land, pursuant 1 M.R.S.A. § 405 (6) (C).

Councilor Varney moved to enter executive session; Councilor Breen seconded. Motion carried 7-0.

The Council returned from executive session.

Order to authorize the Town Manager to execute an option to purchase real estate, such property owned by Arthur McDermott, location specifically described at Tax Map R09, lot 48 and Map R09, lot 55.

Councilor Varney moved to adopt the order; Councilor Pierce seconded. Motion carried 7-0.

Adjourn

Councilor Breen moved to adjourn; Councilor Pierce seconded. Motion carried 7-0.

Meeting adjourned 10:05 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary