

# **Town Council Special Meeting**

## **Minutes**

### **March 9, 2020**

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

#### **Roll Call**

Councilors De Lima, Johnson, Cahan, Asherman, Kuhn, Trickett, and Hemphill were present and answering roll call.

Councilor Cahan arrived late.

#### **Item 1           Update on the Falmouth Memorial Library expansion project and proposed budget.**

Marsha Clark, Falmouth Memorial Library Board of Trustees Member, delivered a presentation. She said that the Library expansion project is on schedule and on budget and is more than 90% complete. She outlined the construction progress, the different spaces in the building, and potential new programming. She said that the project has achieved the goal of not increasing the building's energy usage. She said that the design of the building will not require additional staff which was another project goal. She said that the library space at Mason-Motz will be open until March 17 and then will close for the rest of the month. Patrons can check out as many books as they would like before March 17. Books will be due back May 15. She said that all Cumberland County residents can get a Portland Public Library card. She said it will take some time to complete the re-shelving process and train staff. She said that mid-May is anticipated for the opening but that updates will be posted on the Library website. She thanked the community for its support.

Chair Kuhn asked if the Library would need volunteers to help with the move. Ms. Clark said many volunteers had already signed up. Councilor Johnson appreciated the presentation. He said that he would challenge the Library to not use a Keurig. Ms. Clark said that the Library has found that people like to bring their drinks to the Library. She said that if anyone has suggestions, she would love to hear them.

Steven Knapp, President of the Library Board of Trustees delivered a presentation on the value of the Library to the community and the efficiency with which it is run. He reviewed statistics on the Library's usage by the community. He reviewed reference transactions per capita. He reviewed a chart comparing the Library's program cost per participant with other towns. He also showed a chart comparing the Library's cost per number of items in circulation with other towns. He ended with discussing community connections.

Nathan Poore provided an update on the electric vehicle charging station. He said that it was realized mid-way through the project that the design did not include a charging station. The design was changed to incorporate at least two spaces for charging, possibly four. He said that all the conduit structure is in place, but the Town is going to try to receive grants to acquire the charging stations. The Library and the Town have discussed having the Town be responsible for the expenses associated with the charging stations in exchange for the stations being open to the public 24 hours a day, 7 days a week without any restrictions from the library. This will require a MOU amendment between the Town and Library. The MOU would basically give the Town the ability to have these parking spaces at our cost, but the Town would be unrestricted by the Library with how they are used.

Councilor Asherman said that he toured the Library the prior week. He was impressed and felt that it would provide a sense of community.

Councilor De Lima added that she went on a tour that morning. She said it is a remarkable building that is anticipating the future. She thanked all the contributors to the project.

Councilor Cahan said that she also toured the Library and it is a fabulous space. She is excited about the flexibility of the design which will allow the building to adapt to the future needs of the Library.

Councilor Hemphill also toured the Library. He echoed the other Councilors' praise for the Library and felt that the Town could look forward to a great facility and a great community asset.

Chair Kuhn said that the Library's budget will be rolled out a part of the overall municipal budget. The public hearing will be on April 1.

**Item 2            Public Hearing on amendments to Division II-19-1-2 and Division II-19-1-3, Sections 19-11, 19-13, 19-14, and 19-19, of the Code of Ordinances relative to kennels.**

Chair Kuhn provided a summary of the proposed amendments. Councilor Cahan added that the CDC reached out to all the doggy daycare owners to provide feedback. She listed the districts into which the CDC was proposing expanding use. Currently, kennels are only allowed in the Farm and Forest District.

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

The order was scheduled for March 23.

**Item 3            Council update on the possible acquisition of approximately 80 acres of undeveloped land on Falmouth Road.**

Mr. Poore reviewed a map showing the parcel of land. He said that the parcel was around 80 acres but is down to around 77 acres due to ongoing survey work. He said that the property is under current review by the Planning Board for a subdivision application. He said that the property was first discussed as open space eight or nine years ago. It was subject to a potential Land for Maine's future grant application but did not score high enough to make it through that process. It was also subject to a bell tower contract zone amendment. The property owner is now looking to either develop it or put it in conservation by selling it to the Town. LMAC members have visited the site and are meeting tomorrow morning. They are working on their standard rating guide to identify the conservation value of the property. An appraisal has also been ordered for the property. The Town expects to have the appraisal within three to five weeks.

