

Town Council Meeting Minutes October 22, 2018

The meeting was called to order at 7:05 pm.

Roll Call

Councilors Svedlow, Kuhn, Asherman, Hemphill, Cahan, and Ferrante were present and answering roll call. Councilor King was absent.

Pledge of Allegiance

Chair Hemphill led those present in the Pledge of Allegiance.

Item 1 Public Forum

Pam DiPietro-Hale, chair of the FEIC, read a position statement drafted by the Committee supporting business and residential growth in the Town. She announced that the Committee will host a business forum on November 15 at 7:30 am at the Lunt Auditorium.

Item 2 Consent Agenda

- **Order to approve the minutes of the September 10, 2018, Town Council Special Meeting**
- **Order to approve the minutes of the September 24, 2018, Town Council Meeting**

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

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

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

Councilor Ferrante thanked the FEIC for their engagement and their work.

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

The Committee had no report. The Town's committees are full.

Item 5 Update from the Town Attorney regarding an opinion on whether one of the proposed charter amendments would be consistent with state and federal law

A possible resolution regarding the Charter Revision, section 402.

Town Attorney Amy Tchao explained that Question 2 on the ballot contains the majority of the revisions proposed by the Charter Review Commission. One of the goals of the Commission was to provide consistency between those provisions that govern Council members and those that govern School Board members. Section 202 states that town employees cannot serve as town councilors; the Commission added school employees and library employees to this section. In section 402, which governs qualifications for school board members, it stated that school employees could not be school board members; the Commission added town employees and library employees to this section as well for consistency. In a law court case in

South Portland, the court deemed a similar prohibition to be unconstitutional. Ms. Tchao said if the ballot question were to pass in November, she would recommend removing the language addressing town and library employees in section 402. The Council can do this by order, and the order would go to referendum in June 2019. Since the charter revision will not take effect until July 1, 2019 anyway, this means the issue will be corrected before the revisions take effect.

Town Manager Nathan Poore said the ballots have already been printed and early voting has begun, so the question cannot be removed from the ballot. By state statute, the Charter Commission is disbanded as soon as their report is submitted. The statutes are very restrictive on what the Council can and cannot do regarding revisions to the Charter. He felt this tool was created for this type of situation. A resolution was drafted for this meeting that recognizes the situation and suggests the method to correct it. It includes a statement that the Council commits to correcting the issue as explained by the Town Attorney, and that the Council endorses the passage of Question 2 in November.

Chair Hemphill moved to waive Council rules, section 11, to add the resolution to the agenda. Councilor Svedlow seconded. Motion carried 6-0.

Councilor Svedlow said it is an unfortunate oversight, but it seems like a clear solution.

Chair Hemphill opened a public comment period.

Karen Farber, chair of the Charter Review Commission, said while the Commission's role essentially ended with the publication of their report, they attempted to convene this evening to discuss the issue and what role they might have moving forward. While they were unable to form a quorum, those who were present agreed that the proposed solution makes a lot of sense and that utilizing the resolution to task the Council to make the technical adjustment to the language makes sense as well.

Chair Hemphill closed the public comment period.

Councilor Kuhn said she feels this is a good solution to the problem. She stressed that if Question 2 passes in November, it doesn't take effect until July. Since this correction would be on the June ballot, there is time to make the correction before the language takes effect.

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

Item 6 Order to acquire property rights relating to the Route 100 Project.

Councilor Ferrante was recused from this item and left the meeting.

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

Councilor Svedlow moved the order; Councilor Cahan seconded. Motion carried 5-0.

Item 7 Presentation from the Recycling and Energy Advisory Committee on their updated Energy and Sustainability Plan

Pete Lafond, co-chair of REAC, explained that the goal of the Committee is to reduce the Town's carbon footprint, promote sustainability, and save the Town money.

Kimberly Darling, Energy and Sustainability Coordinator, gave a presentation on REAC's mission and their progress in the years from 2007 to today. The Committee was asked to update the original Green Ribbon Commission report, which included the goal to reduce the Town's emissions by 2% every year. They drafted different goals and actions items for each different sector: municipal, school department, businesses, residential, and regional. The Town and School hired a consultant to review the emissions data from 2007 to today. Since 2007, the town buildings have increased by 27%, including a new elementary school, police department, and the addition of the community center. Despite that, the town's emissions have remained steady. The largest source of carbon footprint is the biomass used to heat the school buildings. Fuel switching

(moving from oil to natural gas) and replacing lighting with LED's have helped with emissions. The Committee is recommending using 2012 as the new baseline instead of 2007. That year is more reflective of the current town, and there is better data for that year.

Councilor Kuhn asked if the Committee has looked at whether bans on things like polystyrene or plastic straws would have an impact. Ms. Darling said the plan is more focused on emissions. They have collected data on plastic bags; most of the stores in town use paper bags. There are other towns that ban Styrofoam and they could look into that. She didn't know much about plastic straws.

Mr. Lafond said the Committee would like the Council to consider a resolution to accept the plan they have drafted and direct the Committee on implementation.

Item 8 Presentation from ecomaine on current regional and global recycling markets and trends in waste and recycling collection.

