

# **Town Council Meeting Minutes June 18, 2018**

The meeting was called to order at 7:15 pm.

## **Roll Call**

All Councilors were present and answering roll call.

## **Pledge of Allegiance**

Councilor Hemphill led those present in the Pledge of Allegiance.

## **Oath of Office Ceremony      The Town Clerk will deliver the Oath of Office to the new Town Councilors.**

Deputy Clerk Linda Case delivered the Oath of Office to new Councilors Hope Cahan, Amy Kuhn, and Ted Asherman.

## **Item 1 (a)      Election of Town Council Chairperson.**

Councilor King nominated Councilor Hemphill; Councilor Svedlow seconded. Motion carried 7-0.

## **Item 1 (b)      Election of Town Council Vice-Chairperson.**

Councilor Asherman nominated Councilor King; Councilor Ferrante seconded. Motion carried 7-0.

## **Item 1 (c)      Order to appoint members to the Council Finance Committee.**

Chair Hemphill nominated Councilors Kuhn, Asherman and Cahan. Councilor Svedlow seconded. Motion carried 7-0.

## **Item 1 (d)      Order to appoint members to the Council Ordinance Committee.**

Chair Hemphill nominated Councilors Ferrante, Kuhn, and King. Councilor Svedlow seconded. Motion carried 7-0.

## **Item 1 (e)      Order to appoint members to the Community Development Committee.**

Councilor King nominated Councilors Svedlow, King, and Asherman, and Council Cahan as an alternate. Councilor Kuhn seconded. Motion carried 7-0.

## **Item 1 (f)      Order to appoint members to the Council Appointments/Personnel Committee.**

Chair Hemphill nominated Councilors Kuhn, Asherman, and Ferrante. Councilor Ferrante seconded. Motion carried 7-0.

**Item 1 (g)                      Order to appoint members to the Council's ad-hoc Committee on Retail Marijuana.**

Chair Hemphill nominated Councilors King, Cahan, and Svedlow. Councilor King seconded. Motion carried 7-0.

**Item 1 (h)                      Order to appoint Council members to serve as liaisons to various boards and committees.**

Chair Hemphill nominated the slate of appointments; Councilor King seconded. Motion carried 7-0.

Board of Assessment Review and Sewer Appeals	Quasi-judicial
Board of Zoning Appeals	Quasi-judicial
Conservation Commission	SVEDLOW
Economic Improvement Committee	FERRANTE
Harbor/Waterfront Committee	SVEDLOW
Human Services Committee	KUHN
Land Management and Acquisition Committee	ASHERMAN
Library Board of Trustees	KUHN
Long-Range Planning Advisory Committee	KING
Parks and Community Programs Advisory Committee	KUHN
Planning Board	Quasi-judicial
Recycling & Energy Advisory Committee	CAHAN
Route 1 North Committee (ad-hoc)	FERRANTE
School Board	N/A
Shellfish Conservation Committee	SVEDLOW
Tercentennial Planning Committee (ad-hoc)	HEMPHILL
Voter Registration Appeals Board	Quasi-judicial

**Item 1 (i)                      Order to appoint one alternate to the ecomaine Board of Directors.**

Chair Hemphill nominated Town Manager Nathan Poore; Councilor Kuhn seconded. Motion carried 7-0.

**Item 1 (j)                      Order to appoint two representatives to the General Assembly of the Greater Portland Council of Governments.**

Chair Hemphill nominated Councilor Cahan and Mr. Poore; Councilor King seconded. Motion carried 7-0.

**Item 1 (k)                      Order to appoint one person to serve on the METRO Bus Board of Directors.**

Chair Hemphill nominated Councilor Cahan; Councilor Asherman seconded. Motion carried 7-0.

**Item 1 (l)                      Order to appoint a Council member and the Town Manager to serve on the Metro Coalition.**

Chair Hemphill nominated Chair Hemphill and Mr. Poore; Councilor King seconded. Motion carried 7-0.

**Item 1 (m)                      Order to appoint one representative and two alternates to the PACTS Policy Committee.**

Chair Hemphill nominated Councilor Cahan as the representative and Mr. Poore and Jay Reynolds, Director of Public Works as alternates; Councilor Asherman seconded. Motion carried 7-0.

**Item 2                              Public Forum**

Mike Doyle of Shady Lane spoke about his history with the Town of Falmouth. He encouraged the Council to get competitive bids for purchases.

**Item 3                              Consent Agenda**

- **Order to approve the minutes of the May 14, 2018 Town Council Special Meeting.**
- **Order to approve the minutes of the May 30, 2018 Town Council Meeting.**

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

Councilor Svedlow moved the consent agenda; Councilor King seconded. Motion carried 7-0.

**Item 4                              Report from Council Committees and liaisons regarding updates on assignments.**

Councilor Svedlow reported that there were some additional floats installed recently and more are coming. The harbormaster has been providing updates to mooring holders.

Councilor King spoke about the upcoming Flukes concert at Village Park on June 25, part of the Tercentennial celebration. LPAC reports that the first draft of the *Greening of Falmouth* update is on the website and a public forum will be held on June 26. There is also an online survey on the website for the public to provide feedback.

Chair Hemphill said ecomaine is hosting a recycling and contamination workshop on Wednesday, June 20 from 6:00pm-7:30pm at Town Hall to discuss the state of recycling in the country and the state, and the challenges that the town is facing to provide cleaner recycling. A number of loads from Falmouth have been conditionally accepted, but they would normally be rejected as being too contaminated. Ecomaine wants to help educate the public on how to reduce contamination.

Nancy Lightbody from the Conservation Commission said there will be an informational presentation on invasive plants on June 19 from 6:30 – 8pm at Lunt Auditorium. They will also discuss the invasive control project that started 4 years ago, treating invasive plants along the roadside.

**Item 5                              Report from the Appointments Committee relative to filling various vacancies on Boards and Committees.**

Councilor Ferrante said the committee had no report. There is only one vacancy currently.

Mr. Poore reported that the three remaining seats on the Charter Commission will be up for appointment at the June 25 Council meeting.

**Item 6                                      Order to change the date of 2018/2019 Council meetings impacted by holidays.**

For the upcoming Council year: October 8, 2018 conflicts with Columbus Day; the order would move the meeting to Wednesday, October 10. November 12, 2018 conflicts with Veterans Day; the order would move the meeting to Wednesday, November 14. December 24, 2018 conflicts with Christmas Day; the order would move the meeting to Monday, December 10. May 27, 2019 conflicts with Memorial Day; the order would move the meeting to Wednesday, May 29.

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

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

**Item 7                                      Public forum and presentation from the Maine Turnpike Authority (MTA) on a study of alternatives to address growing safety and capacity challenges on the roadway section within the Greater Portland area.**

Peter Mills of the MTA said the turnpike was originally a 4-lane highway. In 1972 when they built the big bridge over the Piscataqua River, the bridge had 6 lanes. They then widened the highway to 6 lanes up to mile 14. In the late 1990's the widening continued up to mile 44 in Scarborough. It didn't progress beyond that because the traffic at the time didn't warrant it, but the legislature gave the MTA the authority to widen up through Greater Portland. They explored widening in 2007, but the recession reduced traffic considerably. Since 2010 traffic has been increasing dramatically; they are now having serious congestion issues from Scarborough through Westbrook and they have adjusted their long-range plan to consider widening the road up to mile 49. He didn't think there would be consideration of widening the road north of Falmouth in the next several decades. A single lane of traffic is a significant expansion and accommodates a large amount of traffic. To start this process, they organized a public advisory committee to meet and advise the MTA on whether there were alternatives on addressing this mobility challenge. They came up with 12-15 options that could be done in addition to, or in place of, the widening. They asked the consultants to review these options and return to the committee with an evaluation of the impacts of these suggestions. None of the options would address the capacity need like widening with an additional lane of traffic, but many of the other suggestions would help. All the reports and white papers are on the MTA website and available to the public to read.

Councilor King asked about the goal of tonight's meeting.

Mr. Mills said they are a public agency, and one of their missions is for the public to be fully engaged in these decisions since these decisions will shape mobility issues for 50-100 years. Their decisions also impact how towns do their planning and they want the municipalities to be informed. They feel an obligation; it is a large project and it deserves careful consideration.

Councilor King asked if the project to add a lane to 295 is separate from this project. Mr. Mills said they discussed that in their focus groups. 295 could be widened into the median, but he didn't think DOT would do that. Widening the turnpike would relieve the congestion on 295. The roads are an equal length from Scarborough to Falmouth; it is slightly faster to take the turnpike due to higher speeds and less traffic. They have a duty to keep the turnpike open and unconstrained to allow for the massive amount of freight that is hauled on that road every day.

Councilor Cahan asked about the High Occupancy Vehicle (HOV) idea; how would they determine the occupants of the lane and the fares associated.

