

Town Council Meeting Minutes April 24, 2017

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

Roll Call

Councilors Kitchel, King, Hemphill, Farber and McBrady were present and answering roll call.

Councilors Ferrante was absent. Councilor Svedlow arrived late.

Pledge of Allegiance

Chair Farber led those present in the Pledge of Allegiance.

Councilor King moved to suspend Council rules and add an item to the end of the agenda. Councilor McBrady seconded. Motion carried 5-0.

Item 1 Public Forum

No one spoke at public forum.

Item 2 (Consent Agenda)

- **Order to approve the minutes of the March 13, 2017 Town Council Special Meeting.**
- **Order to approve the minutes of the March 27, 2017 Town Council Meeting.**

There was no public comment.

Councilor Kitchel moved the agenda; Councilor King seconded. Motion carried 5-0.

Item 3 Report from Council Committees and liaisons regarding updates on assignments.

Councilor Kitchel said that there is an open house for the new senior center at Mason/Motz from 1-4pm on Saturday, April 29.

Councilor King said staff reviewed the sign amendment introduced at the April 12 meeting along with the CDC; they have realized that the design guidelines for Route 1 and Route 100 should have more work done before the amendment goes to public hearings. There may be significant changes so they will reintroduce the amendment on May 8.

Councilor McBrady said there will be a public forum for the Route 1 North committee on April 25 at 7pm at the Lunt Auditorium.

Councilor Hemphill said that all trails in Falmouth are closed due to wet conditions. Hopefully they will be reopened soon.

Item 4 Report from the Appointments Committee relative to filling various vacancies on Boards and Committees.

Chair Farber moved the slate of appointments; Councilor Hemphill seconded. Motion carried 5-0.

- David Low to the Recycling and Energy Advisory Committee

- John & Eunice Wilcox to the Senior Advisory Committee.

Councilor Svedlow arrived at the meeting.

Item 5 Order to appoint election workers for the 2017 elections.

Councilor King moved the slate of appointments; Councilor Kitchel seconded.

WARDEN: Ellen Planer

DEPUTY WARDEN: Linda Case

REGISTRAR: Betsy Jo Whitcomb

DEPUTY REGISTRAR: Sandra Davis and Audrey Grassman

WORKERS:

Maryann Anderson, Jan Andrews, Armen Carapetian, Joyce Cassidy, Donna Lee Cheney, Elinor Clark, Suzanne Connolly, Kerry Corcoran, Carolyn Crowell, Jacqueline Curley, Mary Davis, Sandra Davis, Rebecca Delois, Marge Devine, Colleen Donovan, Stacey Evans, Suzanne Farnham, Leahanne Fenton, Kelley Fernald, Deborah Fossum, Barbara Freeman, Ann Gagnon, Suzanne Geyer, Joel Glass, Nancy Goddard, Audrey Grassman, Joshua Grassman, Arlene Hanson, Marjorie Hodges, Diane Howe, Fred Howe, David Humphrey, David Irish, Nancy Irish, Joan Jensen, Sheila Johnson, Anita Jones, Arnold Kandolo, Dolores Kehoe, Martha Keller, Dick Klain, Beverley Knudsen, Pamela Lakin, Jana Lapoint, Grace Lashua, Lois Lengyel, Sidney Lincoln, Sue Malcolm, Donald McCrann, Patricia McLaughlin, Barbara Merten, Bill Merten, Nandini Merz, Julie Metivier, Wendy Morrisette, Rowan Morse, Carolyn Murray, Jennifer Noyes, Patricia O'Carroll, John O'Connell, Amy Pandya, Patricia Parker, Richard Parker, Dianne Perry, Joan Perry, Lenora Perry, Mary Pickard, Robert Povall, Lori Pride, Eydie Pryzant, Roger Pushor, Claudia Richardson, Dolores Rimkunas, Lynne Russell-Johnson, Ronald Scorson, Daniel Soley, Lee Snow, Barbara Seelen, Robert Snyder, James Solley, Susan Soule, Maytha Southard, Carol Stitson, Susan Terhune, Isabella Thurston, Joanne VanLonen, Faith Varney, Deborah Vashon, Deborah Walker, Daniel Westhoven, Betsy Whitcomb, Marie Wimert, Peggy Wood.

