

**Town Council Meeting
DRAFT Minutes
September 9, 2013**

The meeting was called to order at 6:00 pm.

Roll Call

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

Councilor Orestis arrived late.

Item 1 Site and building inspection with consulting architect/engineer to review portions of the Town Hall regarding renovation needs.

The Councilors took a tour of the Town Hall facilities.

Item 2 Public Hearing on an amendment to the Code of Ordinances relative to solid waste disposal fees.

Chair Pierce opened the public hearing; there was no public comment.

Mr. Poore said this is a housekeeping measure. While the Council previously approved a pay-as-you-throw solid waste disposal program, staff recommend that this program be formalized in the ordinance. This amendment would also grant the Council the authority to set the fee schedule.

An order was scheduled for September 23.

Item 3 Public Hearing on an amendment to the Code of Ordinances relative to the disposal of surplus property.

Chair Pierce opened the public hearing; there was no public comment.

An order was scheduled for September 23.

Item 4 Order to authorize the Town Manager to execute corrective easements for a private way.

Community Development Director Amanda Stearns said this is in regards to a private way approved in 2002 and amended in 2004. The required deeds and easements were recorded in 2002, but corrective deeds and easements relative to the amendment in 2004 were not recorded. In order for the property owners to begin construction on the private way, the Council is asked to authorize the Town Manager to execute a quitclaim deed, which would release all rights in the current easements; the corrective easements will be recorded at the same time.

Chair Pierce asked if there were any issues identified by the Town Attorney. Ms. Stearns said the Town Attorney has reviewed the documents and made a few non-substantive changes.

Councilor Mahoney asked if the trail easement provides access to the open space on the subdivision land.

Ms. Stearns said yes; it provides an easement across lot 4 onto the conservation easement property, which abuts Winn Road. The main purpose of this was probably to preserve the views over the large farm fields. The easement was required in 2002, and everything was recorded at that point. In 2004 they had to shift the right of way 10-15 feet because the Portland Water District required an easement along the right of way for future expansion.

Chair Pierce opened a public comment period; there was no public comment.

Councilor Goldberg moved the order; Councilor King seconded. Motion carried 7-0.

Councilor Mahoney moved to take item 6 before item 5; Councilor Farber seconded. Motion carried 7-0.

Item 6 Review and discuss a report from Oak Point Associates regarding renovations at the Town Hall.

Mr. Poore made a presentation on the history of the Town Hall and the consultants' recommendations for renovations and improvements. The goals of these improvements would be to address indoor air quality, structural integrity, energy efficiency, spatial efficiency and appearance. He discussed the issues with the building and the recommendations for addressing them, including mold in the crawl space; energy inefficiencies; asbestos siding; inoperable windows; structural integrity; an aging and inefficient HVAC system; and inefficient use of interior space.

Chair Pierce would like to move ahead with this issue. There are health and safety issues that need to be addressed.

Councilor Orestis agreed; he felt the health and safety issues came first. They saw on the tour that people are exposed and that needs to be addressed immediately. He didn't know if it can be done in stages, but those issues need to be taken care of first. He was concerned about what might happen once they open up an old building like this one.

Councilor King wondered if there was a short- and long-range approach to this.

Mr. Poore felt that what evolved is a long-range plan. If they are looking at occupying this building only in the short term, the outlook would change. In that case, air quality would be important but perhaps not air circulation. He wouldn't recommend this project if they were considering short-term use; if they invest in this project they should plan to remain in the building for 20+ years.

Councilor Anderson said when you really examine this building, it is clear it needs help. Once every 20 years seems like a good amount of time for an old building like this. Regarding financing the project, he felt the Council needed to discuss all the needs/projects facing them and make a decision on how to use the fund balance in the aggregate.

Chair Pierce felt the goal tonight was to come to consensus on whether work needs to be done at Town Hall.

Councilor Mahoney asked if the decision had been made on whether to move Town Hall.

Chair Pierce said that, during the facilities planning process, they had looked at moving town hall services to Plummer. It would have been a good fit, but the Town no longer owns Plummer. She felt if the Council wanted to look at moving Town Hall to Motz they can, but it would require getting this building into shape for sale as well as gauging the public's opinion.

Councilor Mahoney wanted to make sure they explored all their options. He didn't want to keep pouring money into a structure that didn't serve the civic use. He fully supported adding space to the food pantry.

Councilor Goldberg said this building is an asset of the Town, and they have cared for it for a long time. At some point you have to stop kicking the can down the road. This isn't a vanity project; these are things that need to be done.

Councilor Farber would caution them about committing to the interior work too soon. She agreed that health, safety and energy efficiency are crucial. She would like to hold off on the rest of the suggestions regarding space use until they have answered more questions, particularly about community programs. She wondered what projects could be added to the capital improvement plan and done over the next 3-5 years.

Councilor Mahoney felt expanding the food pantry needed to be addressed soon and they should talk about moving community programs; that would free up a lot of space in the building.

