

Town Council Meeting Minutes September 14, 2020

Chair Kuhn began the meeting at 7:02 pm.

Roll Call

Councilors Asherman, Johnson, DeLima, Kuhn, Cahan, and LaFond were present and answering roll call.

Councilor Trickett arrived late.

Item 1 **Public hearing and order relative to a new permanent food service establishment licenses for Foreside Nutrition, LLC.**

Councilor De Lima asked for clarification on the kind of food that would be served at the establishment. Chair Kuhn said she understood it to be a smoothie and juice bar.

Councilor Johnson motioned; Councilor Cahan seconded.

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

Councilor De Lima suggested that a description of the business be added to the application. She felt that businesses might become interested in adding CBD or other infusions to their products and felt that providing more information in the applications would allow the councilors to be more informed. She asked if the application were a municipal or state form and whether it could be edited. Mr. Poore said it is the Town's form and the Town's ordinance so that questions could be added to the form without an amendment to the ordinance.

The motion carried unanimously.

Item 2 **Order to approve a supplemental appropriation of \$63,000 from unassigned fund balance for Future iQ to assist the Town with the Community Vision and Values project.**

Chair Kuhn reviewed the project timeline to date.

David Beurle, CEO & Founder of Future iQ, reviewed the revised project timeline. Phase 1 will include initial planning and schedule, background research/key data review, and the benchmark report. Phase 2 will include launching the community survey, the data visualization platform, future driver focus groups, the Falmouth future think-tank workshop, and the scenarios of the future report. He said that Phase 2 will include two pauses which are breaks where the process is moving from online engagement to face to face community sessions if possible. Phase 3 will include community vision engagement sessions, the vision survey, data collection, and analysis, and the community future summit. Phase 4 will include drafting and finalizing the Falmouth community vision and values statement report, and the community communication plan.

Councilor Johnson said there had been some discussion regarding whether people who are not eligible Falmouth voters should be allowed to participate in the process. He felt that as many voices as possible would be beneficial especially for non-voting age residents and business owners. He asked Mr. Beurle to further discuss how the different demographics can be segmented out. Mr. Beurle said that Future iQ has a

strong data driven approach. He said all the data will be segmented by a series of profiling questions. He said there are people who may not be voting members but have substantial interest in the community and its future. He felt it was important to let people participate but it is also important to look at the different cohorts of people and how their views are represented.

Councilor De Lima said she was excited that the Town was launching the vision and values project and wished that it could have been started the last fiscal year. She felt that the Town was going to have to make some tough financial decisions in the coming year. She said she had heard from residents about the choice of having a non-Maine based company help with this process. She asked Mr. Beurle how he would approach both points of view on this topic. Mr. Beurle felt that the way the Town had delayed the timing was just right. He said that as he understood it the desire is to be a highly effective community and for the Town to be able to make good decisions. He felt that required scanning widely in terms of best practice. He said Future iQ brings wide experience. He said that he has been working with Mike Wilson of the Northern Forest Service on tourism development planning initiatives in the Maine Lakes Region. He felt Future iQ brings a unique combination of wide experience and an intimate knowledge of the type of environment that Falmouth is in. He said his job is to reach in deep to get down to the bare bones of what people want for the future. He said this process must be solution based.

Councilor LaFond said that the process the Town is going through will have a greater buy in by the community if all of the groups are included but that the citizens of Falmouth should have at least an equal voice and be the driver of the future of Falmouth. Mr. Beurle said that creating a dialogue with the community and explaining why it is important is critical. He said that is why the process leads with a survey. He described the tactics that Future iQ uses to heighten that experience. He said that creating an open and inviting process is important.

Chair Kuhn asked about the project portal. Mr. Beurle said that the project portal is the go-to place where people can go for announcements and to view the data.

Councilor Cahan asked if, at the end of the project, the Town would have a compilation of all the data. Mr. Beurle said that the portals are kept active. He said that the essence of the data is in the reports. He said that they are finding that Councils are tending to want to revisit comprehensive plan updates on a more frequent basis than every ten years because they want to know if their assumptions are still accurate. He said that the portal will remain active for the next ten years.

Councilor Cahan motioned; Councilor Asherman seconded.

Chair Kuhn opened the public comment period.

Jack Uminski said that the Council should have received an email from Bob King. He said that Mr. King raised good points that he felt that Council needed to take into consideration. He discussed the affirmatively furthering fair housing rule. He expressed concern about the number of residents of Falmouth that he felt were not paying attention. He asked how the Council would overcome that and get good feedback from the majority of voting residents.

John Winslow of 253 Gray Road expressed opposition to the Town moving forward with this consultant. He said Falmouth is and has always been the bedroom community to Portland and is now the recreational playground for Portland. He said Falmouth has never been a tourist destination outside of the local community. He said that stakeholder engagement that led to the disastrous RA zoning change. He expressed concern that the Council had not addressed the RB, RD, and RC zoning changes. He expressed concern that Future iQ used a city for comparison and said that Falmouth does not want to become Portland. He said

there are over 150 residential units in different phases of construction but only one approved commercial structure. He said that was a lopsided balance in terms of the different sectors of growth. He expressed concern that the publications referenced by Future iQ did not predict a pandemic. He felt that the Town should learn from past mistakes and not repeat them. He expressed concern that stakeholders meant developers and property investors. He expressed concern that residents' voices are not being heard.

Valentine Sheldon of Route 88 felt that only taxpayers should have a say in the Town's future. He said that he liked the idea of hiring someone from away with no ties to the town but expressed concern about Future iQ's specialty in city, urban, and regional planning. He expressed concern that Future iQ's process would not allow for the progress to be resident driven and that it is unclear when the large in person groups will be held. He felt that the project could become a waste of taxpayer money. He expressed concern about the Long Range Planning and Economic Development Director's salary. He said that the Town should not move forward with the project until there is more clarity around the future and how to pay for it.

Lee Hanchett of 21 Stone Ridge Road felt that the Town should stop hiring expensive consultants and use staff. He suggested doing an efficiency evaluation of the Town.

Marjorie Getz expressed concern about the broad demographic and the inclusion of minor people as part of the database. She said that we should be looking at the data around how many kids to stay in Falmouth after graduating from high school and the average length of residency in Falmouth. She said she did not have a problem with including business owners but felt that the residents must have a preponderance of say on this. She agreed with Councilor Cahan's comments about saving the data and keeping it alive. She felt that the Town is spending too much money on consultants. She said that not one taxpayer had said they were in favor of this. She expressed concern that the Council was not listening to what the voters wanted.

Lisa Joy said that she did not think that hiring consultants is the way to go. She felt that residents should be the primary stakeholder group. She expressed concern about how an outside entity would engage with residents in a meaningful way. She expressed concern that the Town's rural byways were becoming overly trafficked.

Andrea Ferrante said that she almost only cares about what residents' say. She said that the Town has no idea what the majority of the residents know or feel. She felt that it would be very difficult to feel confident about decision making if we cannot get more participation. She wanted to know how much participation we can get. She felt that people should have a voice in town decisions. She asked for more information on the project timeline.

Chair Kuhn closed the public comment period.

Chair Kuhn asked Mr. Beurle to address the question of how many people the Town could expect to reach. Mr. Beurle said it was a perennial problem to get engagement in a meaningful way in today's world. He said there is no perfect so solution. He said Future iQ's intention would be to ensure as many people as possible, above 50%, know about this project and have been touched by it in some way. He said typically in communities of Falmouth's size around about 1,000 people would feel that they had significant input. He felt that virtual engagement allows people to participate in different ways. Chair Kuhn asked about people's capacity to engage in this work right now and what kind of engagement Future iQ was seeing in other communities. Mr. Beurle felt that we are at the point where we can start having these conversations. He said that they have been using social media heavily in other communities. He said that Future iQ's current plan is for the project to run until June 2021. He said that they are not expecting face to face engagement until 2021. He felt that people are desiring to get on with things.

Councilor Trickett said the Town is hiring Future iQ because the Council had heard that people did not think that staff and previous Councils had done a good job of reaching the silent majority. He said that Future iQ had the best plan and track record for broad engagement among all the consultants. He felt if the Town is successful in achieving broad engagement it will give legitimacy to the comprehensive plan. He said he initially questioned why non-voters should get a say but ultimately it will only be residents who decide what impact this process has on the Town's comprehensive plan, land use, and zoning. He said there are a lot of stakeholders whose thoughts voters should be interested in. He said that Future iQ is good at tracking who is saying what.

Councilor Cahan agreed with Councilor Trickett's comments. She said when she first started on the Council there was a lot of discussion about how to engage a broader section of the community. She felt that the Town has a very confident staff and that the Council asks a lot of them. She felt that hiring a consultant was important to achieving broad engagement. She said now might not be the best the time, but the Council has heard a desire to move forward from the community. She said she had seen great engagement with zoom meetings. She said that having someone who is not from Falmouth will help broaden the idea set. She felt that it would be important to hear from non-voters because if the community wants something to happen it will need help from these groups.

Councilor Asherman agreed with Councilors Trickett and Cahan's comments. He supported hiring a consultant for this project. He thanked the people who provided public comment. He was fully in support of this and appreciated the discussion.

Councilor De Lima agreed with Councilor Asherman's comments. She said it was good to hear residents' perspectives. She said residents had suggested using high school students to knock on doors and survey residents. She said she liked the idea but was not sure how many high schoolers would volunteer and was concerned about the risk with the pandemic. She encouraged anyone who was listening to think about their role in getting more participation. She said that broad engagement would happen with everyone helping to spread the word. She agreed with Councilor Cahan that it is a sensitive time right now but that we should get the work started.

Councilor Johnson said that the desire to get as much engagement as possible was universal amongst everyone on the Council. He said kids are not coming back to Maine after college due to a lack of jobs, so we want to make the Town and the State desirable. He felt that getting as many stakeholders as possible was the best way to inform a better solution.

Chair Kuhn thanked everyone who spoke. She said she could see the stakeholder question being problematic and did not want that to undermine the process. She felt it was interesting to talk with different groups and hear their feedback. She felt that Falmouth residents are the group that needs to drive this process. She said she sees the public clamoring for an update of the comprehensive plan and a new look at the 2016 zoning and this is the pathway to get that done. She saw the project as urgent. She said that the timeline includes pauses to allow the Town to assess where things are with the pandemic and whether to pause or move ahead.

The motion carried unanimously.

Item 3 Presentation and public comment opportunity on a proposed Communications Strategic Plan.

Erin Cadigan, Communications and Outreach Coordinator delivered the presentation. She reviewed the process leading up to the plan, the key principles guiding the plan, communications in government, current tactics and tools, current strengths and challenges, goals of the plan, action steps, efforts currently underway, communications during COVID-19. She said staff are looking forward to hearing feedback from the Council

and the public and will consider any changes or recommendations before the plan is finalized. She said a survey would be sent out to residents by mail and online this Fall. She said people should feel free to contact her directly via email or phone.

Chair Kuhn said that we saw the benefit of the timeliness of all of the effort that had been put into improving communications during the pandemic.

Councilor Trickett asked what kind of data the Town has on engagement. Ms. Cadigan said that there were around 4,000 unique e-alert subscribers. She said that the news and announcement e-alert subscribe list increased during the pandemic. She said there are 3,400 subscribers to news and announcements and 2,100 to the EMA announcements. She said the Falmouth Focus has 715 subscribers, but news and announcement subscribers also receive the Focus. She said the Town had 1,686 followers in February 1,686 and currently has 1,975 followers. She said the Town Twitter account has 343 followers.

Councilor LaFond asked if the Town had looked into having a phone app. Ms. Cadigan said that the Town has asked about a phone app in the survey and it was not very popular.

Chair Kuhn opened the public comment period.

Marjorie Getz expressed concern that the Town had been focusing on providing information but that citizens were not being given an opportunity to provide input to the Town.