Public comment period opened; there was no public comment.

Motion carried 6-0.

Item 6 Order to authorize the Town Manager to execute a quit claim deed for Map R06, Lot 051 Block 006.

Public comment period opened; no public comment.

Councilor King moved the order; Councilor Hemphill seconded. Motion carried 6-0.

Item 7 Public Hearing and Order relative to a new victualer license for Mark Nolt of North View Farm.

Councilor Kitchel asked where the food truck would be located; Councilor Hemphill said it is the property where FO Bailey is.

Councilor McBrady asked if this is renewed annually; Mr. Poore confirmed it is.

Councilor McBrady said the Council needs to examine the permitting of food trucks, for traffic and safety issues. He supported this application.

Chair Farber asked if the question of food trucks is still on the ordinance committee's work plan; Councilor McBrady confirmed that it is. They are discussing public safety issues as well as public versus private land and what they want to allow.

Councilor King asked what else is required to permit a food truck, other than the victualer license. She wondered how they could review placement of the truck on the lot.

Amanda Stearns, Community Development Director, said town departments review the application as part of the process; Police, Public Safety and Codes have all reviewed it. Codes confirmed that there was still adequate parking; the proposed location of the truck is outside the parking and circulation areas of the lot.

Councilor Kitchel said this is only on Saturdays from 9-3 and the trailer will not be present outside of those times.

Mark Nolt, applicant, confirmed that the trailer will not be left on the lot outside of those times.

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

Councilor Kitchel moved the order; Councilor Svedlow seconded. Motion carried 6-0.

Item 8 Update from the Falmouth Memorial Library on the Next Chapter Capital Campaign.

Marsha Clark, president of the Board of Trustees, gave a brief history of the expansion. In the 14 years since this process began, they have worked with 5 architects, researched on-site and off-site options, had 2 feasibility studies, 2 referendums, and worked with many councilors and trustee members. In June 2011, a referendum to move the library to the newly vacant Lunt School failed. What the library heard from that vote was that people wanted the library to stay where it was. In order to do that, they needed to purchase additional property. In 2013, they acquired the adjoining lot with help from the Town. The Library put 10% down on that purchase, and signed a 5 year note with the Town to pay the rest. In November 2014, the voters passed a bond referendum allowing the Town to match the Library's fundraising up to \$2.81 million. So far, the library has raised over \$1.8 million, leaving less than \$1 million left to reach their goal. Currently they are planning a mass mailing to town residents about the 1718 Society; over 100 people have already joined, pledging to give \$600 a year for the next 5 years. If they get 200 more people, they will raise \$600,000, leaving only \$400,000 left to raise. They are planning their final mass appeal starting in September. Most of the big donors are not library users; they are people who recognize the importance of public libraries.

Item 9 Public Hearing on a proposed amendment to the Zoning and Site Plan Review Ordinance to categorize the Falmouth Memorial Library as a municipal use.

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

Councilor McBrady asked if it would be only in Council Chambers; Mr. Poore said no, they would use as much of the building as they could without conflicting with other departments, though the books would mostly be in chambers, since it's the only room on a slab. There are a lot of details to work out. During the construction, the Council would meet somewhere else.

Councilor Kitchel voiced his support for helping the library; whatever it takes.

Councilor McBrady asked if the Motz building would be better. He felt this would not be adequate, and there would be a lot of traffic.

Mr. Poore agreed that there would be sacrifices. The library would save around \$100,000 by not renting space. The Mason/Motz Activity Center is completely booked all the time, and they don't want to conflict with those programs.

Chair Farber asked for a report to the Council when they have more details.

Marsha Clark said knowing this is a possibility offers the library the flexibility to look at other properties while knowing that they have this option. They have spoken with Oceanview about having programming there, and using a room at Mason/Motz for programming as well. They know they will have to reduce their collection and programming for the year. Library staff have talked with the library staff in Yarmouth, who recently had to do the same thing, for suggestions.

Councilor Svedlow asked if they had looked into vacant commercial space on Route 1; Ms. Clark said they have and they were told it wasn't an option. They also looked at the Friends School on Mackworth, but that isn't a practical option either. She welcomed any suggestions.