Councilor Farber asked about the next step in this process. Mr. Poore felt they would look at either a construction management or design/build project. Once they determined that, they could put it out to bid.

Councilor Mahoney asked if the cost estimates from Oak Point included architectural designs. Mr. Poore said it included all soft costs.

Councilor Orestis wondered if they can do this in stages, starting with the health and safety issues for example, or if they have to be all in.

Mr. Poore felt the interior was the only part they can pull out. The siding, air handling, etc. all fit together.

Councilor Farber felt they should get started. The community programs decision relates to the interior space project, and it doesn't get them closer to the remaining pieces of the project.

Councilor King wondered if they can move forward with step 1, the construction management piece, while the Council works on the other issues.

Mr. Poore agreed that they can make progress on that while they work on the other issues.

Councilor Goldberg pointed out that if they took an old building and really renovated it, it would cost more than \$2 million. While \$900,000 is a lot of money, it is significantly less than what could have been spent, and will provide a safe, functional building.

Chair Pierce said they would move on to the next step, proceeding with a phased approach if possible.

Councilor Mahoney asked if using Motz for Community Programs will require work as well.

Chair Pierce said yes; there is work that is needed in order to bring it up to code, including upgrading the heating system and addressing some health issues. Her hope was that they would have some decision on these issues by the end of December.

Item 5 Request for zoning amendment in the Ridgewood Open Space Residential District.

Peter Biegel of SYTDesign, representing the developers, discussed the history of the development. It includes 93 acres and 75 units with 62 acres of open space. 21 units have been constructed to date. He presented aerial photos of the property to the Councilors. The original unit design was a taller building; buyers were not interested in that design but preferred a single story unit with a 4 season room. This has

led to the units being very tight to their lines, and in one case they couldn't fit the unit they wanted onto a lot. They are asking for this amendment to allow them greater flexibility to meet their buyers' demands. He said that this change would not impact the buffering between the development and the surrounding properties. In other zones, single family dwellings have setbacks and/or perimeter buffers that range from 20-50 feet. In this situation, if they can get 20 feet of relief it would allow them to accommodate these small unit changes. The OSRD zone attached to this project was repealed shortly after this was approved, so there are no other developments that would be impacted.

Chair Pierce asked him to identify the units that could be impacted by the proposed change. Mr. Biegel indicated those units on the plans. The impact is limited to 5-6 units.

Chair Pierce asked if he had reached out to the Land Trust, which holds the easements surrounding the project; Mr. Biegel said they have not.

Councilor Farber wanted all impacted abutters to be noticed and given the opportunity to speak on this issue.

Councilor King felt these were more Planning Board questions. She didn't know where the threshold should be on this setback.

Councilor Anderson asked how much of a reduction they wanted. Mr. Biegel said they wanted a 20 foot reduction, moving the setback from 75 feet to 55 feet.

Councilor Mahoney asked if there was an exemption or exception that could be made after the fact. He agreed with Chair Pierce that they should speak with the Land Trust.

Ms. Stearns said this request is for a zoning amendment and would go through the regular zoning amendment process. The OSRD requirements on this parcel were first approved by the Board and then came to the Council. The 75 foot buffer was part of the ordinance requirements. The Council placed conditions on the project, mostly related to the adjacent vernal pool. Those conditions were met. The Planning Board cannot grant a waiver to the buffer; it is a district requirement set by the Council. In order to change it the Council needs to approve an amendment. Abutters would be notified as part of that process.

Councilor Mahoney pointed out that the ordinance was repealed. Ms. Stearns said yes, but this district still exists. It was a floating district. Cornerstone is the only other one that exists.

The Council agreed to move forward with the process.

Mr. Biegel said all other setbacks would remain in place.

Item 7 Ordinance to amend the Code of Ordinances relative to the Council Liaison to the Long Range Planning Advisory Committee (LPAC).

Councilor Farber moved the ordinance; Councilor Mahoney seconded. Motion carried 7-0.

Item 8 Order to appoint a Voting Delegate and an alternate for the Maine Municipal Association's Annual Business Meeting on Wednesday, October 2, 2013.

Councilor Mahoney moved to appoint Mr. Poore as the voting delegate, and Councilor Farber as the alternate; Councilor King seconded. Motion carried 7-0.

Item 9 Discussion about future Council agendas

Councilor Anderson reminded everyone of the public forum to discuss Route 1 on Wednesday, September 18 at 7pm at the Library.

Councilor Farber said there will be a community forum to discuss the Library expansion on Tuesday, September 10 at 6pm at the Library.

Item 10 Order to go into Executive Session pursuant to the Laws of Maine to discuss and consider the possible disposition of land, pursuant to 1 M.R.S.A. § 405 (6) (C).

Councilor Mahoney moved to enter executive session; Councilor King seconded. Motion carried 7-0.

The Council did not return from executive session.

Respectfully submitted,

Melissa Tryon,
Recording Secretary