

Town Council Meeting Minutes June 15, 2020

Chair Kuhn called the meeting to order at 7:00 pm.

Roll Call

All councilors were present and answering roll call.

Item 1 Order to approve the FY21 School Department Budget as required by M.S.R.A. Title 20-A §1485, §1486, §2307.

Councilor Cahan motioned; Councilor Johnson seconded.

Chair Kuhn opened the public comment period; there was no public comment.

The motion carried unanimously.

Item 2 Order to sign the June 14, 2020 Budget Validation Referendum and the Municipal Official Election warrant.

Chair Kuhn asked how signing the warrant would work with the virtual meeting. Mr. Poore suggested having the councilors go to the police department to sign the order. The councilors agreed.

Councilor Johnson motioned; Councilor De Lima seconded.

Chair Kuhn opened the public comment period; there was no public comment.

The motion carried unanimously.

Item 3 Order to amend the previously approved memorandum of understanding (MOU) between the Town and the Library, dated September, 2016 and amended April, 2018, to allow the Town to install up to two electric vehicle charging stations in the Library parking lot.

Mr. Poore said the Library building committee realized during construction that the Library project did not have any electric vehicle charging stations within the design. He said that the committee came up with two places for charging stations each one could accommodate two vehicles for a total of four vehicles. He said that there was not enough money in the budget to complete the construction of both stations, but they were able to install the conduit in the parking lot. The Town will be seeking grant funding to complete the stations. The committee members felt if the Town was going to spend the money for the charging stations then the stations should be available to the general public. The Library Board will have to vote on this later. The only request of the Library was for vehicles to not stay there for hours on end during the daytime. Councilor Trickett asked how that restriction would be enforced. Mr. Poore said the only way the Town could enforce through ticketing would be if the Town adopted something in the parking and traffic control ordinance. He thought at this time it would be voluntary compliance. He said the Library would be monitoring this and if they started to see a pattern of someone leaving their car for the whole day they would likely reach out to the Town and the Town would try to work with that person. If it becomes a trend of issues the Town could investigate revising its ordinances. Councilor Trickett asked if the Town was obligated under the MOU to enforce that restriction. Mr. Poore said that was a good question. He believed that because the Town and

Library are co-owners of the Library property that together as owners of the property the Town and the Library could have a car towed. He said that the Town would want to put signs up warning that violators could be subject to tow.

Councilor Johnson felt that the restriction could be difficult to enforce but felt that with ample signage the Town could likely quell most of the problems that could arise. He felt it was a great gesture that the Town was going down this route with charging signs and felt that signage that encourages people to use the stations in moderation would be enough.

Councilor Asherman supported the charging stations. He clarified that Councilor Trickett's question was whether the Town was obligated to enforce the restriction under the MOU. Mr. Poore said yes, the Library could use the MOU to say that the Town was not holding up its end of the bargain. He was not sure what kind of action the Library could take against the Town. He said the Town could address this in the ordinances when the charging stations are installed. His intention with this item was to establish the Town's right and memorialize this before too many people change hands.

Councilor Cahan said even if it does obligate the Town to enforce it, she was supportive because the Town needs charging stations on that side of town that are available for people to encourage more people to buy electric vehicles. She felt that a three-hour time limit was reasonable and that if it is not being adhered to then the Town should make sure that it is.

Councilor De Lima said she agreed with the other councilors' comments. She said her preference would be to put a sign indicating the risk of being towed rather than adjusting the ordinance so that the Library could call a towing company rather than having to involve the police.

Councilor Hemphill agreed with the other councilors regarding how best to administer this and looked forward to the Library having this service available.

Chair Kuhn said she was hearing support for moving this forward and interest in signage encouraging the public to use the stations while at the same time respecting the three-hour limit. She said if there were issues the Council could revisit it.

Councilor Trickett supported moving forward with this and encouraged staff when installing the charging stations to think about whether there are any associated risks and making sure the Town has a plan for upholding its end of the bargain with the Library.

Councilor Cahan motioned; Councilor De Lima seconded.

Chair Kuhn opened the public comment period; there was no public comment.

Chair Kuhn recognized that Andi Jackson-Darling is retiring this month. She said Ms. Darling has been steady at the helm of the Library for many years; eight years as Director and years before that in adult services. She thanked Ms. Darling on behalf of the Council for her service to Falmouth residents and wished her the best in retirement.

The motion carried unanimously.

Item 4 Discussion regarding COVID-19 updates and issues.