Councilor Hemphill said that LMAC has done a site walk and several of the members toured the property two weeks ago to evaluate and rate the property on conservation criteria. LMAC has a form and procedure for rating these properties for potential acquisition and should be ready to report to the Council soon. He said that it is an undeveloped property currently zoned Farm and Forest. It is an area that abuts conservation property owned by the Land Trust. There are opportunities to expand. He said that this comes at a time when the Council must make careful choices about how it acquires land but recommended that the Council continue to consider this property as an acquisition goal.

Councilor Asherman walked the property a few weeks earlier. He supported the Council taking a hard look at this.

Chair Kuhn said that no decision has been made by the Council. The Council is in an information gathering phase. A public comment opportunity will be provided if anything moves forward.

**Item 4            Presentation by the Falmouth Land Trust and special public comment opportunity regarding the conservation of 52 acres on Route 1 and Johnson Road.**

Michael Vance, President of the Falmouth Land Trust Board of Trustees delivered an update on the Land Trust's fundraising efforts regarding the conservation of the property. He said that the Trust has continued its fundraising activity since the February Council presentation and has now raised \$470,000. He said that the Trust is committed to additional fundraising to complete the project. He described the Trust's fundraising strategies. He said that the fundraising efforts have allowed the Trust to reduce the ask of the Town by \$100,000. The Trust is now asking the Town for a \$300,000 contribution. He said that the Town's contribution would be a one-time cost as the Trust would bear the ongoing costs. He addressed concerns regarding whether the Town has conserved enough land, the appraisal value, the purchase timing, and access.

Councilor Trickett asked if the appraisal would become public at some point moving forward in the process. Mr. Vance said yes that the Land Trust must include the appraisal in the MNRCP application. The Trust has been speaking with the seller about sharing the appraisal beforehand. Councilor Trickett asked for clarification that the appraisal would become public before closing. Mr. Vance said yes. Councilor Trickett asked if the Town were to contribute funds if it could be done on the condition that the appraisal was actually less than the sale price. Mr. Vance said yes.

Chair Kuhn asked if the parcel had been rated by LMAC. Councilor Hemphill said yes. It is pending the approval of the ratings at the upcoming LMAC meeting. He said that both properties under discussion were rated highly in terms of their conservation value.

Chair Kuhn opened the public comment period.

Lee Hanchett of Stone Ridge Road felt that Falmouth has two extremes, those who want to build high density housing on every piece of open land and those who want to conserve every piece of open land. He felt that the Town needs to steer a middle course and stop being influenced by either extreme. He felt that the Town needs to be careful about spending on niceties and focus on the real needs such as the building of a fulltime fire department. He felt that Falmouth did not need more open space or hiking trails. He expressed concern about the appraisal not being made public. He felt that the appraisal should be conducted by the same firm that is conducting the appraisal on the other parcel on the agenda.

Dr. Jim Meyer, a resident of Oceanview, expressed strong support for the purchase and preservation of the property. He said that he and his wife are supporters of the Friends School of Portland. He understood the importance of playing outside and felt that the children at the school would appreciate the property. He said it was a beautiful piece of property with significant ecological value. He noted that this property could be connected to other open space parcels. He hoped the Town would contribute a significant amount towards the acquisition.

Marian Starkey of 9 Amerescoggin Road expressed support for the Town contributing funding towards the acquisition of Underwood Springs Forest. She would love to have more trails within walking distance of her house. She frequently brings her dogs to the Nature Preserve. She said that being able to walk her dogs off leash in a natural setting is at the core of why she chose to move back to Maine and to her neighborhood. She felt that this speaks to the economic value of preserving Falmouth's open spaces for current and future residents. She said that the neighborhood also benefits from the noise barrier that the Forest provides from Route 1. She expressed concern that cutting down the trees on the land would increase the noise and destroy the wildlife habitat. She participated in the Trust's walk of the parcel. She said that the land is home to many wild animals and that the streams provide an important filtration system. She asked the Town to invest in conserving the property.

David Clark of 11 Bayside Lane agreed with Ms. Starkey's comments. He said that property is accessible from the Route 88 side through some of the side roads and felt it is a marvelous opportunity. He felt it would be a shame to see this lost for the future people of Falmouth.

John Winslow of Gray Road expressed concern about the taxpayer burden of the proposed FY21 budget. He commented that the property had been for sale for as long as he can remember. He did not think the property was going anywhere anytime soon. He asked, if the property were to be developed under the current land use regulations how many acres would be set aside for open space. He said that 74% of the 80-acre property also under consideration by the Council would be dedicated to open space. He felt that the Town would receive significant acreage of open space were Underwood Springs Forest to be developed. He did not support the Town contributing to the purchase of the property. He felt that if it did get sold and developed it would still include open space. He felt that with the current economic uncertainty the Council should consider freezing any unnecessary expenditures.

Daniel Hildreth of 55 Thornhurst Road appreciated seeing the two conservation items on the agenda. He believed that conservation opportunities always deserve to be considered carefully because developing land is one way and permanent. He felt that the land had good conservation value. He described the different plant species he saw while touring the property. He said that the upper part of Norton Brook flows through the property and, downstream, Mill Creek abuts the Falmouth Nature Preserve. He said that protecting the parcel will add to the water quality protection. He said that a lot of people live near this parcel so it will be used and enjoyed by many people in Falmouth. He viewed the property as an excellent investment in Falmouth's future and urged the Council to support it.

Susan Hayhurst of 105 Foreside Road said that as a former marine biologist and educator she appreciated how intertwined the land is with coastal health and water quality. She said that the coastline was one of the truly special things about Falmouth. She said that her daughters swim at Mussel Cove. She said that they often see wildlife there. She said that when she first saw Mussel Cove she was amazed that such a wild and beautiful place could exist in a community with such proximity to Portland. She said that the property is intricately tied to the land and water quality of mussel cove and Casco Bay. She hoped that the Town chooses to protect the coastline by recognizing that the coastline and Casco Bay begin in its watershed and the land that it is tied to. She felt that beyond creating a place with trails that people can enjoy, the Town will be helping preserve the vitality of Casco Bay.

Marilyn Lalumiere of 22 Glenn Road expressed support for the project. She said that she had watched the Land Trust grow into a resource for the Town of Falmouth. She felt that this purchase was an effort to sustain open land for the future. She felt that opportunities like this do not often come our way. She felt it would be prudent for the Town to support the project now. She felt that if this is not successful the Town will regret the decision in the future.

Dana Block of Johnson Road agreed with the sentiments of prior speakers that the property is important for both the recreation and conservation benefits. She grew up on Johnson Road between Route 1 and Route 88 and would often play in the woods in the back of her house. She felt that providing the Friends School students and area children the opportunity to explore the outdoors is an important reason to preserve the property. She also discussed the importance of protecting the water quality of Casco Bay. She said that as a budding marine biologist she values the connection between all the systems. She felt that with climate change it was important for to preserve natural land.

Joshua Royte, Senior Conservation Biologist at the Nature Conservancy felt that the acquisition of this property was timely. He said that the acquisition was important because of the habitat and opportunities for

children to take advantage of the natural world. He discussed the importance of protecting large areas of habitat. He described how conserving the land is also important because it harbors the variable sedge which is an endangered species. He also described the importance of Norton Brook running through the property. Norton Brook is a cold-water brook which is the last remaining habitat for certain species. He listed several agencies that evaluated the property and unanimously agreed to contribute to the funding of the project.

Dudley Warner of Hedgerow Drive expressed support for the project. He supported preserving green space in Falmouth for recreational value. He felt that the green space that is available is well used throughout the year. He said that the Town's green space was influential in his decision to purchase a home in town. He felt that it would be important to purchase the property while there was the opportunity. He said that it would be a one-time expense that would be an investment that would endure overtime. He said that the Town had preserved a lot of land but felt that the town has not equitably preserved land across Falmouth. He said this would be the first time in over 20 years that the Town has preserved green space in the Foreside. He said that the parcel is in one of the most densely populated areas in Falmouth which would provide an opportunity for more access to it and more of an impact. He said that Hedgerow Drive and Underwood directly abut the property. He described how the parcel acts as a noise barrier from Route 1.

Karen Farber of 93 Foreside Road felt that one of the challenges that the Council is facing is how to balance the long-term benefits which to her really focused on water quality and the short-term budgetary challenges. She acknowledged that it is a tough budgetary year. She said this could feel like small money one day if the Town is faced with cleaning Mill Creek. She said there are a lot of pressures on that waterway. She encouraged the Council to not be overly distracted by the short-term crunch and to think creatively about how this could be done. She said that if the Town feels that it could not make the full contribution because of the budgetary pressures then she urged the Council to think creatively about how it could assist the Land Trust in some way.

Alex Redfield, Interim Executive Director of Cultivating Community, said that he manages the Farmer Training Program at Hurricane Valley Farm which is owned by the Land Trust. He wanted to share a perspective on what stewardship looks like for the Land Trust. He said that community value has been a persistent focus of the Land Trust in the four-year relationship that they have had working on the property; making sure that the property is used for the benefit of the whole. He said that the food, farming, aquaculture, and fisheries economy was under threat from climate change. He described how he sees the impacts of climate change on the farm. He said that undisturbed space was one of the strongest allies that farmers have in maintaining a food economy here. He said that bird populations are a big tool in an organic farmers' arsenals. He said that the undisturbed land that the Land Trust protects has impact on his organization's farm and the State's farming economy.

Tim Tolford of 104 Underwood Road said that he was an abutter to the property for the past 25 years. He said that he has seen many people use the area year around. He said that the Arborside development severed the connection with Johnson Road and that the paths were destroyed. He said that has been detrimental for area residents. He felt that acquiring the property would reopen the territory so that citizens of Falmouth can again use it as open space. He said it was a magical piece of property.

Bill McKenney said that the Route 1 North Vision Report identified this parcel as a 52-acre development parcel. He said that the report recommended the parcel for single family residential and cluster residential. He asked about considering this site as an opportunity for affordable housing and/or affordable senior housing. He asked about considering a public/private partnership. He felt that the site provides a unique opportunity to achieve this goal. He said that another benefit would be that 20 acres would remain available for open space. He said that the developer could donate the ecologically sensitive land to the Land Trust or the Town. He described why the parcel would be appropriate for an affordable housing development. He recommended

that the Council wait for the parcel to be purchased by a developer instead of the taxpayers bearing the burden to buy the land. He said that the property has been for sale for as long as he could remember. He did not think that there was pressure that the property would be developed especially because it is a difficult project to develop. He noted that Norton Brook is protected by local, state, and federal laws.

Dave Herring of Foreside Road felt that it was important to think about the long view of what we want the Town to look like in 10 years. He encouraged the Town to work with the Land Trust to protect the property.

Valentine Sheldon of Route 88 thanked the Falmouth Land Trust for their fundraising efforts. He expressed concern that the appraisal had not been made public. He did not think it was responsible to be investing taxpayer money into a project without knowing all the details. He supported Mr. McKenney's suggestions. He felt that there were other ways that the Town could be involved in saving the parcel. He said that Falmouth has a dearth of commercially zoned land. He said only 5% of the land in town has been put up in commercial zones. He said that purchasing this property for conservation would be taking 52 acres of commercially zoned land off the market. He felt that the request should be tabled until the appraisal becomes public. He expressed concern that members of the Council who have been involved with the Falmouth Land Trust have not recused themselves from conversations on this topic. He said that LMAC members also have significant connections with the Land Trust. He felt that these individuals should recuse themselves.

Colleen Donovan of Amerescoggin Road expressed support for preserving the land. She agreed with Ms. Farber's comments that if there are financial concerns for the Town to be creative with the financing. She felt that preservation of habitat was important. She did not disagree with development but felt that this is a special parcel.

Todd Kelly of Sulky Way agreed with Mr. McKenney's suggestions. He expressed concern about elementary school students using portable units at Falmouth Middle School. He also expressed concern about other budgetary constraints facing the Town. He felt that the Land Trust needed to get a better deal or come up with a creative solution.

Chair Kuhn closed the public comment period.

Councilor De Lima thanked everyone who provided public comment. She said that portables were not ideal but that they have been used in the past and the children made it through. She felt that it was a normal progression that the councilors would hold or have held leadership positions in other town organizations. She felt that the water purification benefits of Norton Brook were important long-term considerations. She felt that the parcel was unique.

Councilor Asherman thanked everyone who provided public comment. He felt that the Town would get through the short-term budgetary challenges. He said what he heard in the public comment was the permanency of the decision. He expressed concern about the Town regretting not taking the opportunity in the future.

Councilor Cahan said that she was very concerned about the climate and its impacts. She said Mr. Redfield's comments regarding the importance of open space to agriculture spoke to her. She said that commercial space is also important to her because she would like to bring in additional tax dollars. She said all she has heard about this area is that it has been looked at for residential. She did not think that commercial development was a reality. She felt it was great to have a plan for the project but that the Town would ultimately not have much control. She was leaning towards supporting the project.

Councilor Trickett felt that the Council could not evaluate the request separate from the finances. That said, he felt that this was a great deal. However, he expressed concern about the price and the budget tradeoffs. He felt that it was important that the Council was having this discussion during the budget process. He suggested contributing the \$224,000 in the open space fund towards the acquisitions. He said that the proposed budget includes cutting the open space budget almost in half. He felt that the Council needed to consider whether it wanted to commit all the open space funding for essentially the next two years to this project. He provided the reminder that the Council is also considering another potential open space acquisition. Doing this would preclude the other potential acquisition. He felt that it was important to consider this project in context. He felt that overall it was a good project and that the leverage that the Town would get from the Land Trust's fundraising made it a compelling project if the Town was going to do open space acquisition. He said that there was not a lot of open space in the Foreside and a lot of interest amongst Foreside residents in having north/south connectivity. He said that this could be part of a green strip from Depot Road to the Town Line that would provide pedestrian access along the Route 1/Route 88 corridor. He said it was another factor that made him interested in the parcel.

Councilor Hemphill said that he appreciated the public comment and the efforts of the Land Trust. He felt this was an important natural resource for the Town. He appreciated the benefits of having this parcel as open space. He agreed that there could be potential for adding additional open space to the Cumberland Line. He agreed with other Councilors' concerns about the Town's finite resources. He applauded the Land Trust's fundraising efforts. He expressed disappointment that the Town was being asked to fund something that it was not part of at the onset. He said that \$300,000 is a lot of money that the Town does not readily have at its disposal. He expressed concern that this would preclude the Town from considering other open space acquisitions. He hoped that the Town could provide some support to the project but encouraged the Land Trust and the community to support this project as best they can.

Councilor Johnson said that he was in full support of this project. He used to mountain bike through the property. He said that the property is amazing for being so close to Route 1 and the most densely populated part of town. He walked the property with the Falmouth Land Trust and felt that it is a diverse terrain with flora and fauna that cannot be found anywhere else in town. He was struck by the overwhelming support that he heard from the people who spoke and have emailed. He discussed the importance of having this resource in the most densely populated section of town. He supported the Town contributing \$300,000. He expressed trust that the appraisal was in excess of the sale price.

Councilor Asherman said that the leverage was appealing to him. He felt that most of the people who gave comment had contributed to the fundraising effort. He felt that the seller's reluctance to make the appraisal value public made sense to him. The Town would not close on the property until the appraisal is made public. He felt that the leverage was phenomenal and would make it difficult for him to turn away from it. However, he felt it would be difficult to get through the budget process.

Chair Kuhn supported contributing to this project with some amount of town funds. She said the Foreside was the part of Town that was facing the greatest growth and density pressure. She felt it was important to protect open space in this area. She recognized the ecological value of protecting the estuary. She appreciated leveraging the public/private money. She would like to see the appraisal and supported having the Town's contribution be contingent on the appraisal being in excess of the purchase price. She felt that it was unclear if the land was developable and was not sure that commercial development should be done near an estuary of that significance. She said that the question for her was the dollar amount. She reiterated that there was \$224,000 in the open space fund designated for this purpose. She said it would be hard for the Council to allocate new money with the budget constraints. She suggested starting with committing the \$224,000 amount. She asked for the councilors' thoughts.

Councilor Cahan said that she would be more comfortable with the Town contribution being money that the Town already has available rather than future money. She encouraged donors who had not yet contributed to do so.

Councilor De Lima encouraged members of the community to become members of the Land Trust. She wanted to explore additional options. She said she would rather spend the open space funding gradually. She asked if the Land Trust could discuss possibly paying in installments with the seller. She felt that the Town was getting a tremendous bang for its buck.

Chair Kuhn said that she was hearing consensus that the Council was supportive of contributing to the project.

Councilor Trickett asked if the Route 1 TIF could be used to fund the project. Mr. Poore said that he would have to investigate it further, but he thought that the acquisition of open space would not qualify unless it could be packaged with specific development there at the time. Councilor Trickett suggested making a loan to the Land Trust. He expressed support for using the \$224,000 in the open space fund. He felt that this was a high priority and the best open space acquisition that the Town had been presented with since he joined the Council. He felt that the Town's contribution could be a fundraising asset. He suggested that if the Land Trust still needed additional money after further fundraising that the Council consider bridging that gap with a loan.

Councilor Johnson asked about the release of the Lands for Maine's Future Funding. Mr. Vance said it was the Land Trust's understanding that LMF would be distributing funding soon. Councilor Johnson said that could be another source of funding. Chair Kuhn said it was something that the Town could follow up on with Senator Breen and Representative Pierce. Mr. Poore said that the Town has been trying to get that money for years, but he had heard that it was close to being released. He thought the Town was owed around \$250,000.

Councilor Hemphill expressed concern about using all the available funds right now. He supported the project if the Town could find alternative funding but did not want to preclude the Town from considering other opportunities.

Mr. Poore said that if the Land Trust's deadline is the end of the month, the Council would only have one more meeting to consider the request and typically it would take a lot more time to develop loan agreements. A memorandum of understanding might also be necessary. It said it may be difficult to develop those documents by the end of the month. He did not want the Council to assume that certain things would happen in the future without an MOU. Jennifer Grimm said that the MNRCP grant is a form of backup protection on this property. The Land Trust must sign a property agreement. She said there are protections on the property like what could be achieved through a MOU. She said that the Land Trust must tell the seller by the end of the month if they can do this. That is their fundraising deadline. They are unlikely to close at the end of the month but need to know if they will have the funds. Mr. Poore asked about the risk of the Trust of having pledges that do not immediately come through. Ms. Grimm said that there was not any earnest money at risk but if the Trust had certainty around the timeframe they could probably negotiate around the closing. Mr. Poore said that given the tight timeframe, staff needed guidance on what direction the Council wanted to take. The owner of the 80-acre parcel also on the agenda said he could advance funding for the Trust property if he knew that the Town would also be buying the 80 acre property. Mr. Poore felt that the Town was getting asked to squeeze too much into too short of a time frame. He did not know how the Town would pull that off without extra meetings. The Town has not had an opportunity to review the different documents.



Chair Kuhn asked about the possibility of a payment plan. Ms. Grimm said she thought it would depend on the size and timing. She said that owner financing could be an option for a small gap. She said she could have some conversations and report back, but she did not want to draw this out. Mr. Poore said that the Hurricane Valley Farm deal had owner financing and required a lot of legal work.

Councilor Trickett said that the Council needed to decide the amount of money that it was willing to put forward. He said that contributing the funds on the condition that the appraisal checks out could likely be the only condition of the agreement with the timeline.

Mr. Vance said that not initially including the Town in the negotiations was an effort on the part of the Land Trust to make this as turnkey as possible from the Town's perspective. The Trust wanted to show the strength of its fundraising and its ability to bring a powerful package to the Town. Mr. Poore said that his concern was more on the backend of not having enough time. He felt that the Trust had done a great job up until this point. Councilor Hemphill said he also appreciated the Trust's work, but it was difficult decision that was hard to anticipate.

Councilor Cahan said that it would be hard for her to come up with an amount to contribute tonight. She was also interested in the other property on the agenda, but the Council did not yet have the details. She Council also did not know how much more funding the Trust might raise.

Councilor Asherman asked if the Lands for Maine's Future funds would go back into the open space fund. Mr. Poore said that has always been the plan but that would a Council decision. Councilor Asherman provided background information on the situation with the LMF funds.

