

Town Council Meeting Minutes September 24, 2018

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

Roll Call

Councilors Svedlow, Kuhn, Asherman, King, Hemphill and Cahan were present and answering roll call.

Councilor Ferrante was absent.

Pledge of Allegiance

Chair Hemphill led those present in the Pledge of Allegiance.

Item 1 Public Forum

Michael Doyle of Portsmouth, NH spoke about comments made about him and his son at a previous meeting. He said e-readers are the future of books and it is ridiculous to spend money on a new library. He spoke about the Town Manager and said he is incompetent.

Dan Glover of Westbrook is a member of the Archangel Committee of Greater Portland. The Greater Portland Region is a sister city with Archangel Russia and he spoke about the history of the relationship, which began in 1988. He said they are hosting a “Bridges of Friendship” photography exchange. A photography exhibit will be held at the Stonewall Gallery in Yarmouth and a matching exhibit will be held in Archangel at the same time. Updates on the exhibit can be found at the Portland Camera Club website.

Item 2 Consent Agenda

- **Order to approve the minutes of the August 20, 2018, Town Council Special Meeting**
- **Order to approve the minutes of the August 27, 2018, Town Council Meeting**

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

Councilor King moved the consent agenda; Councilor Asherman seconded. Motion 6-0.

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

Councilor Svedlow reported that the Falmouth Conservation Commission is hosting a lecture on the human effects of pesticide use on October 9 at 7:00 pm at the Lunt Auditorium.

Councilor Kuhn reported that Sunday, November 11 there will be a celebration of Falmouth’s Incorporation Day.

Chair Hemphill said ecomaine will host their annual open house on Saturday, September 29, from 8-11. Tours, food, and kids’ activities will be available. He also reported that the Town will hold a public forum on residential density on Thursday, November 15. A report will be drafted based on the comments and discussions at that forum. A second forum will be scheduled in February to present draft recommendations based on that report.

Councilor King said this Thursday the Falmouth Land Trust will host their annual Harvest Moon Farm Fest at Hurricane Farm from 5-7pm. Tickets are still available for purchase at the Land Trust's website.

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

The committee had no report.

Item 5 Presentation and a public hearing on the Charter Commission's final report.

Karen Farber, Commission Chair, said the Charter is the foundational document for the Town and how it functions. It was developed when the Town moved from a Town Meeting form of government to a Council/Manager form of government. The Charter is about protecting the town and the citizens. She said that three of the Commissioners had served on at least one prior commission so there was a lot of history and experience on this Commission. She summarized the changes the Commission is proposing, which include clarifying when elected terms begin and end for both Council and School Board; making the Council and School Board consistent with each other in terms of qualifications, induction and vacancies; updating the time frame for budget submittals to meet current election requirements; increasing the finance limits placed on certain expenditures; exempting emergency and wastewater expenditures, as well as refinancing, from the requirement for voter approval; and returning the number of petition signatures required to recall an elected official to the percentage required prior to the 2008 revision. The Commission recommends that most of the changes to the charter be placed on the ballot as one question, with one exception. They recommend that the proposal that the expenditure amount requiring a public referendum be increased from \$1 million to \$2 million placed on the ballot as a separate question.

Councilor King asked how the voters will learn the details behind the ballot questions.

Ellen Planer, Town Clerk, said every referendum question will have a summary of the main changes listed on the ballot. The Town Attorney and Town staff worked together to draft that summary. The Commission's full report will not be posted at the polls but is posted on the Town's website.

Councilor Svedlow wondered if there was any opportunity for the Council to comment on or alter any of the changes that are proposed. He also asked if the School Department was consulted on the changes to the School Board items.

Ms. Farber said the Superintendent and the School Board Chair attended the meeting where they discussed those sections pertaining to the Board. She said they worked to prepare this for the November referendum since more people typically participate in that election, but if the Council didn't feel it was ready to place on the ballot they could decline to place it on. The Commission was present and had a quorum; she said they could vote on changes if necessary.

Councilor Kuhn thought there was nothing in the Charter that prevents the Council from sending an expenditure to referendum even if it was under the spending limit. Ms. Farber said that was correct. There is also a method under the charter for voters to submit a petition to overturn spending decisions of the Council. That is not impacted by this change.

Chair Hemphill opened the public hearing.

John Winslow of Gray Road wanted it written in either policy or the Charter that any entity asking for changes to zoning, either contract zoning or master plan amendments, would need to present to the Council prior to going to staff. This way the Council could authorize it before any staff time and town resources are used to work on it. He did not support moving the expenditure limit to \$2 million.

Chair Hemphill closed the public hearing.

Item 6 Order to put two questions on the November 6, 2018, Municipal Election Ballot regarding modifications to the Town Charter.

Chair Hemphill opened a public comment period. There was no public comment.

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

Item 7 Order to sign the November 6, 2018, Municipal Referendum Election warrant.

Ellen Planer, Town Clerk, explained the warrant and the information it contains. Once approved it will be posted at various locations in town.

Chair Hemphill opened a public comment period. There was no public comment.

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

Item 8 Public Hearing on an ordinance to establish a moratorium on medical marijuana caregiver retail stores.

Councilor King explained that a recent state law concerning marijuana caregivers allows them to open retail stores. This moratorium would prohibit those stores from opening in Falmouth until the ad-hoc Marijuana Committee completes their work.

Chair Hemphill opened the public hearing. There was no public comment.

The order was scheduled for October 10.

Item 9 Ordinance to amend Section 19-23.11 of the Code of Ordinances relative to extending the time limits for development under the Tidewater Master Development Plan for one additional year.

Councilor King moved the ordinance; Councilor Kuhn seconded. Motion carried 6-0.

Item 10 Order to appoint a Voting Delegate and an alternate for the Maine Municipal Association's Annual Business Meeting on Wednesday, October 3, 2018.

Councilor King nominated Councilor Cahan as the delegate and said she was willing to serve as the alternate.

Councilor Cahan agreed to accept the nomination.

Chair Hemphill opened a public comment period. There was no public comment.

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

Adjourn

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

The meeting adjourned at 8:14 pm.

Respectfully submitted,

Melissa Tryon
Recording secretary