Mr. Poore said that five outdoor retail and dining applications had been submitted and five had been approved. There have not been any concerns raised. He said the Governor issued an order that day allowing

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indoor service at Cumberland County restaurants. He said restaurants are still under restrictions for how many people are allowed indoors so he felt that outdoor seating arrangements will still be necessary.

Councilor De Lima motioned to waive the rules to add an agenda item to discuss the format of the community discussion on policing in Falmouth; Councilor Johnson seconded.

The motion carried unanimously.

Chair Kuhn said Falmouth residents had expressed a lot of curiosity and interest in talking about policing practices and other issues in Town as they relate to the nationwide protests surrounding racial justice. She said that the Police Department put together a Q&A document that was posted on the website the prior week. She said the relevant Police Department policies would be posted on the website as well. She said the Town committed to holding a community forum to talk through these issues. She said the Council was looking at July 8 as a possible date. She said the format that leadership discussed was to start with a presentation from the Police Chief and then turn it over to the community to offer comment. She said the Council would bring what was learned in the forum to the retreat.

Councilor De Lima said it was a good format. She said the Town has a professional police department and staff. She said she had some concern about being overly critical. She wanted to let the Police Department know that the Council is coming into this to hear what is on people's mind and this is not meant to be an overly critical forum. She said that in the letter she read there was a lot of appreciation for the Police Department and Town staff. She said there was of course room for improvement and she hoped those items would come up at the forum.

Councilor Johnson said the councilors were seeing the gamut of responses from people. He said Falmouth is in some ways representative of what is similar about the country but in some ways is vastly different. He said there are a lot of voices out there and he thought that people needed to be heard but he hoped that this session was a listening session for us and others to hear especially the police force and Town staff.

Councilor Trickett asked to what extent this would be publicized outside of Falmouth. He asked whether there would be limitations on who can participate with respect to residency. Chair Kuhn said she had assumed it would Falmouth residents, but anyone can speak at a public forum. Mr. Poore said the Town has never limited comments at forums to just residents. He said that the Town has never intentionally advertised to outside of the community but there are people outside of the community who follow the Town and the newspaper gets a broader reach. He said he would need direction from the Council on how much further to reach beyond the community. Chair Kuhn said advocacy groups often attend public forums who are not necessarily based in Falmouth. Councilor Trickett asked if the format would be open public comment. He said a substantial portion of arrests made by Falmouth Police are not of Falmouth residents so not just Falmouth residents are impacted by policing in Falmouth. He expressed concern about the forum getting out of control.

Councilor Cahan said that the Town did not have the right to prohibit public speaking at a public meeting. She said she wanted to hear from people what was happening when they go to a business in Town. She welcomed hearing about people's experiences whether they live in the Town or not.

Chair Kuhn felt the Town was compelled to have a meeting on this subject. She said that this was a national conversation and to not have a forum in the Town did not seem right or responsive to members of the public who wanted to have a conversation about an important policy issue. She appreciated the feedback that the councilors wanted to keep it orderly and maintain decorum.

Councilor Cahan said it was important to evaluate the Police Department anyway.

Councilor De Lima asked whether the event would be facilitated. She felt that prior forums with table discussions worked well and gave everyone the opportunity to hear both sides of the issue. She suggested guided questions around the type of feedback that the Council is looking for.

Councilor Hemphill looked forward to this opportunity for the community to express opinions about what is going on. He felt it is an important opportunity for introspection. He felt it is a great opportunity for the Council to listen and hear what residents and others have to say about what is going on in Falmouth and our neighboring communities.

Councilor Asherman felt the Town would be remiss if it did not respond to the community. He felt we will all learn something from this process. He asked for clarification that this would be a Zoom meeting. Chair Kuhn said it would be held virtually in order to accommodate social distancing.

Chair Kuhn said the Council is clear on its desire to move forward with this. She said the Council and Town staff needed to think about what kind of facilitation would help get the best feedback from people. She said the Forum would be held July 8 at 7:00 pm.

Item 5 Order to go into Executive Session pursuant to the Laws of Maine to discuss negotiation parameters associated with the Maine Association of Police current collective bargaining agreement, pursuant to 1 M.R.S.A. § 405 (6) (D).

Councilor Hemphill motioned; Councilor Cahan seconded.

The motion carried unanimously.

The Council entered executive session at 7:39 pm. The Council did not return.

Respectfully submitted,

Marguerite Fleming
Recording Secretary