Lisa Joy felt that the Town had adopted a corporate structure for delivering information. She felt it was important to prioritize the information being communicated. She felt that public engagement is the trickiest part of this. She suggested having people who are familiar with reporting help on the controversial subjects and not just have the newsletter be written by one voice. She also suggested quoting community members in articles. She suggested having an internal communications protocols for the Council.

Andrea Ferrante agreed with Ms. Getz' comments about needing to improve the two-way dialogue. She said she was thrilled to see this much information making it to residents. She wanted to see public engagement become the priority now.

Chair Kuhn closed the public comment period.

Chair Kuhn said that the next step is for Ms. Cadigan to come back to the Council with a report on the survey and potentially changes to the strategic plan to accommodate some of the public comments including the reciprocal communication.

Item 4 Re-enactment of Ordinance No.128-2020, an emergency ordinance to temporarily suspend certain provisions of the Falmouth Code of Ordinances relating to outdoor eating areas and outdoor retail display to assist businesses suffering economic loss due to COVID-19 in a manner consistent with the Governor's re-opening plan.

Councilor Johnson motioned; Councilor Cahan seconded.

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

Councilor Trickett asked if staff had received any feedback or questions regarding whether any adaptations are needed as the weather changes. He asked whether the Town has considered liability issues with respect to

snow removal or if conditions become unsafe outside. Mr. Poore said there has been no discussion about the upcoming cold weather. He said if the Council extends the ordinance beyond November 13 there could be some discussions. He did not believe any of the permits have been issued have any outdoor dining in place on a public place so there would be no liability for the Town. He said even if there were, the Town's immunity would protect the Town. Councilor Trickett encouraged staff to think about it recommendations for how this can be adapted for the winter.

The motion carried unanimously.

Item 5 Update and discussion regarding the Town Council Annual Retreat and FY2021 work plan.

Chair Kuhn delivered the presentation. She reviewed challenges, Council-led priority items, and priority items referred to Council subcommittees, staff, and Town appointed committees.

Councilor Cahan said that week the Ordinance Committee would be looking at noise and dust ordinances specifically related to construction projects and do an evaluation of the Town's current ordinances to see if there are recommendation or updates that the Committee would like to make to the full Council.

Councilor Asherman thanked Chair Kuhn for her presentation.

Item 6 Discussion about racial and social justice.

Chair Kuhn said she was hoping that the Council could discuss the kinds of actions the Council wanted to consider committing to.

Councilor Cahan asked for clarification on whether the Council would be taking action at that meeting. Chair Kuhn said that she was not suggesting that the Council pass a resolution at that meeting but that if the Council could generate consensus about the kinds of actions that it would like to take then staff could draft a resolution to be presented at a future meeting.

Nathan Poore, Town Manager reviewed the actions that the Town had taken since June. He described his personal journey on this matter. He said that he created a list of resources that he thought would be helpful for staff and the Council. He said he has been looking at this through three prongs. He said on the operations side he was considering training for all staff. He described trainings that staff had already taken. He said that he and other staff had been looking into possible trainers and were finding that the larger organizations were booked solid. He said staff were currently working on a potential a scope of work with a local consultant. He said he was also considering reformatting the staff training into community conversations. He said that the staff training could be extended to the Council and town committees and boards. He said the third item would be to do an in-depth review of the Town's policies. He said it would be necessary to determine the process for doing that. He asked for the Council's thoughts on these recommendations.

Councilor Johnson described the Portland Regional Chamber of Commerce's trainings and resources surrounding this issue. He said that the Town had signed on to the Chamber's Standing in Solidarity Pledge.

Councilor De Lima said she respected that Mr. Poore was taking the initiative to develop sensitive of what the issues are amongst Town employees. She felt that the deeper we can go into the community with this the better. She suggested using the Town's communications methods to share resources. She suggested that the schools could take a lead. She said this is an ongoing awareness building and introspection process. She suggested weaving an aspect of this issue into the vision and values project surveys.

Councilor Asherman agreed with Councilor De Lima that this needs to come into play during the vision and values process.

Councilor Cahan asked whether Mr. Poore had reached out to the Government Alliance on Race and Equity. Mr. Poore said he had reached out to GARE and they were booked. He said the organization had a great website and good models for communities to follow. Councilor Cahan suggested having some sort of kind of measurement to gauge success in changing things for the better. Mr. Poore said was a great suggestion and something that the Town could explore especially for the policy review.

Councilor LaFond supported Nathan in both his personal journey and his commitment to racial justice and examination of systemic racism. He felt it was not just a local commitment and would take a national commitment. He said we are often not sure what to do but that does not mean that we do nothing and felt that the Council and community should gather to discuss this issue.

Councilor Trickett appreciated Mr. Poore's sincerity and thoughtfulness surrounding the issue. He expressed concern about not wanting the Town to just do something to check a box and then move on. He felt that the Town was struggling with capacity to confront these issues, seek change, and acknowledge that easy solutions do not work. He expressed concern that there have been numerous studies indicating that implicit bias and anti-racism trainings do not work in terms of outcomes or actions. He also expressed concern about the assumptions held by trainers and was opposed to mandating training for staff. He felt it was important to consider what the Council could do to confront inequities and injustices that are perpetuated in institutions and what policies could be put in place to promote both racial and socioeconomic integration in Falmouth.

Chair Kuhn felt that the training that she has been engaged in and what Mr. Poore was considering for Town staff included implicit bias training but primarily related to Black history, defining systemic racism, laws and policies that have perpetuated systemic racism. She felt there is a role for training and that if there is no common knowledge and no common language it will be hard to have objective and effective conversations. She also liked the idea of the Town trying to get information out to the public. She agreed that hiring and housing policies were important. Mr. Poore felt that providing the fundamental knowledge was necessary for staff leadership to have a solid understanding and be genuine when they look at the operational policies. He said he had not yet determined which trainings would be mandatory for which staff.

Chair Kuhn asked whether the councilors desired to move forward with drafting a resolution for consideration at a future meeting.

Councilor De Lima said that the Council made this a priority because they heard from a lot of residents that it should be a priority. She felt that the Council needed to act. She suggested taking time to build awareness before deciding what the actions should be.

Councilor Cahan felt that a resolution would be mostly symbolic. She was happy to have staff move forward with drafting a resolution but felt that there needed to be a road map. She felt that it was challenging to provide direction because she is a white person. She felt it was good to have training for staff but that the Town had to have support in analyzing its policies from people who live this daily. She said she was hopeful that the Town could use GARE because that is their specialty. She desired to move forward with something concrete that we can point to and analyze and measure.

Chair Kuhn said her interest in moving forward a resolution was for the Council to commit to taking some specific actions. She said some communities had set up taskforces to look at these issues and move the work forward. She said the School Department had established a committee.

Councilor Trickett asked if the Council was willing to discuss, look at, and consider changing the Town's housing and land use policies. Chair Kuhn and Councilor LaFond were interested. Councilor Asherman felt he could use training on the background information. He felt it was important to use that background training to inform the tangible items and how it impacts what the Council does. He asked if the Council willing as a group to try to institute and steer the ship towards changes. Councilor Cahan felt that the Town should look at housing, public transit options, sidewalks, and bike paths but felt that there needed to be an overarching plan.

Chair Kuhn suggested that she and Councilor Asherman work with staff to develop a plan that would meaningfully address concrete steps that the Council is identifying it is interested in moving forward on. She asked if Mr. Poore could move forward with coordinating training for the Town staff. Councilor Trickett reiterated his opposition to mandatory implicit bias training for Town staff.

Item 7 Order to go into Executive Session pursuant to the Laws of Maine to discuss real estate rights, pursuant to 1 M.R.S.A. § 405 (6) (C).

Councilor Asherman motioned; Councilor Johnson seconded.

The motion carried unanimously.

The Council entered Executive Session at 10:13pm and did not return.

Respectfully submitted,

Marguerite Fleming
Recording Secretary