Councilor Svedlow asked about temporary office structures like they have on building sites; Ms. Clark said they have discussed the portable behind the middle school and whether that is being used. They have also looked into rental costs of portables, but they are extremely expensive and they don't know where they would place it.

Councilor McBrady was concerned about asking town staff to accommodate this for a year at least; he hoped there was a better plan.

The order was scheduled for May 8.

Item 10 Public Hearing on proposed amendments to the Code of Ordinances, Use of Parks & Public Grounds, to address pets in parks and public lands.

Chair Farber explained that there was a typographical error in the language that was originally introduced, leading to the interpretation that no dogs would be allowed from April 1 through September 30 at Hadlock Community Forest, North Falmouth Community Forest, and Suckfish Brook Conservation Area. The language was supposed to read that all animals must be leashed in those areas during that time frame.

Chair Farber opened the public hearing.

Michael Vance of Blackstrap Road serves on the Conservation Corps, is the vice president of the Land Trust, and is the steward of the Blackstrap Hill Preserve. He spoke about their experience with pets on the preserve. They have people lose their pets 4-5 times a year on the property. They also see 2-3 incidents of dogs being injured by porcupines each year. The ordinance does not address the issue of animal waste, which is an ongoing issue.

Lisa Nash of Blackstrap Road asked why they are not allowing dogs in the River Point conservation area during the winter months. She takes her dog there. She asked if there were dog waste containers on the properties; she takes her dog to Portland Head Light and there are 2-3 receptacles. She hoped this wasn't the first step in restricting dogs; active dogs need exercise and she hoped they would have places to be off-leash.

Public hearing closed.

Chair Farber said there has been a lot of discussion about receptacles. They would need someone to empty them. It isn't an ordinance issue.

Lucky D'Ascanio, Director of Parks and Community Programs, said the dog waste issue is going to be deliberated by town staff; currently there are only two town staff to take care of all the town's park properties. All the parks are carry-in, carry-out. They don't see an issue with other types of waste. They don't have the staff to take care of trash containers. She explained that pets wouldn't be allowed at River Point for a couple reasons: 1. To provide a public outdoor place for people who do not like/are afraid of dogs; and 2. It is a sensitive wildlife area. The Biodiversity Research Institute uses the barn to do research there.

Chair Farber pointed out that the Woods Road Community Forest would be completely closed to all use from December-March as part of this ordinance as well. This property is a winter deer yard.

The order was scheduled for May 8. The corrected language will be posted to the Town's website.

Councilor Svedlow said this was not the first step in prohibiting dogs. This is a balanced approach to address the issue.

Item 11 Introduction of an amendment to the Code of Ordinances, Chapter 19 to permit farm and animal husbandry related uses.

Ms. Stearns presented the proposed amendment. This ordinance is the result of a request from Falmouth Land Trust and Cultivating Communities to allow the uses they are proposing for the Hurricane Farm property as well as support these types of uses in the Farm and Forest district, a goal that is also supported in the comp plan. Farming is allowed in all residential districts. Animal husbandry, raising animals for commercial purposes, is only allowed in Farm and Forest. Staff reviewed related uses including corn mazes, wagon rides, petting zoos, wedding barns and event venues. The ordinance addresses agricultural and supportive uses, including educational offerings, processing, packaging and storage of products except meat, and community gardens. Retail related to a working farm is also addressed in this ordinance, allowing products to be sold on-site.

Chair Farber asked if a greenhouse would be allowed in RA with this amendment; Ms. Stearns said that is correct.

Chair Farber asked about the height that would be allowed. Ms. Stearns said a roadside stand is currently allowed in all residential districts up to 400 gross sf and one story. It can be up to 24 feet high. By definition, a greenhouse can only be one story tall.

Chair Farber wanted to make sure they had an idea of what type of structure they are now going to allow in the residential districts; Ms. Stearns clarified that non-commercial greenhouses are currently allowed. Commercial greenhouses are not allowed.

Chair Farber was concerned about greenhouses for a home-based business. Ms. Stearns said they could pull it back so that commercial greenhouses were only allowed in FF, while non-commercial greenhouses would still be allowed in residential districts.

Councilor King didn't see a reference to greenhouses in this ordinance at all. Ms. Stearns said greenhouses were added to the ordinance a few years ago to allow commercial greenhouses in FF; the "horticultural establishment" is allowed in VC districts to accommodate Skillins. Non-commercial greenhouses are allowed in residential districts as an accessory use.

Chair Farber asked what made it a commercial greenhouse vs non-commercial; Ms. Stearns said it is a subjective call. If a resident is using the produce from a greenhouse primarily for their use, and has a roadside stand to sell the excess, it would still be a non-commercial use.

Councilor King asked if there is a distinction between someone growing seedlings in a greenhouse to plant, and a commercial enterprise bringing plants into a greenhouse for sale. Ms. Stearns said propagating seeds in a greenhouse to plant is farming; generating plants for sale is commercial. Bringing plants from somewhere else into a nursery for sale is a retail use and is different from farming. The farming use is not intended to cover a solely resale establishment.

In response to Chair Farber's concerns, Ms. Stearns said this language does broaden the capability of establishing a working farm in a residential district. She could pull this back if the Council wishes. Councilor King suggested that they could add language to limit commercial greenhouses to the FF district. Councilor Svedlow agreed, but he wasn't sure that this would be the place for that. Ms. Stearns said greenhouses are defined in the ordinance, but are not listed as a specific use.

The public hearing was scheduled for May 22. The Planning Board's MRA hearing will be June 2.

Item 12 Discussion about an application to accept Cleaves Farm Road and Maple Street as public streets.

Mr. Poore said Jay Reynolds, Director of Public Works, did an analysis of all the costs of maintaining town roads; the Town spends \$2.6 million/year including capital costs as well as plowing and operating costs. With 93 miles of town roads, it averages to \$29,000/mile. He also reviewed the 2.2 miles of roads that have been accepted by the Town since 2009, as well as some roads that have expressed interest in street acceptance.

Councilor Svedlow asked about the operating costs. Mr. Poore said it is upkeep and maintenance of buildings and equipment, fuel, materials including sand and salt, asphalt, staff, etc. He said road costs that have been included in the TIF districts have not been included in this analysis.

Councilor Svedlow argued that some of the costs would be absorbed by the current staffing and equipment levels; Mr. Poore agreed but there is a tipping point at which additional staff and equipment would be needed.

Councilor McBrady said a good number of the roads that are interested in acceptance are dead-end roads or cul-de-sacs. He wanted the Council to pay attention to the street connectivity policy; it was written to a reason.

Councilor Svedlow felt it was inconsistent how the connectivity policy was being applied; some streets are being accepted and others aren't and he didn't think there was a material difference between some streets that have been accepted and those in this application. Councilor King felt they have to look at each application individually.

Councilor Kitchel said his biggest concern was whether a street was built to the standards, and whether the Town would need to spend additional money to bring a street up to current standards. There were three waivers that the Planning Board granted for these streets. He asked if these roads meet the Town's criteria from a structural standpoint.

Mr. Poore said they haven't gone that far in the review; the process for street acceptance asks the Council to review whether they would be willing to consider acceptance before the applicant spends the money to answer questions such as that. He clarified that many streets were accepted after the moratorium was lifted in 2009. The Council opened a specific window for streets to apply for acceptance before the policy was adopted. The current applicants could not apply during the window since they didn't meet the minimum residency requirement at that time. He discussed the details of the streets that have been accepted since the policy was instituted.

Chair Farber acknowledge the many emails the Council has received. While she appreciated the comments about the sense of neighborhood and community, she didn't feel that making these streets public would improve that. She wondered if there was a way for the Town to improve pedestrian access to the park. While the connectivity policy is important, she was swayed by the street acceptance ordinance, which asks the Council to consider the possible reduction of costs among other things.

The Council discussed the whether or not they would support this application proceeding and the process moving forward.

Councilor Kitchel pointed out that the planner at the time the subdivision was approved noted that if any waivers were granted the roads might not be accepted by the town. The Town should not incur substantial cost to rebuild the road in any way. The developer should meet the standard.

Councilor Hemphill understood the position of the residents, but the town should focus on prioritizing true connectivity enhancements. Streets should be designed to the standards more deliberately.

Town staff will meet with the applicants to review tonight's discussion and will review the process with the Town Attorney.

Item 13 Order to approve the FY18 Municipal and School Department Budgets in accordance with the Town of Falmouth Charter, Article 5, Sec 502.

