

Town Council Special Meeting and Workshop
Minutes
May 9, 2011

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

Roll Call

Councilors Payne, Pierce, Armitage, Chase, Rodden, and Varney were present and answering roll call. Councilor Breen was absent.

Pledge of Allegiance

Chair Payne led those present in reciting the pledge of allegiance.

Councilor Varney wanted to recognize the robotics team as well. Councilor Pierce seconded. Motion carried 6-0.

Item 1 A resolution to recognize the 2011 Iron Twinkies Jazz Band.

Councilor Varney read the resolution to recognize the jazz band and read the names of the students in the band.

Councilor Varney moved the resolution be adopted; Councilor Pierce seconded. Motion carried 6-0.

Item 2 Resolutions to recognize Katharina Ertman and Sarah Sukeforth for their musical accomplishments.

Councilor Varney read the resolution outlining Sarah Sukeforth's accomplishments.

Councilor Varney moved the resolution be adopted; Councilor Pierce seconded. Motion carried 6-0.

Councilor Varney read the resolution outlining Katharina Ertman's accomplishments.

Councilor Varney moved the resolution be adopted; Councilor Pierce seconded. Motion carried 6-0.

Item 3 Resolution to recognize the Free Style Nordic Skiing Champions.

Councilor Varney read the resolution.

Councilor Varney moved the resolution be adopted; Councilor Pierce seconded. Motion carried 6-0.

Item 4 Resolution to recognize the 2011 Falmouth High School Diving Champions.

Councilor Varney read the resolution outlining the accomplishments of Nicola Mancini.

Councilor Varney moved the resolution be adopted; Councilor Pierce seconded. Motion carried 6-0.

Councilor Varney read the resolution outlining the accomplishments of Ryan Conley.

Councilor Varney moved the resolution be adopted; Councilor Pierce seconded. Motion carried 6-0.

Item 4 (b) Resolution to recognize the Zero Robotics team.

Councilor Varney read the resolution.

Councilor Varney moved the resolution be adopted; Councilor Pierce seconded. Motion carried 6-0.

Item 5 Order to approve the Service Agreement between Tidewater LLC and the University of Maine Cooperative Extension.

Amanda Stearns, Community Development Director explained that the University of Maine had been working with Tidewater LLC to purchase condominium space in TD 2 along Clearwater Drive. There was a need to establish long term rights. The ability to assign third party rights by Tidewater LLC would require Town Council approval and also that the proposed activities were approved and encouraged by the conservation easement the Town held. She explained that she and Doug Babkirk, Head of Cooperative Extension for the University of Maine, were there to request the Council's authorization of the agreement of Tidewater LLC and the University of Maine.

Chair Payne asked Mr. Babkirk what would be done on the three acres.

Mr. Babkirk said it would be an opportunity to do cooperative gardening as well as sustainable agricultural practices. They had 450 master gardener volunteers to help design the land for usage. The produce grown there would be donated to food banks.

Councilor Rodden wanted to know if there would be any land leftover.

Mr. Babkirk said they would have 3 acres of the 32. Tidewater and the Center for African studies had plots of their own as well.

Amanda Stearns said the cultivated areas were near Farmgate Road. A vast majority was tidal land or protected under shoreland zoning as well as some trails. There was a total of 9 acres under cultivation.

Councilor Rodden asked if the University had plans to make use of the historic buildings further down the road.

Mr. Babkirk said they did not.

Councilor Rodden asked if that would preclude the space where they would be growing for parking.

Amanda Stearns said that parking there wouldn't be an issue because there was a fair amount of room, but if they needed additional parking then that would have to be addressed by the Town.

Councilor Armitage thought that it was a win-win situation.

Councilor Armitage moved to approve the order.

Public comment was opened; public comment closed.

Councilor Pierce seconded. Motion carried 6-0.

Item 6 Discussion about future changes in services related to recycling, including "silver bullet" recycling containers and curb side recycling.

Jay Reynolds, Director of Parks and Public Works, presented the plan to go from biweekly collection to weekly curbside collection for recycling. There was a savings to make the change. Staff was looking for guidance as to whether that was a viable option for the Town. Statistics showed that if weekly collection for curbside was done, the silver bullet may not be needed. There were also some operational issues with the silver bullets. Some of the benefits would be labor time saved, illegal dumping would be limited, Non-Falmouth recycling would be eliminated, and silver bullet usage could be continued at the Transfer Station. He recommended that weekly curbside recycling be implemented, the elimination of the Bucknam Road and Gray Road locations, and consolidation of silver bullets at the Transfer Station.

Councilor Pierce asked if the bottle return at Bucknam Road that NPO's use would still be there for usage.

Jay Reynolds said that there was also one at Gray Road. That would be one thing they had to decide but that was one of the options.

Councilor Varney said she and a few others she asked at Bucknam Road did not want the silver bullets there to be taken away because there are older people with long driveways and it was tough for them to do curbside pickup. She also thought the Transfer Station wasn't open that much.

Councilor Pierce said they purchased a truck to haul away the bullets a few years ago. She wondered about the truck.

Jay Reynolds said they would still use the truck. They were expecting an increase in the use of the silver bullets at the Transfer Station.

Councilor Chase asked whether the pictures shown were all recycling or trash.

Jay Reynolds said they would have to put it all in and haul it to ecoMaine.

Councilor Chase asked if they had to sort it out between trash and recycling.

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Jay Reynolds said there were times when they had to sort.

Councilor Chase asked if there was an opportunity to put the silver bullets outside of the gate at the Transfer Station.

Jay Reynolds said that was possible but that option left security issues. He thought they would just be moving the issue to a new location.

Councilor Pierce asked if they considered extending hours of the Transfer Station.

Jay Reynolds said he and Nathan Poore, Town Manager, had discussed that briefly, but that could be looked into with further detail if the Council wanted to.

Chair Payne asked if they would have a net savings if they extended hours.

Jay Reynolds said he thought they would still realize some savings.

Nathan Poore said Jay Reynolds did some analysis of busyness at the Transfer Station and wondered if he had that data.

Jay Reynolds said when they did that in 2009, Saturday was the busiest. Thursday evenings was a late hour but that hour got reduced because people weren't using it.

Councilor Chase asked how they determined what trash was from Falmouth and what wasn't.

Jay Reynolds said it was based on an existing survey done by asking people where they were from at the silver bullets and it was estimated that about 28% of people weren't from Falmouth.

Councilor Armitage said he agreed with what staff was doing. He said maybe there was a way to work on additional hours.

Councilor Rodden said she had been working with Jay and Nathan and was concerned being the liaison to the recycling committee and being a member of ecoMaine. Her big problem was 60% of the recycling was coming from the silver bullets. She wanted to wait for three months and have weekly curbside collection to see if people were using it and it was stable. If that was the case, with silver bullet usage, they could look at it again. She thought it left some residents on a limb if they dropped it quickly. She didn't feel that using the silver bullets at the Transfer Station would be enough. She asked Nathan Poore if the primary purpose was not to save money.

Nathan Poore confirmed that saving money was not the primary purpose. There wasn't a lot of cost savings.

Councilor Rodden didn't want town employees cleaning up after people at the silver bullets, but she didn't see why they couldn't have a trial run. She thought it would be more difficult to stop something and restart it.

Chair Payne said they had an obligation to give taxpayers the greatest value. He thought pulling the silver bullet would be doing that for the taxpayers. He wanted to say that people didn't have to recycle in the

blue tubs. They could use any container. He said that people used a lot of gas going to the silver bullets. Those trips would be stopped if they had more curbside recycling.

Councilor Varney said that when she was talking to people at the silver bullets, it was a younger lady who wanted to have it at the curbside. She said it was the older women who used the silver bullets on their way to the grocery store.

Councilor Pierce said she was in favor of getting rid of the silver bullets. She felt they should do it on the day they started curbside recycling. It was a little bit of habit, but habits can change. Communication and education helps. She said people out there create a lot of mess and extra work that the Town had to pay for. She wanted them to consider having the Transfer Station open one early morning.

Councilor Chase said he was Councilors Armitage and Pierce.

Item 7 Order to approve the FY12 Municipal and School Department Budgets in accordance with the Town of Falmouth Charter, Article 5, Sec 502.

Councilor Pierce moved to approve the order of the Falmouth Municipal Budget; Councilor Armitage seconded. Motion carried 6-0.

Councilor Pierce moved to approve the order of the Falmouth School Budget; Councilor Armitage seconded. Motion carried 6-0.

Item 8 Public Hearing regarding the June 14, 2011 referendum question 3. This Public Hearing is in accordance with Section 903 of the Town Charter and Title 20A MRSA § 15905-A and M.R.S.A 30-A § 2528 i (5).

Mike Doyle, of Shady Lane, said he video recorded a joint finance committee meeting with the School Board and the Town Council. He said he objected to the request for qualifications.

Councilor Rodden asked where they stood on the grant.

A woman from the audience said they had not.

Item 9 The Council will review and take action on, if appropriate, a draft Memorandum of Understanding (MOU) between the Town of Falmouth and the Falmouth Memorial Library Association.

Councilor Armitage asked what happened if it was not approved. He wanted to know if the MOU would go away.

Nathan Poore said that would go away. He didn't know if they were ready to vote on it yet. If things changed they would have it ready for the 23rd.

Chantal Walker said the Library Board had voted on it but had not formally endorsed it yet. What the Council did that night would give them direction.

Councilor Armitage said the 13,000 square feet for future building rooms seemed excessive. He didn't want that set in stone that they had to provide that amount of space. He also didn't feel that some of the language in the MOU regarding money wasn't very clear. He didn't want the \$1.5 million to pay for the library expansion. He thought most of that would be available to deal with Plummer-Motz. He thought it would be a good idea to not sign anything until the results of the referendum question were in.

Councilor Chase said he thought they needed to be aware that the property was in the resource conservation zoning overlay district. He thought they might want to make a deal with Oceanview if they didn't do a deal with the library. He asked if they would file a subdivision plan as an individual would or could they change the zone.

Councilor Rodden wanted Nathan Poore to address that question.

Councilor Chase said they could make it one deed. He said they could change the zone but was not in favor of that.

Nathan Poore said things have been very complicated. He said they had talked about leaving zoning alone until they went to a call to offer. Entities sending in offers would request zoning changes if they wanted to. He thought they should hold off on deed or property ownerships decisions until the best bid.

Councilor Armitage said he thought that was what they were doing anyways. They weren't necessarily carving out land; they would just have authority to make the sale. He agreed with Councilor Chase.

Councilor Chase didn't mind that that was in there, he just didn't feel that was the first thing they should do.

Chair Payne said that the cash in hand was key and nothing would get executed until they had that cash.

Councilor Chase said he thought they should be aware they had one free one without any kinds of approval. That would include an adjustment to the deed. He said the RCZO was restrictive and ought to be changed.

Councilor Rodden said that in the document, it said that the Town would front the money for the new library, but if it were terminated the cost would be shared.

Nathan Poore said it was shared risk. If the project continued the cost got wrapped up in the full \$3 million. If it didn't come to fruition, any expenses paid upfront by the Town, would be shared equally by the library.

Councilor Rodden preferred the MOU be done before the election, pending approval. It was very specific. It showed that it was well-thought out. She thought the voters should see it.

Councilor Varney pointed out that upon approval of the question, the Town will prepare and execute a deed, immediately.

Chair Payne said they could modify that.

Councilor Armitage said that it was a public document.

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Councilor Rodden said that it didn't have any weight.

Councilor Armitage said that the library was going to make tweaks.

Councilor Rodden said she couldn't see why they couldn't vote on it on the 28th.

Councilor Armitage said he preferred to wait.

Councilor Chase also said he disagreed with Councilor Rodden.

Nathan Poore said it might be good to have a poll from the Council to give staff guidance.

Councilor Armitage asked what the advantage versus the disadvantage of signing it before.

Nathan Poore said nothing from his perspective but the Library Board of Trustees wanted to have something as final and early as possible, before June 14.

Julie Rabinowitz, President of the Board of Trustees, said the document indicated a timeline with the passage of the referendum, if it got passed. If the timeline got delayed, it would delay fundraising, a feasibility survey. It gave them more clarity on what they needed to do.

Chair Payne said he would like to have it done and wrapped up so they had a starting line if the vote passed. He did want clarification on the issues raised.

Councilor Chase asked if they were going to vote on approving the agreement or would they on the 23rd.

Chair Payne said they would vote on the 23.

Councilor Chase said he did not want to vote on the agreement before the referendum. He liked the agreement, just didn't think it was possible to have the agreement before the referendum.

Chantal Walker said the 13,000 square feet came from recommendations from their plans and was voted on and passed by the Council in the resolution.

Councilor Armitage wanted to have flexibility.

Chantal Walker said that it wasn't an addition to the Lunt school. If architects drew up the plans correctly, it had the 13,000 square feet in it.

Councilor Armitage said then it wasn't an addition.

Chantal Walker said that was correct, it was in addition to the 13,000 sq. ft.

Councilor Armitage asked why that was put in to the language.

Nathan Poore said it was about the land.

Councilor Armitage said that was different from what Chantal Walker had said.

Councilor Pierce said it was the parking and other pieces. They would change the language to clarify it.

Councilor Armitage asked why they needed it in there. It would avoid confusion, or just don't assign a number.

Chantal Walker asked if that encompassed the additions from town lawyer Bill Plouffe.

Nathan Poore said that he had not made specific fine-tuning changes but was fairly pleased with the document.

Councilor Varney asked what the size of the current library was.

Chantal Walker said it was 10,700 sq. ft. was total square feet, including the basement.

Councilor Varney asked if they were looking to add 13,000 sq. ft. to the 10,700.

Chantal Walker said she thought it only added 7,000 sq. ft.

A man from the audience, presumably another Trustee, said that in total it would be around 17,000 sq. ft. and of that they were looking to have 13,000 be assignable.

Councilor Rodden asked if he could answer the question of how big the library was without the basement.

Chief Payne thought it was about 7,500-7,800 sq. ft.

Councilor Chase said he would like to get a clear vote from the people until the commit.

Councilor Pierce didn't want to wait because things get pushed out and there was a very stringent time frame.

Councilor Chase was wary of signing it because it was a legal document. He thought they might be accused of trying to influence the vote.

Councilor Armitage said the biggest issue for the library would be the feasibility study and fundraising. He said they should still feel comfortable initiating a study should it pass.

Councilor Varney said they could have one on the last Monday in June.

Nathan Poore said typically they only had one meeting in June.

Councilor Armitage said they could vote on it on the 20th.

The Council consensus was to bring it back for June 20.

Item 10 The Council will receive a Comprehensive Plan progress report and review a draft of the Survey Instrument prepared by the Long Range Planning Advisory Committee (LPAC+).

Sam Redman, Chairman of LPAC, said that they hired Market Decisions to do the survey. It was a genesis of 8 drafts. They tried to identify and hone in on the big issues for the survey. They hoped to launch it on May 16 and be opened for four weeks. They wanted to promote the survey to maximize public input. After they received the results they would be looking to do public outreach.

Councilor Rodden wanted Mr. Redman to ask how residents would be able to take the survey if they didn't have a computer.

Theo Holtwijk, Director of Long Range Planning, said they had hard copies available at Shaw's, Hannaford's, Town Hall, and the Memorial Library. There were two phone numbers people could call to have the survey mailed to them.

Councilor Varney wanted to know if they could pause the survey online and come back to it.

Dr. Robinson said they could do that with the caveat they had to do it on the same computer.

Councilor Armitage liked the topic areas, but was concerned how the questioned were phrased differently. He felt there was bias. He didn't want that in there. He wanted to know why they asked about speeding.

Councilor Rodden wanted them to explain how they were evoking responses and getting at certain issues.

Mr. Redman said they didn't want to have a cookie-cutter survey. He thought the speeding came from the Police Chief. He said they were trying to evoke the kind of response that Councilor Armitage gave.

Chair Payne said he thought a lot of the questions were leading too much. He was concerned with the first couple of questions. He gave examples of questions he didn't like and why.

Mr. Redman said maybe they made some of the questions too simple. They were looking for people to say what they wanted and then have the Council decide on things. They were much more informed about the budget than the LPAC.

Chair Payne said he wanted that to be complete as possible in terms of the fiscal issues for the Council.

The councilors debated the language of some of the questions.

Item 11 Order to sign the June 14, Budget Validation Referendum warrant and the Municipal Official Election and Referendum warrant. M.R.S.A.30-A §2521 §2528.

Councilor Armitage moved to sign the order; Councilor Pierce seconded.

Chair Payne read a letter asking if Michael Doyle was qualified to appear on the School Board ballot due to the fact that he had served time in jail. He read the description of qualification to appear on the ballot.

The question asked if fraud, Michael Doyle's offence, constituted moral turpitude. Would one have to commit the crime while holding office?

Chair Payne read the definition for moral turpitude.

Councilor Armitage asked if the question had been asked to Bill Plouffe, town manager. If it hadn't, could they delay on signing the order until the next meeting?

Nathan Poore asked what type of action the Council would need to take.

Councilor Armitage asked if the Council had the power to remove his name. He asked what were the Council's responsibilities and their authority regarding the situation.

Councilor Chase said they were speaking specifically of Mr. Doyle, he should be there. They shouldn't take action until he was there.

Ellen Planer, Town Clerk, said that she needed ballots in her possession by Monday.

Nathan Poore said he had not had a conversation with Mr. Plouffe if the Council had authority to take a name off the ballot. They had an informal conversation about the meeting of the charter. They thought it was once a person was in office.

Chair Payne said that he had been asked by a number of people.

Nathan Poore said he would say they did not have the authority to take a name of the ballot.

Councilor Armitage said that if Mr. Plouffe had said that it had to be committed while on the board, and they could not take a name off of the ballot, all they could do was approve the warrant as it was issued.

Chair Payne said that would give Mr. Doyle the confidence he would be on the ballot.

Councilor Armitage asked if they could amend the warrant once it was signed since Ellen Planer needed the ballots done.

Chair Payne said that they probably couldn't nor did they have the time.

Councilor Chase said Mr. Doyle should have been notified since he was there at the meeting but had left.

Motion carried 6-0.

Item 12 Order to go into Executive Session pursuant to the Laws of Maine to discuss the possible sale of Pleasant Hill Fire Station property, pursuant 1 M.R.S.A. § 405 (6) (C).

The Council went into Executive Session.

Item 13 The Council will consider authorizing the Town Manager to enter into a purchase and sales agreement (P&S) for the Pleasant Hill Fire Station property.

Theo Holtwijk read that David Hembre bid \$127,000.

Councilor Armitage moved; Councilor Pierce seconded.

Councilor Rodden asked Nathan Poore how much it was budgeted for.

Nathan Poore said they had \$150,000.

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Chair Payne asked where the money would go.

Nathan Poore said the proceeds would go into a reserve account that would be flexible. It will go into the facility project funds. If question one wasn't passed it would probably go into the general fund.

Motion carried 6-0.

Future Agenda Items was added since it was not on the agenda.

Nathan Poore said be looking ahead for citizen of the year. He also said that he couldn't go to the GPCOG meeting. He asked if it was possible to have someone else in his place. That would be added to the May 23 agenda.

Adjourn

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

Meeting adjourned at 9:54 pm.

Respectfully submitted,

Jon Planer

Recording secretary