Kevin Roche, CEO of ecomaine, gave a presentation on the current recycling markets, the future of curbside collection, and the benefits of regionalizing. He explained that landfills often preserve waste; it doesn't break down easily. Local landfills are mostly closed now; they have moved to regional landfills. The regional landfill is in New York state and it takes 10,000 tons of waste a day. Average recycling rates are 30%; 90% of waste is either recycled or part of waste-to-energy. There are 74-member communities in ecomaine. ecomaine's current problem is a glut of recycling materials. The market for recycling materials crashed in 2018 for three reasons: supply and demand went out of balance when China banned imported recycling materials; newspapers, which drove much of the market for years, have all but disappeared leaving a dirtier grade of paper; and a high rate of contamination (trash mixed in with the recyclables). The one item that consumers have control over is the rate of contamination. He spoke about the changes in Chinese policy regarding the import of scrap materials. He discussed what makes up contamination, which has to be removed from recycling materials by hand. He discussed the efforts they have made to help educate the public about reducing contamination. They have developed an app to help people find out what can and cannot be recycled. He discussed some facility improvements they have made and can make to reduce contamination. One Chinese company has recently purchased nine mills in the States, include the mill in Rumford, to make recycled paper pulp and ship it back to China. There is no current ban on the pulp in China. He spoke about efficiencies in collection. Collection is still manual, and safety is an issue. Waste and recycling collection workers have the 5th highest fatality rates of all occupations. He said that automation would improve safety and reduce costs. He said regionalization of collection could also reduce costs, allowing several towns to combine and add to economy of scale when going to bid. They conducted a feasibility study last year and discovered that the biggest reduction of costs for towns over the next 10 years would be to regionalize collection. ecomaine started a food waste collection program last year; Exeter, Maine has three digestors now to take food waste. ecomaine did two food waste pilots, one in South Portland and one in Scarborough. One of the difficulties was the addition of another truck to the route. Their goal would be to incorporate all collection into one truck.

Councilor Svedlow asked why the automated collection isn't here yet. Mr. Roche said there is a significant investment in both the carts and the trucks to pick them up. He said the pay-as-you-throw bag system has stood in the way, since the collectors have to register the bag when the waste is collected. Also, the bags represent a revenue stream for the town. He felt the days of picking up bags are at an end; the costs of hiring, retaining, and keeping employees safe outweigh the revenue of the bags.

Councilor Svedlow said there are many complaints about the bags, especially the quality. He supported the Town moving to the cart solution and felt it should be a priority.

Chair Hemphill said Portland has moved to a cart system and made a significant investment to do so.

Mr. Roche said there are other ways to have a pay as you throw system if they don't use the bags.

Councilor Asherman asked about contamination. Mr. Roche said they have seen dramatic improvement to contamination since they started talking about it. The transfer station in Falmouth is doing a good job

Councilor Kuhn asked if there is less contamination in those towns that have bans on particular items, bags for example. Mr. Roche felt it must be doing something; you can see all those reusable bags in the stores. They still get a lot of plastic bags, candy wrappers for example, but there are less. Bans on Styrofoam and plastic bags help them. ecomaine does not recycle Styrofoam; it goes to waste-to-energy, so they get electricity out of it at least.

Councilor Cahan was excited about the potential of collecting food waste at the curb. She asked if he had a projection on when that would be available. Mr. Roche said they have been looking at it since 2005 and have made progress on the commercial side. It is much more challenging on the residential side, since it is smaller scale and costs more. The programs that are available today are those that people are willing to pay for. There is hope and promise for the future. He felt that there will be pressure in the future due to capacity issues; Maine is in a good place now, but southern New England is having capacity issues.

Mr. Poore talked about the regionalization efforts and opportunities.

Councilor Svedlow wondered how the public feels about the current process and asked if the town could do an online poll. Once they have that data they could decide whether it was worth the time and effort to find other towns to partner. Councilor Kuhn said a survey should come after an education effort, to make people aware of the options.

Mr. Poore said they could start looking at numbers since budget season is coming. He said REAC could start looking at options, and staff could draft a survey.

Item 9 Resolution to accept the *2018 Falmouth Open Space Plan: Honoring Our Legacy, Now and for Our Future* report from the Long-Range Planning Advisory Committee.

Chair Hemphill opened a public comment period.

Dave Gagnon of Field Road, a member of LMAC and LPAC+, said the report didn't include how much value staff members Theo Holtwijk and Andrew Clark brought to the report. He said the resulting report is a great continuation of the *Greening of Falmouth* and will be a great guide for future committees.

Public comment period closed.

Councilor Kuhn moved the resolution; Councilor Cahan seconded. Motion carried 5-0.

Item 10 Discussion regarding a process to create an affordable housing development on Town-owned property on Marshall Drive, off Woods Road.

Theo Holtwijk, Director of Long-range Planning, discussed the history of the project so far. In August, he met with the Town Manager and Council Chair to discuss options for moving forward. They are suggesting that the Town reach out to potential developers and hold informal, one-on-one meetings with interested parties to discuss the site, and the qualifications of the developer, and what it might need from the Town. Four of the five firms that expressed interest said they welcomed this opportunity. If the Council supports this proposal, staff would request that two Councilors attend these meetings with staff and report back to the full Council.

The Council supported this process. Councilor Svedlow and Chair Hemphill volunteered to work with staff on these meetings.

Councilor Cahan wanted to know if the developers would consider prioritizing housing for children of residents and for people who work within the community.

Item 11 Ordinance to amend the maximum levels of income and expenses for the General Assistance program, Chapter 6, Article 6, Section 6.68, Appendices A-D of the Falmouth Town Ordinance.

Councilor Asherman moved the ordinance; Councilor Cahan seconded. Motion carried 5-0.

Adjourn

Councilor Svedlow moved to adjourn; Councilor Kuhn seconded. Motion carried 5-0.

The meeting adjourned at 9:11 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary