

Town Council Meeting Minutes November 23, 2020

Chair Kuhn opened the public comment period.

Roll Call

All Councilors were present and answering roll call.

Pledge of Allegiance

Chair Kuhn led those present in the Pledge of Allegiance.

Item 1 Public Comment Period.

Chair Kuhn opened the public comment period.

John Winslow of 253 Gray Road asked if the Council had received an email from Mr. Fitzgerald regarding the resignation of Erik Knudsen and Sarah Beliveau. The councilors indicated that they had received the email. Mr. Winslow felt that the emailed needed to be brought into the record. He said that Mr. Fitzgerald's email summed up what was wrong in an articulate manner. He felt that the situation had been handled inappropriately and asked the Council to ask Mr. Poore to publicly give an apology to Erik and Sarah. He was not sure how everything came about but felt that Falmouth is better than this. He said that Council has duty to the residents of this town to make it right. He said Falmouth has lost numerous police officers that have quit over the past summer. He said Falmouth had hired at least a dozen people and he did not see any diversity in the hiring practices of Falmouth. He said there needed to be an outside entity to oversee or investigate what Falmouth is doing. He expressed concern that Mr. Poore referenced a Fire-EMS employee survey that was done over a year ago. He would like to see the Council take some serious actions to make amends.

Keith Noyes of 94 Gray Road also expressed concern about the situation with Erik Knudsen and Sarah Beliveau. He felt there was a huge problem in the town starting with the management. He expressed concern about recent Council decisions. He expressed concern about the Town's partnership with the Greater Portland Council of Governments. He felt that the Council needs to start listening to its citizens.

Chair Kuhn closed the public comment period.

Chair Kuhn said that there were several comments regarding human resources matters in the Fire-EMS Department. She said that residents' concerns are being taken seriously but that she was not able to speak further on the matter.

Councilor Trickett asked how many police officers resigned over the summer. Mr. Poore said he would have to follow up on the exact number. One officer has taken a new job in York County and another officer indicated that he was going to retire and move south but has delayed that decision.

Mr. Poore said he referenced the survey from last year because this is a personnel matter. He said that when people resign from positions and then make statements about their former employer it becomes a personnel matter that the Town cannot speak about. He said the best answer that he could provide to give the

community confidence that he believes that the Department is in excellent operating condition was to reference the most recent credible information that he has which is an assessment from the entire department. He said he could not speak in detail in any other aspects of the personnel matter. He said he has conducted exit interviews and met with the Fire Chief and the Assistant Town Manager and consulted with the Town attorney to make sure that everyone was being treated fairly. He said that his statement to the Forecaster was not meant to disparage Mr. Knudsen and Ms. Beliveau. He said that they served the Town well and it was unfortunate how this has worked out in the press.

Councilor Trickett said he read the Forecaster article and did not see any disparagement.

Item 2 (Consent Agenda)

- **Order to approve the minutes of the October 14, 2020 Town Council Special Meeting.**

Councilor Cahan motioned; Councilor DeLima seconded.

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

The motion carried unanimously.

Item 3 Report from staff, Council committees, and Council liaisons regarding updates on assignments and projects.

Councilor Cahan provided an update on the October 27 and November 9 Ordinance Committee meetings. She said that the October 27 meeting was dedicated to the discussion of short-term rentals. A representative from Host Compliance delivered a presentation. She said at the November 9 meeting the Committee continued its discussion of establishing a policy for the use of eminent domain when necessary to construct and maintain Town infrastructure and discussed the Town's street acceptance policy. She said the next Ordinance Committee meeting will be held on December 14. She said the Community Development Committee met on November 16. She said the Committee provided feedback on staff's recommendation for how to amend the definition of subdivisions to comply with the recent changes in state law. She said the Committee continued its discussion of the Route 100 land use recommendations. She said the Committee had a conversation about whether the recommendations should move forward now or wait until the Vision and Values Project was over. She said the Committee decided to move forward with its work on the recommendations by bringing them to the Council and the public for an initial discussion. She said the Committee is recommending that residents and business owners be brought to the table when the Council initially hears the recommendations. She said the initial concept discussion will not include the mixed-use development recommendations because there are several potential impacts that the Committee felt were important to investigate further. The next Community Development Committee meeting will be on December 7.

Councilor DeLima said that Finance Committee met on December 18. She said the Pete McHugh, Finance Director, provided an update on the four active TIFs in Town. She said each of the TIFs get audited by the external auditors annually to make sure that expenses are being allocated appropriately. She said that Mr. McHugh provided an update on the Senior Tax Relief Program. She said there were fewer applicants this year than last year. She said the next meeting will be a joint meeting of the Town and School Department finance committees and will be held on December 16. She said that Mr. McHugh will provide a mid-fiscal year update at a January Council meeting. She said members of the Harbor/Waterfront Committee were made aware of a lease application with the Department of Marine Resources for a kelp farm off the coast of Cumberland. She said a second application is in progress for a similar farm off the coast of Clapboard Island. She said the applicant is a resident. She said this is a new industry with a lot of potential, but it must be balanced with the boating and commercial fishermen. She said Richie Garrett, Committee Chair attended the scoping meeting

in November and Chief Kilbride and Lieutenant Soule will be following the progress. She said that the Department of Marine Resources will offer public comment periods. Chair Kuhn clarified that the matter of licensing this is not before the Town. It is a decision of the State of Maine.

Councilor LaFond said that REAC met for the first time with Ashley Krulik, the new Energy & Sustainability Coordinator. He said the solar array placement on the transfer station is scheduled to go forward in Spring 2021. He said the Committee discussed the placement of a composting deposit facility in East Falmouth. He said that the Committee plans to finalize the business sustainability network which recognizes sustainably run Falmouth businesses. He said the next meeting will be December 3.

Chair Kuhn thanked the Clerks Office staff and poll workers for a remarkably smooth election. She said there was an 89% voter turnout. She said the initial Vision and Values Project online survey has been launched. She said 330 people had responded to the survey to date. She said there was a townwide postcard mailing.

Item 4 Report from the Appointment Committee and order regarding various vacancies on Boards and Committees.

Councilor Johnson reviewed the list of individuals being recommended for appointment and reappoint to town boards and committees.

Councilor DeLima motioned; Councilor Cahan seconded.

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

The motion carried unanimously.

Item 5 Public Hearing on ordinance amendments to Section 19-40 of the Code of Ordinances relative to the keeping of animals in the RD and HL zoning districts.

Councilor Cahan provide background information on the proposed ordinance amendments.

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

Mr. Poore said that the Portland Press Herald had computer issues that resulted in the Planning Board public hearing not being noticed in time for the December 1 meeting. The order was be scheduled for January 11.

Item 6 Adoption of an ordinance amendment to establish a new Chapter II-22 of the Code of Ordinances relative to creating a procedure for considering requests for ordinance amendments.

Councilor Cahan provided background information on the proposed ordinance amendment.

Councilor DeLima motioned; Councilor Johnson seconded.

The motion carried unanimously.

Item 7 Order to adopt submittal requirements for ordinance amendment requests made under Chapter II-22 of the Code of Ordinances.

Councilor Asherman motioned; Councilor DeLima seconded.

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

The motion carried unanimously.

Item 8 Order to amend the Land Use Permit Fee Schedule to incorporate fees associated with requests for ordinance amendments under Chapter II-22 of the Code of Ordinances.

Councilor DeLima motioned; Councilor LaFond seconded.

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

The motion carried unanimously.

Item 9 Ordinance to adopt the maximum levels of income and expenses for the General Assistance program, Chapter 6, Article 6, Section 6.68, Appendices A-H of the Falmouth Code of Ordinances.

Councilor DeLima motioned; Councilor Johnson seconded.

The motion carried unanimously.

Item 10 Order to go into Executive Session pursuant to the Laws of Maine to consult with the Town Attorney regarding legal rights and responsibilities, pursuant to 1 M.R.S.A. § 405 (6) (E).

Councilor DeLima motioned; Councilor Cahan seconded.

The motion carried unanimously.

The Council entered Executive Session at 7:53 pm and did not return.

Respectfully submitted,

Marguerite Fleming
Recording Secretary