Mr. Mills said most of those arrangements involve a highway where there is no toll for 1-3 lanes for vehicles with occupants, and multiple lanes with tolls for the rest of traffic. This is used in places with more lanes. We

are too small to use that strategy here. Allowing cars with occupants to avoid the toll would be problematic enforcement-wise. The transponder would have to be able to detect how many people were in the car.

Paul Godfrey with HMTB said they looked at how to accommodate HOV as a part of the study; during peak times they have enough vehicles to fill the lane which removes the benefit. The constant presence of enforcement is what makes the HOV work. It is being considered as an alternative.

Mr. Poore asked how far the widening would go; Mr. Mills said they would have to go as far as the Falmouth spur someday, but that is a longer-term consideration. In the next few years, he thought they would see it go as far as Exit 52.

Mr. Godfrey said they are in the midst of the Portland Area Mainline (PAM) study, a needs-assessment study reviewing the needs of the road from miles 44 to 53. This corridor is getting busy; there have been higher than average growth rates in the last 5-6 years and the crash rates are higher in this section than in the southern section. The road is nearing capacity and will be over capacity in certain areas by 2025. They have had a robust public process. Their public advisory committee (PAC) has been active, and has held four meetings to date. The public has been invited to speak at each meeting and they held a public open house at the Maine Mall. The law requires them to evaluate reasonable alternatives before widening. He discussed some of the alternatives they have reviewed. To date, they have only identified two alternatives that fully meet the study purpose, and 11 alternatives that partially meet the study purpose. There is currently a law that prohibits a high-occupant toll lane; that law would need to be changed before they were able to implement this alternative.

Chair Hemphill said they were talking about bringing more cars to Falmouth and wondered how Falmouth's transportation infrastructure would handle that.

Mr. Godfrey said traffic will grow regardless. Part of the vision would be what other things have to be done in conjunction to address the safety and mobility problem and to how to address those improvements as well.

Councilor King thought a combination of the alternatives could be used in conjunction to mitigate the need to widen the road. She asked if they were obligated to implement those, or just to review them. She was concerned with the amount of carbon that is emitted by traffic on the highways; it is a huge problem.

Mr. Mills agreed with her concerns about the environment. He said there is no incentive for them to build more road; this will cost a lot of money to build and they won't raise tolls to pay for it. They provide park and ride lots, which costs them money, but their goal is to assist mobility. There is an environmental cost of capacity; more traffic leads to cars idling on the roads. They recently installed 30 electric charging stations in Kennebunk. He felt the era of the internal combustion engine is ending, and that electric vehicles will become the thing. Electric, autonomous vehicles will lead to the same amount of traffic in the future, if not more. His analysis is that our paved highway systems will be in much in demand in the future as they are today.

Mr. Godfrey said they have many ways to look at the alternatives, and air quality is one component. Having vehicles in traffic is more of a problem than having traffic moving at high speeds.

Councilor King asked what their commitment is to implement some, or a combination of some, of the alternatives they identified.

Mr. Godfrey said there are folks that are okay with the widening, and some that are not. One of the things they have been discussing is whether they can do a combination of things to maximize the life of the infrastructure and the alternatives and avoid another widening in the future.

Mr. Mills said a lot of alternatives are things they look at long-term anyway. They gave the land in Auburn for the bus station that runs trips to Boston every day, they subsidize The Zoom bus, and they run the entire RideShare program in Maine and they are aggressive in promoting it. They are a public enterprise and they take their public mission very seriously.

Councilor Cahan asked about the electric charging station; she asked if they are actively working on a plan to install a line of charging stations in the state.

Mr. Mills said there is \$3.15 million that came to the state as a result of the Volkswagen settlement. The state has partnered with ecomaine to award that money to the vendor that comes forward with the best plan to fill the void in high-speed charging stations. They are a partner in that effort; they have made their real estate available at service plazas. Tesla has installed a large charging station at the Marketplace in Augusta. The high-speed charging stations for other cars are far behind. The level 2 stations take a few hours to charge a battery; the high-speed 440v stations take 30 minutes.

Mr. Godfrey said there is a PAC meeting tomorrow night after which the study team will draft their report on the alternatives analysis. The MTA will take their report, the PAC input and municipal report, and determine their next steps. They are likely to present their report to the MTA board in July, and they make their decision early in the fall.

### **Item 8                                      Presentation from the Conservation Commission on a recommended pesticide and fertilizer restriction ordinance.**

Nancy Lightbody, Chair of the Conservation Commission said, as part of their 2016-2017 workplan, the Council asked the commission to draft an ordinance to restrict pesticide and fertilizer use in town. She discussed the research they have done to date and the public process they have conducted with stakeholders including the public, applicators, industry representatives, staff from the Town and School departments and various municipalities around the state, and representatives from State's Board of Pesticide Control. She discussed the effects of pesticides on people, especially children. Pets, wildlife, soil microbiology, and plants are also affected. The DEP has listed Highland Lake as a threatened lake. Many brooks, creeks and streams in Falmouth are also listed as threatened. Water testing has shown that pesticides in stormwater flow into Casco Bay in potentially harmful amounts. Lobsters face numerous risks from pesticide exposure, even at low levels. She said pesticides are not required for green lawns given the availability of alternative products and practices. The Commission encouraged the Council to read, consider and adopt the ordinance they have drafted. The purpose is to safeguard the health and safety of the people of Falmouth and to conserve Falmouth's natural resources by ensuring the proper use of pesticides and fertilizer in Falmouth. They recommend two full years of education for the public and stakeholders before the ordinance takes effect.

Chair Hemphill appreciated the amount of work and the thorough public process the Committee undertook. He liked the suggestion for a delayed approach to the ordinance, focusing on education first.

Councilor Ferrante suggested that the Council discuss this at the retreat and determine next steps from there. She asked if staff have reviewed it; she thought that would be a good idea.

Ms. Lightbody said not yet; they were directed to bring it to Council first.

Councilor King agreed with Councilor Ferrante that having staff review it is a good idea. She asked if the education portion would start before or after the ordinance is passed.

Ms. Lightbody said they have started the education already; they had a public meeting in March about safe lawns, hosted by the Portland Country Club, and they have another scheduled in October with an expert on the health effects of pesticides.

The Council discussed what the next steps should be; suggestions included sending it to the Ordinance Committee or to staff first. They directed staff to review it with Conservation Commission, and then take it to the Ordinance Committee.

Councilor Svedlow moved to waive Council rules section 11, to allow consideration of an order that was not filed by the deadline. Councilor King seconded. Motion carried 7-0.

**Order to approve a supplemental appropriation and transfer of \$40,000 from unassigned fund balance for advanced controls associated with the installation of LED fixtures located on utility owned poles.**

Mr. Poore explained that municipalities recently gained the right to own streetlights mounted on utility poles. In the past, the Town rented the fixtures but has since purchased them from CMP. Owning them gives the Town the opportunity to install more energy efficient LED fixtures and to save money on the lease costs. He talked about the fixtures that will be replaced. The fixtures in the first phase have the capacity to have smart controls installed. These controls have photocells and wireless technology that would communicate with a town server and allow staff to control the lights remotely. The units do allow for extra technology that would include wi-fi or cameras, but staff are not proposing those. These could turn into smart meters in the future, allowing CMP to bill only the energy they use. When the project was first proposed these controls were not included. After discussions with staff and the consultants, he is now recommending adding these controls to the project. These have a 10-12 years life expectancy and replacing them is built into the capital plan.

Councilor King asked if there is a payback on energy efficiency. Mr. Poore said if it was recognized as a smart meter they could dim the lights and be charged only what is used, but that is not allowed currently. This is a service and maintenance request.

Councilor Kuhn wondered if there would be an opportunity for public input if they wanted to replace these with more advanced technology at the end of their lifespan. Mr. Poore said there isn't anything to force them to, but it is good governance to make the public aware of those changes.

Councilor Asherman asked about the maintenance of the lights. Mr. Poore said they are currently planning to do it by contract. The failure rate of these is miniscule in the beginning.

Councilor King wondered if they would see any financial benefit to dimming the lights within the 10-12 year lifespan. Mr. Poore hoped so. Councilor Svedlow pointed out that even if there is no smart meter/financial benefit, there would be an environmental benefit to dimming the lights and using less electricity. Mr. Poore said these controls would also allow them to control the dim setting for periods of the night, for each individual light.

Councilor Svedlow moved order 04-2019; Councilor Cahan seconded.

Councilor Cahan clarified that there are no cameras or wi-fi in these controls. These controls do not have that capability.

Motion carried 7-0.

Mr. Poore announced that the Council's meeting on Monday June 25 will be held at the Falmouth Elementary School in the cafeteria due to public interest in the proposed Falmouth Center development.

**Adjourn**

Councilor King moved to adjourn; Councilor Cahan seconded. Motion carried 7-0.

The meeting adjourned at 9:18 pm.

Respectfully submitted,  
Melissa Tryon  
Recording Secretary