

**Town Council Special Meeting
August 19, 2008
MINUTES**

Roll Call

Present and answering roll call: Councilors Rodden, Breen, Armitage, Libby, Payne & Pierce.
Absent: Councilor Wroblewski.

Item 1 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 Libby moved to go into executive session; Councilor Breen seconded. Motion carried 6-0.

The Council returned from executive session.

Order to authorize the Town Manager to execute a purchase and sale agreement for property identified as tax map R06, lot 12, as presented.

Councilor Breen moved to approve; Councilor Libby seconded. Motion carried 6-0.

Order to authorize the Town Manager to execute a purchase and sale agreement for property identified as tax map R06, lot 15, as presented.

Councilor Breen moved to approve; Councilor Libby seconded. Motion carried 6-0.

Order to authorize the Town Manager to execute a purchase and sale agreement for property identified as tax map R06, lot 10, as presented.

Councilor Breen moved to approve; Councilor Libby seconded.

Councilor Rodden pointed out that these parcels meet a number of requirements under The Greening of Falmouth and that is why they are being purchased. Councilor Breen said they were highly recommended for purchase by the Open Space Implementation Sub-Committee. Nathan Poore noted that they are also part of the Lands for Maine's Future Project.

Motion carried 6-0.

Item 2 Public hearing on a proposed bond order authorizing the design, construction and equipping of a new elementary school at the Falmouth Middle School / High School Woodville campus with total project costs not to exceed \$46,234,545 (plus issuance costs), and further authorizing issuance of up to \$46,044,726 of the Town's general obligation bonds and notes and acceptance of Maine High Performance Schools Program Grants in an amount not to exceed \$189,819 therefore.

The public hearing was opened at 7:10 pm.

Karen Farber gave an update on the project status. On August 6th, 60+ people attended a straw poll. There were questions about school drop off, continuing access to the playground, and the new school and the anticipated vernal pool/wetland ordinances. The State Board of Education has endorsed the design, and the Falmouth School Board has passed a resolution recommending

to the Town Council the issuance of an elementary school bond referendum – that recommendation lends itself to either a one-question or two-question format.

George Tarbox of Middle Road asked if the school is actually going to be “green” (wood pellet heat, southerly facing, green roof) or if that is a selling point to get it through. He wondered if the money in the referendum would cover those green elements. He thought they were railroading the vote by having it in October instead of November. He thought they should have two votes: one for the \$40 million, and one for the \$6 million.

Karen Farber answered that geothermal heat is not currently funded by the Dept of Education; woodchips are. The \$40 million includes a woodchip boiler for the elementary school, but it is not enough for the high school. The woodchip boiler for the high school is included in the \$6 million. It will be either a woodchip boiler for the elementary school or geothermal.

George Tarbox wondered what happened if the actual costs came in less the amount of the referendum.

Jack Gagnon, of Oak Point Associates, said that a negotiation between the state and the town would happen to distribute the underage – it doesn’t all go to one or the other.

Tim Sabo was disappointed with the split referendum and strongly encouraged the Council to choose a single referendum question.

The public hearing was closed at 7:25 pm.

Item 3 Order Authorizing the Design, Construction and Equipping of a New Elementary School at the Falmouth Middle School / High School Woodville Campus.

Councilors Libby and Breen wondered about the three versions of the bond order provided to the Council with the agenda.

Town Manager Nathan Poore explained that it depended on how the referendum was written. If it was a one-question format, then the Council should approve the first bond order attached. If they went with a two-question format, then they would have to approve the two bonds separately – one to approve state funding, and one to approve local funding.

Councilor Breen asked if they could approve the referendum first.

Nathan Poore explained that, as a matter of procedure, the Council must first approve the bond order before sending it to question, but that a conceptual discussion could take place now, to determine the wording of the referendum, before voting on the bond.

The Council took up discussion regarding the format of the referendum – one-question or two-question. The majority of the Council supported the two-vote format.

Order Pursuant to 20-A M.R.S.A. §15904 and 30-A M.R.S.A. §5772, the Charter of the Town of Falmouth and all other authority thereto enabling and subject to approval of the voters of the Town of Falmouth at a referendum election to be held pursuant to 20-A M.R.S.A. §15904 and Section 903 of the Town Charter, the Town Council hereby authorizes the

design, construction and equipping of a new elementary school at the Falmouth Middle School / High School Woodville Campus with total project costs not to exceed \$40,857,219 (the "Project"), and further authorizes the Town's general obligation bonds in the aggregate principal amount not to exceed Forty Million Six Hundred Sixty-Seven Thousand Four Hundred Dollars (\$40,667,400) (the "Bonds"), the proceeds of which (including investment earnings thereon) shall be used and are hereby appropriated to finance all costs of the Project, and BE IT FURTHER ORDERED the remaining language as submitted by the Town's attorney to be made part of the official record of this meeting.

Councilor Breen moved to adopt the order; Councilor Libby seconded. Motion carried 6-0.

Order Pursuant to 20-A M.R.S.A. §15904 and 30-A M.R.S.A. §5772, the Charter of the Town of Falmouth and all other authority thereto enabling and subject to approval of the voters of the Town of Falmouth at a referendum election to be held pursuant to 20-A M.R.S.A. §15904 and Section 903 of the Town Charter, the Town Council hereby authorizes Additional Program Improvements, Athletic Facility Improvements and Sustainable Design Improvements with respect to a new elementary school at the Falmouth Middle School / High School Woodville Campus with total project costs not to exceed \$5,337,326 (the "Project"), and further authorizes the Town's general obligation bonds in the aggregate principal amount not to exceed Five Million Three Hundred Thirty-Seven Thousand Three Hundred Twenty-Six Dollars (\$5,337,326) (the "Bonds"), the proceeds of which (including investment earnings thereon) shall be used and are hereby appropriated to finance all costs of the Project, and BE IT FURTHER ORDERED the remaining language as submitted by the Town's attorney to be made part of the official record of this meeting.

Councilor Breen moved to adopt the order; Councilor Libby seconded.

Councilor Pierce stated that she is voting on the project, but still does not support the two-question format.

Motion carried 6-0.

Item 4 Order to submit an elementary school construction project / bond order to referendum.

There was discussion relative to the language of the questions. There were some changes made to the wording today, and Dan O'Shea explained those changes to the Council. These changes were made for clarification for the voters. The Council agreed that they were in favor of the updated language.

Order that the Town Council hereby submits to the legal voters of the Town of Falmouth in accordance with Section 903 of the Town Charter and 20-A

M.R.S.A. §15904, a proposition for the enactment of the School Orders substantially in the form attached hereto as Exhibit A.

Councilor Breen moved to adopt the order; Councilor Pierce seconded.

Councilor Libby moved to **amend the order**, changing the date of the vote to November 4, 2008 from October 7, 2008. Councilor Payne seconded.

The Council discussed the amendment to the order. Councilor Libby thought they would get the most public input and response on November 4th. Councilor Breen felt that the school consolidation vote is already on the November ballot and it is sufficiently complicated without adding this question on the ballot. Councilor Payne felt that elderly voters do not show up for special elections. Councilor Rodden encouraged anyone who was against this issue to get out and campaign; she supported an October vote. Councilor Pierce felt there were plenty of opportunities for everyone to vote. She felt there would be a high turn-out for this election and that a separate vote allows this to stand on its own. Councilor Armitage would prefer for this election to be held in November, but the Council has already approved this to go forward in October and there is one Councilor missing tonight.

Motion failed 2-4 (Breen, Rodden, Armitage, Pierce opposed)

Nathan Poore mentioned that there was an error in the order, listing the Council meeting as a “regular” meeting instead of a “special” meeting.

Councilor Breen moved to **amend the original order** to reflect the change from “regular” meeting to “special” meeting. Councilor Pierce seconded.

Motion carried 6-0.

Original motion carried 6-0.

Adjourn

Councilor Libby moved to adjourn; Councilor Pierce seconded. Motion carried 6-0.

Special meeting adjourned 8:02 pm.