Mr. Poore said there was a small decrease in the school's health insurance projection, which resulted in a slight decrease of the anticipated mil rate impact for this year.

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

Councilor Kitchel said that Governor LePage has proposed a reduction of over \$20 million to General Purpose Aid to Education; this would result in a \$933,000 reduction to Falmouth. The school department responded to that cut by reviewing their goals and reducing their plans to improve education in town. The result of the Governor's proposed tax cuts is to push more costs onto the property owners. He commended the School Department for coming in with a tight budget in response to the Governor's proposed cuts, and he supported it.

Councilor Hemphill agreed and also commended the Town for coming in with a tight budget.

Chair Farber said if the monies do come in from the state, they will be earmarked for property tax relief.

Councilor Hemphill moved the order; Councilor Kitchel seconded. Motion carried 6-0.

Item 14 Order to approve the FY18 Budget Capital Improvement Plan and Tax Increment Financing District Plan.

Mr. Poore said the prior order authorized the transfer of monies into these funds; this order establishes a spending plan for these two funds. The capital improvement budget shows that they are spending more than they are putting into it this year; some years they will spend less.

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

Councilor Kitchel moved the order; Councilor King seconded. Motion carried 6-0.

Item 15 Order to approve the FY18 Sewer Department Enterprise Budget.

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

Councilor King moved the order; Councilor Kitchel seconded. Motion carried 6-0.

Item 16 Order to adopt new sewer service rates, effective beginning with the normal billing cycle occurring after July 1, 2017, to fund debt service for the Mill Creek Pump Station and Force Main Upgrade.

Mr. Poore clarified that the rate supports the entire sewer system, not just the upgrades. Chair Farber said the new residential rate will be \$41.65/month.

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

Councilor King moved the order; Councilor Hemphill seconded. Motion carried 6-0.

Item 17 Order to approve a supplemental appropriation from the Oceanview/Natural Gas TIF in the amount of \$39,000 for transfer to the Tercentennial Special Revenue Fund.

Mr. Poore said they created a special revenue fund since the events will extend across fiscal years, and it will also be taking in revenue from other sources. The Council has authorized two other appropriations for this project.

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

Councilor Svedlow moved the order; Councilor Kitchel seconded. Motion carried 6-0.

Item 18 Order to schedule the Budget Validation Referendum's (BVR) statutory budget meeting to be held on Monday, May 15, 2017, as required by M.S.R.A.1485 & 1486.

Chair Farber said the Council will meet that evening at 6:00 pm in Council Chambers.

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

Councilor Hemphill moved the order; Councilor McBrady seconded. Motion carried 6-0.

Item 19 Order to authorize the Town Manager to apply for a FY2018 coastal communities grant and to authorize up to \$25,000 as grant matching funds from the FY2017 Route 1 South TIF Fund.

Chair Farber said this is to apply for a grant for stormwater management study in the Route 1 corridor and to authorize up to \$25,000 in matching funds.

Mr. Poore said there was a comprehensive stormwater watershed study in 2013 as part of the Route 1 infrastructure project. The updated TIF plan includes several years of public and private stormwater retrofits, to make sure we have good water quality coming out of those structures; that money will become available starting this year. This is in conjunction with GPCOG, CCSWD, Greater Portland Interlocal Stormwater Working Group, and the Town of Brunswick. The Town has agreed to work as a model for future towns in the region, but was planning to do this work anyway. Applying as a regional application gives them a better chance at receiving the grant.

In response to Chair Farber's question, Mr. Poore said the Town's obligation would be \$25,000 for a \$50,000 project. There will be monies left in the TIF for retrofits.

Councilor Svedlow asked about Brunswick's involvement; Mr. Poore said they are looking at a brook they want to work on, and they are putting up a match of their own money for that.

Councilor King said the \$50,000 project is for developing best practices, getting certifications, etc. It will either be paid wholly by the Town, or \$25,000 will come from this grant. Mr. Poore said that was correct.

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

Councilor Hemphill moved the order; Councilor Svedlow seconded. Motion carried 6-0.

Adjourn

Councilor Kitchel moved to adjourn; Councilor King seconded. Motion carried 6-0.

The meeting adjourned at 9:33 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary