

Town Council Meeting

DRAFT Minutes

July 11, 2011

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

Roll Call

Councilors Chase, Armitage, Pierce, Varney, and Orestis were present and answering roll. Councilor Rodden was not there.

Item 1 Announcement - July 13, 2011 MDOT informational public meeting to discuss the replacement of the Martin Point Bridge.

Chair Pierce made the announcement about the public meeting at the Merrill Auditorium.

Councilor Varney said it was there in the Green Room.

Nathan Poore said he would be there and it started at 6 pm not 7.

Chair Pierce said she had a request to move item 10 to item 6a so they could keep the discussions linked.

Councilor Payne moved to accept the request; Councilor Varney seconded. Motion carried 6-0.

Item 2 Order for a zoning amendment to exempt lots from increased nonconformities due to the acquisition of a portion of the lot for the purpose of resource protection.

Councilor Armitage moved to approve the zoning amendment; Councilor Payne seconded.

Councilor Chase said the need only pointed out how restrictive the ordinances were. He wasn't opposed to the amendment, but wanted to make note of the fact that without the amendment, it was hard to do anything. The amendment said the owner could deed off a parcel of land. The reason for division would be for the purpose of conveyance to a governmental or non-profit agency for the sole purpose of protecting natural resources. What they were doing was passing an ordinance that said as long as they said why they were doing it, it was okay. It would stop a potential easement. This would allow easements to public land. He didn't think it was right and didn't like some of the wording, including 'non-profit' and 'protecting natural resources.' He didn't object to the protection, he just wanted people to realize they weren't protecting their financial resources, but they were willing to protect the natural resources.

Motion carried 5-1. Councilor Chase dissented.

Item 3 Public Hearing for the renewal of the cable television franchise agreement between the Town of Falmouth and Time Warner Cable.

Jeff Piampiano, attorney for Drummond and Woodson, said Chair Pierce was correct in saying that it had been going on for quite some time. The agreement had been set to expire in 2010 and had ended up being extended for 1.5 years to allow for the negotiation process. They did have a franchise agreement that everyone on the committee was satisfied with. The agreement was based on the Maine model franchise agreement. The largest franchise fee they could expect to collect was 5%. He touched on other things in the executive summary. He wanted to add that there were two things before the Council. The first was the franchise agreement itself, and the other was a settlement agreement which addressed a non-payment which had been rectified.

Public Forum was opened; no one from the public spoke.

Councilor Payne asked if customer satisfaction had been contemplated. By granting the franchise, was there any consumer feedback factored in.

Mr. Piampiano explained there were two layers; the renewal process was an opportunity for people to come forward and express concerns with respect to Time Warner, and beyond that there were provisions within the franchise agreement. There was a toll-free customer service number that Time Warner agreed to provide. There were obligations to respond to customer complaints. If there were comments or concerns, Time Warner provided mechanisms that were built into the agreement that allowed customers to air those concerns. The Town also had the ability to request summaries of concerns, so the Town could perform its own internal audit.

Councilor Payne asked if the Town had audited complaints and quantified information.

Amy Lamontagne, Assistant Town Manager, said she believed there was a survey in 2004.

Mike McDade, Legend of Cable TV, said he had a couple people call and complain about a certain issue, in which case, he would reference them back to the franchise agreement. If not, he would point them in the right direction in talking with Time Warner to get the situation rectified.

Amy Lamontagne said they rarely got complaints from customers, and she had worked with Mike Edgecomb. The majority of calls were about phones going out.

Mr. Pampiano said the agreement incorporated and referenced State law. There were provisions regarding consumer rights'.

Councilor Payne asked if it only covered the television portion and to explain why the internet and telephone services were not part of the franchise agreement.

Mr. Pampiano said it was a curious arrangement. He said the short answer was that Federal law authorized the entry by municipalities to enter into franchise agreements and the scope only extended to cable television. They didn't have that right for other services provided by Time Warner.

Chair Pierce said there was not a lot of competition for cable. She wanted to know if that had to do with population density and the availability.

Mr. Pampiano said he didn't think there was an exclusivity agreement. He also thought that anyone who wanted to come in and do it probably had limitations against duplications of facilities.

Councilor Chase asked if he had any plans to buy a 1080PT camera. He said if you had that kind of TV set, you would receive a 1080I signal. He thought there was a step up that was supposed to be made.

Mike McDade said those cameras were normal picture quality and they would do widescreen. The amount of money to do high definition was not feasible. He said they couldn't broadcast in HD anyways because of Time Warner.

Councilor Chase said didn't Time Warner have to buy a 1080P HD camera. He asked if they weren't ready to buy the HD camera.

A guy in the audience said they were providing a grant and the Town would provide the equipment. For HD, they had not agreed to put the public access on HD because of the bandwidth requirement.

Mr. Pampiano said that the franchise agreement provided for capital grants equipment purchases. He said at some point, if they had the technical need for a camera like that, then they would have the funds to purchase it.

Item 4 Discussion about proposed changes to the Falmouth Cable TV Mission Statement and Usage Policies.

Councilor Armitage asked Nathan Poore to summarize it.

Nathan Poore explained that it was a modernization of a document created in the early '80s. It was revised in the early '90s. It still referenced the Cable Committee, the practices and technology were radically different than today's. There were also some changes. One he wanted to point out was how the equipment in the channel could be used. The document was drafted in its present form in November and had been waiting for the franchise agreement to patch everything up at the same time. There was a provision to prohibit the use of the channel for political campaigns or information sharing, unless it was hosted or in the form of a debate, where both sides would be present. It addressed candidates that way for elected office, but it had a different provision for matters of local referendum. The proposed language mandated that couldn't happen unless it was for debate, even for referendum issues, which was different than today. He said that was probably the biggest change other than modernization.

Councilor Varney wanted to know what would happen if they had a situation where one side wanted to debate, but the other didn't.

Nathan Poore said the way it was presently written would not allow that. He said the Council could change the language as they saw fit.

Chair Pierce said it provided for a more formalized approach.

Councilor Varney asked if they were stuck.

Nathan Poore said that was correct and the way to move past that would be to have language that would allow it. Some of the complications would be who would sponsor. If one side declined, then there could still be a debate with one side missing.

Councilor Varney wanted to have that language written in.

Councilor Payne said making a provision for it made a lot of sense.

Councilor Armitage said he would consider it, but part of him said if both sides couldn't be present, than neither side should be allowed.

Chair Pierce said she had the most issue with the fact that the Forecaster had been generous with their time to host something. The Chamber did too. She would be uncomfortable using Town funds for a moderator. If an outside entity wanted to come in and offer the opportunity to entertain the dialogue, which would fine with her. She didn't want Town staff running debates.

Nathan Poore said they could structure it so that they charge a fee to recover the cost. Another complication was he thought the threshold was 15,000 for reporting campaign activity, which Falmouth was not there with the current population. He wanted to set it up so there would be only one debate.

Chair Pierce asked if they could draft something that would encompass what the discussed in more detail.

Nathan Poore said if the Council was considering it, they could try to draft something up as an option B.

Councilor Varney said her issue was if one did not wish to debate something, because discussion wasn't wanted, then that person could just say no and that killed the debate. She didn't think that was the American way.

Chair Pierce said her issue was she didn't think the Town should be running those and outside groups should be responsible for that.

Item 5 Discussion about the actions of individuals and groups regarding the June 14, 2011, local election.

Chair Pierce said the discussion was about four separate issues. It had to do with a question of library funds being used in the referendum 1 or not, because the Town supplied funds for the library and they can't use funds for that. It also had to do with policy of employees of the school using emails of the school for giving their opinion, which the school had addressed. One of the Town's committees, through editing of the Forecaster, that a committee had endorsed someone. Lastly, Councilor Chase had brought up the signs.

Councilor Armitage said that it wasn't about having a witch hunt. It was more that questions were raised, and he was asking the question so they could clarify their own policies and clean up other ones so that could be avoided in the future.

Vicky Swardlow, the library's accountant, said the concern was whether or not money made appropriated by the Town was used in support of the library's position in the referendum. The blunt answer was no. She was happy to spend all the time needed to educate the Council on fund accounting. The basic understanding a person of the community should have was any NPO has three types of funds; unrestricted, restricted temporarily, or restricted permanently. In the library's case, the Town contribution

is unrestricted money. It was understood that the money was to be used for the running of the library. The library received a lot of other unrestricted funds. They had a total of \$550,000, and the money that came from the Town was 365,000 of that. The money used to pay for the campaign, and more broadly, everything the library had done to plan for the move, was paid from designated money's from the bequest, a total of \$33,000.

Councilor Armitage asked if the library spent money on anything associated with the 'yes on 1' advocacy.

Ms. Swardlow said the library spent money on informational material. They did not put out position papers.

Councilor Armitage wanted to thank the person he heard that from and wanted to apologize if at the previous meeting, his statement insinuated that the library board did anything inappropriate. He just wanted to raise the issue because several people had asked him about it.

Chantal Walker, President of the library, wanted to say that no one took offense to his questions. What concerned her was that he didn't pick up the phone to talk to someone at the library before he went on television and was quoted in the Forecaster.

Chair Pierce asked Nathan Poore to elaborate using Town email for any of the purposes regarding the election.

Nathan Poore said it started from some emails that came from some school administration about candidates for office, and school policies were beginning to be questioned, and what role the Town had. The Town had a personnel policy that addressed it in two sections. The first was under the use of computers. It made it very clear that employees couldn't send emails advocating for a politically driven issue. He was going to see what Barbara Powers, Superintendent, was going to do. She had been talking to the town lawyers, and he was looking to possibly sync their policies.

Chair Pierce said she thought it would be great for Nathan Poore to look at that and possibly have some synergy with what the school was doing, and One Falmouth seemed like a logical place for that.

Councilor Armitage wanted to see the two policies identical so there were no questions in the future. Legal opinion had said that school staff was able to and they didn't violate their policies.

Councilor Payne said as they consider policies, they ended up using official communication sources for the school system. They had school employees in management capacities, under their title, delivering overt political messages in terms of endorsements. They were communicating to subordinates, which was even more egregious. He thought the policy lacked any specific sanctions, and on both sides, they had to be clearly addressed for violation of the policy. His most important thing was that it not happen again.

Chair Pierce said a committee of the Town wrote a letter of endorsement, not necessarily by the committee, but was edited by the Forecaster. She wanted to look at committee rules. She would like to direct staff to look at that.

She continued to talk about the signs and said that it was an Ordinance Committee issue.

Councilor Chase said he didn't think there was any support for an ordinance. He wanted to possibly suggest an agreement. He said there could be an agreement between candidates to have a maximum of

100 signs. He said most people had about 150. The signs came out with absentee ballots. He thought it was the best election.

Chair Pierce said she thought it was great people had signs and that it was also a good thing that they were picked up quickly. She recycled hers with the high school.

Item 6 Order to authorize the Town Manager to enter into a Local Administration Project agreement with the Maine Department of Transportation related to road repaving on Route One.

Nathan Poore said when a project was authorized with state and federal funding, they could enter into a three party agreement where the DOT administers the project, or they enter into a Locally Administrated Project (LAP). The Town would administer the project. LAP's were suggested and DOT was supportive of the process. The cost to administer the project was in the funding. It was a new type of agreement. It would go from Bucknam Rd to Route 88.

Councilor Varney moved the order; Councilor Payne seconded.

Councilor Payne wanted to know what the work was slated from a timing standpoint.

Nathan Poore said it could be as early as next spring, although they wouldn't be ready yet. DOT could be ready for funding by then. It was most likely to be a spring-summer 2013 project.

Councilor Payne said from his recollection, the roads were good compared to other parts of the town.

Nathan Poore said in the road industry the practice is to maintain the main roads and rebuild the bad ones. The failure curve was pretty straight, but it fell off quickly, so it was important to keep the roads up before they get to the point of reconstruction. It could be a lot more expensive. Bucknam Rd had gone bad and is a state owned road.

Councilor Payne asked if he and Public Works Director Jay Reynolds were satisfied that they were close to that point, or if they still had time.

Nathan Poore said they didn't really have the opportunity to put the money somewhere else, it was a take it or leave it scenario.

Councilor Payne said they may be spending tax payer money on something that was not necessary, unless they were close to the drop off point in the condition of the road.

Nathan Poore said with as little money as the state had, they were being very careful with their resources. He had a lot of confidence it was the right expenditure.

Councilor Chase asked if he could bring them up to date on Blackstrap Rd.

Nathan Poore said they were hoping Councilor Chase's plan for a thin overlay would be this summer. Jay Reynolds had been working with MDOT because they weren't going to include shim, filling in wheel

ruts. The Town would have to pay for that, but it would be much better. He said that was a road that would need to be rebuilt.

Councilor Payne asked if they were taking any measures on the curve where the fatality was.

Nathan Poore said he didn't know what the design looked like for that curve, but they could look into it.

Councilor Varney said the breaking up is what happened on Falmouth Rd.

Chair Pierce wanted to add that was part of the Capital Improvement Plan.

Nathan Poore wanted to add that Allen Avenue Extension, from Merrill Rd to Falmouth Rd was going to be receiving a maintenance project. Preliminary work started that day until early August.

Councilor Varney wanted to tell people to take Washington Ave and go around Falmouth Rd.

Motion carried 6-0.

Item 6 (a) Discussion about Silver Bullet relocation to the Transfer Station.

Chair Pierce said they had voted as a group to remove the Silver Bullets from Bucknam Rd and Hannaford's. Council Varney wanted to discuss this again.

Councilor Varney said she had heard from a lot of people, like herself, that they didn't like the curbside recycling. It was heavy to lug the boxes, and in the winter people had slippery driveways. She said quite a few of them recycled at different times. She would recycle at Bucknam Rd on the way to grocery shopping. The other issue was the cost of buying a sticker to go into the transfer station to recycle. She thought they could put some Silver Bullets by the police station.

Chair Pierce said they had a plan in place. Her inclination was to move forward with that plan for a six months or even a couple of seasons. If they felt like there was a drop-off in recycling or more people were unhappy with it; they could take a look and reassess.

Councilor Orestis would agree that they should monitor and come back and measure. He would put some type of a timeframe in place with a couple of checkpoints. They could then see if there was a drop-off or even an increase, so they could measure it with statistics.

Councilor Payne agreed they should keep the policy in place and let it run for a period of time, and take a look after a year's time.

Councilor Armitage said there was no point in moving the Silver Bullets to the police station. It was an all or nothing scenario. If they had problems maybe they could do something else.

Councilor Chase asked if they still had the bottle shed at Bucknam Rd.

Chair Pierce said they did still have that for NPO's.

Councilor Orestis asked if they would monitor the areas for people who put trash there. He thought in the short-term there might still be stuff there that shouldn't be.

Councilor Varney asked when they would monitor.

Nathan Poore said it would be daily. If people littered than they would hear about it and Public Works would react.

Councilor Varney said she meant about recycling.

Nathan Poore said it would be monthly.

Councilor Varney was confused because she would still recycle, but didn't like going to the transfer station. She said they couldn't monitor anything as far as having a statistic.

Chair Pierce said the statistics would be the weight from ECO-Maine reports that provided the statistics to the Town.

Nathan Poore said he thought Councilor Varney was asking how they would monitor people's satisfaction. They didn't have any way to measure that currently, but maybe they could some random sampling surveys.

Chair Pierce said they could encourage people to contact the Town directly.

Councilor Armitage said if they started to see a divergence, for instance, the tonnage of waste going up and recycling going down, they may look at having the Silver Bullets again.

Councilor Chase said he switched over to a 30 gallon barrel with wheels and a cover. He liked it a lot better for his recycling.

Chair Pierce said she thought the new recycling committee was working on it too.

Nathan Poore said they were going to monitor the statistics.

Item 7 Discussion about the future use of the Plummer-Motz and Lunt Schools property.

Councilor Orestis was thinking back to where they left off from last meeting. His opinion from before was that they don't want to confuse a quick result with the best result. They didn't want to exclude others from a competitive bidding process that hasn't given anyone an inside track over the other parties. They didn't want to scare off other parties. They wanted the best result and not necessarily the fastest. An RFP, done by the book, was the most appropriate course of action from his point of view.

Chair Pierce asked if there were elements within an RFP that he would want to include.

Councilor Orestis said with an RFP, it was in their ability to design it how they wanted. They would want to see best use of space with best value for the Town. They would like to see Community Programs there and a community center. He thought that people still wanted to see a community center with community

use of that property. The question was how to get there. He would want to see those elements included and how the protected space would be handled.

Councilor Armitage said he wanted to get private sector input. Based on that input, they had received a little pushback. They wanted the Town to want to do something, not them as a Council. He agreed with RFPs, he thought it was important to provide the private sector with as much flexibility as possible, in order to get the most money. That wasn't the sole reason, because it was up for debate whether or not Community Programs belonged there. He thought they needed some space, but he wasn't clear, based on the election, that it had to be Plummer-Motz. The back space needed to be as open as possible in his opinion, so that the private sector can have more flexibility and make it work for them. He appreciated where they were coming from that, but thought sometimes the abutter was the best buyer/seller. He thought Ocean View was one of the most likely candidates. They had talked to a couple other developers and seen some interest. He thought that preserving the buildings in shape, form, and/or name should be crafted into the RFP.

Councilor Orestis said, looking at in the "no one 1" materials, he saw that would help to ensure Community Programs to be there, but it would be done in a different way. To him, looking at the vote, they seemed at going in the direction of how the community would use the property. He didn't think they were looking for whatever got the most money. He thought both sides were saying they wanted the best impact for the community, but in different ways.

Councilor Armitage said the fact he and Councilor Orestis were debating that, he thought there was still room for debate on the issues of the use of the building.

Councilor Varney asked how long it would take to get the RFP out and returned so they could find out who was interested in the space.

Nathan Poore said it could go as fast or slow as they wanted. If they were interested in a fairly quick process, they could have an RFP for the next Council meeting. If they liked it and didn't need to revise it, it could be out in early August. His question was did the Town want to do it alone or did they want to have a company help market it. They recommended a 90-day process. He said about four months before getting it in and then there could be a while for negotiations. With that they were looking at a six month process, which was fairly quick.

Councilor Varney asked if until then, Community Programs could use the facilities.

Nathan Poore said absolutely.

Councilor Chase agreed with Councilor Orestis that he thought that people thought Community Programs would go into the one of the buildings and then possibly part of the parcel would be sold. For him, he needed to know what Ocean View had in mind, to design a RFP. If they wanted to hire someone that lived 50 miles away at \$100 per hour, they could do that, but that wasn't his cup of tea. He needed to hear from Ocean View. They had come to them a couple of times, but they had never responded. There was a piece of land that was contiguous with Ocean View, at least five acres, that was always intended to go to the abutter, cut right into the parcel that Ocean View occupied. The advantage of Ocean View having that parcel of land was very clear. They would have egress for utilities. He said he couldn't imagine another developer coming in to develop that parcel. He needed to know how much Ocean View wanted and what

else they had in mind. He would vote in favor of going into an RFP with Ocean View that night. Ocean View is the largest tax payer in Falmouth. They paid their bills and were a good neighbor.

Chair Pierce said she was hearing from Councilor Chase, that he would like at least a portion of the land moved towards a community center.

Councilor Chase confirmed that and he thought that was always the understanding. He had never heard anybody that opposed that. With Ocean View coming from that side, they would relieve the pressure on Lunt, Middle and Falmouth roads. If another business came in there they could be gridlocked.

Chair Pierce said that was an interesting point and she agreed with that.

Councilor Payne said all he knew was that the proposal on the ballot was rejected. They could speculate what people thought and said. He also knew from a space planning and community development perspective, there were a lot of untapped resources in the existing community center, which was the economic district of the town. When the idea had been floated around, turning Family Ice into a community center received good feedback. From a long-term planning perspective, he was in favor of expanding and broadening their footprint of community owned facilities didn't make a lot of sense. He asked Nathan Poore, but he didn't think they could just move Community Programs into Motz without bringing it up to code, which had several hundred thousand dollars worth of improvements.

Nathan Poore said he was correct but he thought it was about a \$1 million dollar project.

Councilor Payne said he didn't think paying that much money was what the voters had in mind. He thought they should build out density where they had natural patterns of traffic. He said they were approached by the Baxter school. They were looking for more space and were specifically interested in the Lunt school. They also had a new statute that allowed charter schools. He thought that was promising as well. He agreed with Councilor Chase about having Ocean View as a great abutter. He didn't want to enter into negotiations, but he wanted to see what they had to say.

Councilor Varney would like to maintain Plummer's façade, because there were a lot of citizens that wanted that. She would tear down Motz if given a choice. She wondered if there was a way to ask the State for a waiver to use Mason gym and the Motz classroom while they figured out what to do, instead of spending \$900,000 dollars because people wanted more space for Community Programs.

Chair Pierce said they had programs going on in the classrooms at non-school times and not have their administrative arm there. It would still generate income.

Nathan Poore said he and Lucky D'Ascanio, Community Programs Director, had been talking about that. He thought they could continue using the gym as that. He would argue that they were already using the classrooms. It might be grandfathered. He was quite certain about the gym, but less about the classrooms.

Councilor Varney knew the music room was used.

Chair Pierce wanted to give some direction to Theo Holtwijk and Nathan Poore.

Councilor Varney wanted to hear from Bill Plouffe, Town lawyer, on what they could do legally.

Nathan Poore said they could do a bit alternate in the RFP, asking for a proposal that included what the Council wanted like saving the façade or whatever else. They could ask for two different proposals.

Councilor Orestis said they had an opportunity to proceed like a business. Following RFPs was business protocol and he had heard people asking why the Council couldn't work more like a business.

Councilor Chase said he wanted to hear from Ocean View first and then go down that path.

Chair Pierce thought Ocean View wanted to hear what they wanted as well.

Councilor Chase said they expected them to make an RFP and they needed some sort of a price. He thought they should do this like a business as well, and any business would go to the abutter and find out what they wanted to do.

Councilor Payne agreed. He wanted to raise the issue of use of the schools.

Chair Pierce said she was going to talk about that later but they didn't own them yet.

Councilor Payne said putting Community Programs in there would trigger a different use. Their options may then be limited.

Chair Pierce said they wouldn't do operations in there.

Nathan Poore said they would look into that and see if they are grandfathered or if it triggered a code issue. He had no intention of entering into that if it required any investment.

Councilor Orestis said Gorham and Westbrook had done what they were looking to do, and he was wondering if the Council had talked to them.

Chair Pierce said they had toured them.

Nathan Poore said it was a municipal project and a bond process. Cumberland was going through an RFP process.

Councilor Orestis proposed they benchmark something in the region to learn from or follow.

Councilor Payne asked if they were going to add to the operating overhead and build out the Town structure.

Chair Pierce asked how that would be different from doing the same thing at Family Ice.

Councilor Payne said they owned the land and they may have surplus proceeds. He said Falmouth had built a high school, elementary school, etc. with the thought that there would be community use, but they had been absorbed by the school structure and had not been used for the community. With all of the gyms, one would think that there would be enough gym space.

Chair Pierce said that Community Programs used the gym all summer.

Councilor Armitage said they should proceed with an RFP and to make it as open and flexible as possible. He thought anything and everything was on the table.

Chair Pierce was in agreement with Councilors Chase and Orestis and to an extent Councilor Varney. She was concerned that they had done an analysis on a community center and if they had a community center anywhere in town, it would have size and flexibility for the future. She thought it was important to know about the nature preserve too. She wanted to know from the schools when they would take control of the

buildings and what their future needs would be. She also wanted to go to an RFP and understand the legalities, and the opportunity to hear from the public.

Nathan Poore asked if they would consider using a company with the RFP. It would be an outreach to people who know the business. He thought it would have value.

Item 8 Discussion with the Town Attorney regarding the Town Council's rights, responsibilities and options pertaining to the disposal of Town owned surplus real estate.

Bill Plouffe said the Town Charter said surplus property would be disposed of by competitive bidding, unless otherwise said in the Ordinance. The Ordinance said that it wasn't crystal clear in language, but looking at legislative history, the idea was there will be competitive bidding, unless there were unusual circumstances. There were three other methods that could be used in that case; a public auction, the process of the call to offer, and the last one didn't really apply there because it was for tax-acquired property. Based on their discussion, they were able to use those processes. If they were going to do something other than the strict RFP, he would suggest using unusual circumstances, which he felt were there, and as Nathan Poore suggested, it looked like an RFP but was really more like a call to offer, which gave the ability to negotiate. It gave more flexibility.

Councilor Armitage said if they were all in agreement there were unusual circumstances, why couldn't they just waive the competitive bid process and sit down and negotiate with Ocean View.

Bill Plouffe said when they waived the competitive bid process that brought them into one of the other three options, so they couldn't just go to the abutter and make a deal. They could go to the abutter and tell them what the process was and welcome them to bid.

Councilor Armitage asked what would happen if Ocean View knocked on their door and asked to talk about it before they had an RFP.

Bill Plouffe didn't see any harm, as long as they were willing to talk to anybody. A level playing field was embedded in the language.

Nathan Poore said talk to people in public or executive session.

Bill Plouffe said they could talk in executive session with votes from the Council on real estate matters.

Item 9 Order to authorize the Town Manager to solicit a proposal from Ocean View with regard to the full or partial disposal of town owned real estate, known as the to be vacated Plummer-Motz and Lunt elementary schools.

Councilor Armitage asked Councilor Chase if they tabled it and went into Executive Session and see what they had to say.

Councilor Chase said that was his point.

Nathan Poore said if they did that, it would open the door for other people to come up with a plan to possibly go into Executive Session or a public session.

Councilor Chase needed to know what Ocean View wanted to do before there could be an RFP designed, especially if they were going to spend money on crafting it.

Councilor Armitage said he wasn't very comfortable with making an RFP based on Ocean View's presentation. Everyone else could then see that presentation. If they were going to talk to Ocean View they should do it in Executive Session. He didn't think it was fair to make the RFP based on Ocean View.

Councilor Chase said at some point they would see a difference between how they dealt with the five acres and how they dealt with Lunt school.

Councilor Varney wanted to hear what Ocean View had to say and if anyone else had something to say, they should have the same opportunity.

Councilor Orestis said Ocean View needed to feel comfortable with the fact that whatever they proposed was going to be analyzed and considered when issuing an RFP to others. He had never had an RFP done like that.

Councilor Payne said if they could be more proactive, he would love to see the development community hear that the Council would be delighted to chat with anyone in Executive Session about the disposition of the property, and they would derive an RFP from the inputs. The Executive Session was confidential discussions that didn't leave the room. There was no written record.

Councilor Armitage asked Nathan Poore if they could pull out the memo that was prepared for the results of the three meetings back in January. He wanted them to summarize what the three developers' thoughts were.

Councilor Payne asked that if they are sent out to the Council that they could also be posted for the public.

Chair Pierce said it had already been posted. She thought that the agenda item should be tabled.

Councilor Chase moved to table; Councilor Armitage seconded. Motion carried 6-0.

Nathan Poore said it sounded like they were putting off having an RFP. He wanted to know how long the proposal period was open, and wanted to know if he should advertise and spread the word.

Chair Pierce said she didn't think they had an open-ended timeline.

Councilor Armitage said anytime before they drafted and voted on an RFP they could come in.

Nathan Poore recommended a little more structure. He anticipated at least two meetings, so the first meeting in August.

Chair Pierce said they did want some public comment as well that they could build into the process. She wanted people to react to the RFP.

Councilor Orestis said they would normally issue an RFP and include the provision for in-person presentations for all respondents.

Councilor Armitage said Ocean View would potentially put forth a proposal. Any other proposal could come in and make the same presentation.

Councilor Orestis said they haven't made any provisions, have any timelines, parameters, etc.

Councilor Armitage said they did have confidentiality and nondisclosure because of the Executive Session.

Councilor Chase said they didn't know what they wanted.

Chair Pierce asked if they were opening themselves up for future discussions.

Bill Plouffe said he was uncomfortable with accepting a proposal before there was an RFP out. He didn't think there was anything wrong with discussing the disposition of real estate. He said it was an unusual situation. What they would be discussing would be realities of the properties, not proposals.

Councilor Payne said if they were could, they would like to hear from people by July 25 and a draft language for the following meeting on August 8.

Councilor Armitage was hesitant to allow residents to come in and make a presentation because then they could advocate what they wanted or didn't want. There needed to be a legitimate level of the ability to do something.

Nathan Poore asked how to prequalify it.

Chair Pierce said they needed to allow the time for anybody to come forth.

Nathan Poore read what he would run as an ad.

Councilor Armitage said they couldn't entertain proposals.

Nathan Poore asked if they weren't proposals, how would they go into Executive Session?

Councilor Armitage said they had agreed there were unusual circumstances, and that was why they were going into Executive Session. He didn't know if they needed to advertise and ask for, but if other interested parties wanted to come and present something that may inform them in developing the RFP, the meetings might be helpful.

Nathan Poore said he didn't mind not advertising, but he wanted some structure to give people the proper information. He thought that it would be no later than July 27, and if there was a lot of demand they might need to start meeting earlier.

Councilor Orestis said as wide an audience and as fair as possible.

Item 10 Discussion about Silver Bullet relocation to the Transfer Station.

Moved to 6 (a).

Item 11 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 Armitage moved to go into Executive Session to discuss possible disposal of surplus real estate; Councilor Varney seconded. Motion carried 6-0.

Item 12 Discussion about future Council agenda items.

The future agenda items were discussed in Executive Session.

Adjourn

Respectfully submitted,

Jon Planer

Recording secretary