Councilor De Lima asked what the driver for the March 31 deadline was. She asked what the Land Trust stood to lose if the purchase and sale agreement did not go through by March 31. Mr. Vance said that the Trust has a purchase and sale agreement with the owner that expires on March 31. The Trust has spoken to the broker and the owner and believes that they can get an extension to address the outstanding issues around closing. They expect that it will take around 45 days to complete the closing. Councilor De Lima asked for clarification that the Trust had no money at risk at this point. Mr. Vance said the biggest risk is the MNRCP grant. Councilor De Lima asked what time period the Town would need to execute the necessary agreements. Mr. Poore said the simpler the quicker. He suggested using the Hurricane Valley Farm MOU as a template. Mr. Poore said that the level of protection necessary could depend on the amount of money that the Council decides to contribute. Mr. Poore said that staff would not have any new information at the next meeting because it would still not have the appraisal for the other property on the agenda. Mr. Poore asked if there was any way for the Trust to extend the deadline by a month.

Chair Kuhn said what is at risk is that someone else could buy the parcel. She said that it would be great if there could be confirmation on whether the deadline could be extended. She said she was hearing that some councilors were concerned about the ability to make a commitment on this property without the ability to have all the details on the other property. She was comfortable making a commitment out of the current open space fund balance. Councilors Johnson and De Lima agreed. Chair Kuhn suggested contributing \$200,000 from the open space fund. She said that was consistent with contributions towards acquisitions made by prior councils. Councilors Hemphill, Trickett, and De Lima agreed.

Councilor Johnson asked for clarification on the amount of funding in the open space fund. He thought that the contribution should be \$300,000.

Councilor Cahan said that she desired to acquire both properties on the agenda. She felt that \$200,000 was a good value and was encouraged that the Town could receive \$250,000 from the LMF distribution that could

be used for another project. She hoped that the contribution would not hinder consideration of the other project. She felt that it was a good value in isolation for this project.

Councilor Trickett asked if the Town could commit up to \$200,000 with the hope that the Trust could continue to fundraise and possibly need a lower contribution from the Town. Mr. Vance said that \$300,000 ask included expectations for additional fundraising. Councilor Trickett asked for clarification that even if the Town contributed \$300,000 the Trust would have to do more fundraising. Mr. Vance said that is correct, but the Trust is confident in their ability to do that. The Town contributing \$200,000 would leave a \$180,000 gap that the Trust would have to raise.

Chair Kuhn said that most of the Council supported moving forward at the \$200,000 level. The Council will make a final decision at the March 23 meeting. Mr. Poore recommended that the Council have him work with the Trust to design a basic MOU that would identify how the Trust plans to use the property broadly and that the public would have ongoing use of the property. Chair Kuhn said that it sounded like the Land Trust had a commitment of up to \$200,000 provided that the appraisal comes out to be in excess of the sale price.

**Item 5 Ordinance for Pesticide and Fertilizer Regulations.**

Chair Kuhn provided background information on the ordinance development process.

Councilor Trickett moved the ordinance; Councilor Cahan seconded.

The motion carried 7-0.

Councilor Hemphill said that Conservation Commission will continue to provide education. He felt that this first version of the ordinance was just a start. The Council will see how it goes and will continue to work on better mitigation of excess fertilizer and pesticides in our Town and in our environment.

**Item 6 Resolution on the Town Council's commitment to monitor the use of fertilizers and pesticides from licensed applicators through ordinance and to delegate the Conservation Commission to lead an outreach campaign to educate Falmouth residents on the importance of proper, environmentally sound lawn care practices**

Councilor Cahan read the resolution into the record.

Councilor Asherman moved the resolution; Councilor Cahan seconded.

Councilor Trickett encouraged staff and interested parties to conduct a water quality test as a baseline. He felt that the Town would want to be measuring both quantity of use and the impact on water quality. Chair Kuhn agreed. Councilor Asherman said that he would encourage staff to coordinate with other organizations.

Chair Kuhn opened the public comment period.

John Winslow pointed out a word that was misread when the resolution was read into the record. He said that the Town was an old town with a lot of wells. He felt that a baseline was needed. He also felt that baseline water testing should be done in advance of subdivision development.

Chair Kuhn closed the public comment period.

The motion carried unanimously.

**Item 7            Order to amend the Town's fee schedule for Land Use Permits.**

Councilor Cahan moved the order; Councilor Hemphill seconded.

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

Mr. Poore clarified that the Land Use Permit Fee Schedule is attached to the agenda. It was a late posting.

The motion carried unanimously.

**Item 8            Order to schedule a public hearing on the FY21 Municipal and School Department Budget for April 1, 2020.**

Councilor Johnson moved the order; Councilor De Lima seconded.

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

The motion carried unanimously.

**Item 9            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 said that she was drawn to Future iQ because of the data driven analysis that the company does to help make sense of a very intense public engagement process. They strive for broad inclusive public engagement and the data methodology that they use ensures that no one viewpoint is being privileged over another. It is strictly a data question to identify majority viewpoints.

Councilor Asherman moved the order; Councilor De Lima seconded.

Chair Kuhn opened the public comment period.

Lee Hanchett of 21 Stone Ridge Road said that he appreciated Councilors Kuhn and Trickett's comments at the last meeting regarding why they selected Future iQ. He expressed concern that while the Council desires for the process to be inclusive, the entire council was not included in the decision which gives the impression that things are being narrowed quickly. He expressed concern that Future iQ's featured projects were not like Falmouth. He asked how the discomfort with the rate of change was handled in other communities. He felt that it would be important to hear the councilors' thoughts on the rate of change.

John Winslow of Gray Road was opposed to hiring Future iQ. He asked about a quote attributed to Councilor Trickett in a Forecaster article. Councilor Trickett said that he was misquoted. Mr. Winslow expressed concern that the report that Future iQ conducted for the Maine tourism industry left out two of the top industries. He did not feel that the company is a good fit. He did not feel that they have a sense of what an old New England town is like. He did not think that they would be able to connect with residents. He did not feel that the Town needed to hire a consultant for the comprehensive plan update.

Bill McKenney was opposed to hiring a consultant. He felt that existing planning staff should be used. He urged the Council to be open and inclusive and to invite a diverse group of residents to be part of a committee to generate townwide long range planning ideas and contribute to the comprehensive plan process.

before it begins and before a consultant is hired. He hoped that the Council establishes a citizen led committee and welcomes the residents who are eager to help.

Valentine Sheldon of Route 88 felt that it was a good idea to have outside views on the comprehensive plan. He said if the Town must involve a consultant, he likes the idea that the firm is from away. He likes the idea of having independence and of there being no thumbs on the scale. He was opposed to the idea of the Council picking people to serve on the committee. He expressed concern that the Town's Long Range Planner will still be directing this effort. He felt that staff salaries should be considered when hiring consultants. He felt that the selection committee should have been larger. He felt that residents could have been invited to come to the interviews. He expressed concern that Future iQ does not define what stakeholders are in the proposal. He felt that the stakeholders included in the 2013 comprehensive plan disqualified the process. He was opposed to including kids and students in the process. He desired to see another proposal put forward. He expressed concern about Councilors comments regarding discomfort with the rate of change.

Chair Kuhn closed the public comment period.

Chair Kuhn said that the Council considered including the entire Council in the selection process, but it became too logistically complicated, so the Council agreed to delegate the selection work to herself and Councilor Trickett. She said that the rest of the Council was kept up to date and had opportunities for input. She said that the in-person interview was much more personal than the proposal. She said that she did not have a preset agenda regarding growth. She said that her goal was to try to develop the best possible process to discern what the vision and values of the community are. She asked people to come into this with an open mind and collaborative spirit.

Councilor Trickett asked if the other proposals were available to the public. Mr. Poore said that the other proposals were linked to the agenda item. Councilor Trickett agreed with Chair Kuhn's comments. He felt that this phase of the effort was pre-comprehensive plan. He wanted to develop a vision statement that had credibility with the public. He desired to see a comprehensive plan that had overwhelming public support. He felt that the Town would only get there through an unbiased perspective and maximizing public engagement. He said that among the consultants that were interviewed he felt that Future iQ had the best chance of coming into this without an agenda. He discussed similarities between Falmouth and the Smithville, Missouri project. He also described the think tank process that Future iQ uses. He agreed with the distinction between voting and nonvoting stakeholders but felt that an interesting aspect of Future iQ's process was the ability to separate out responses by demographic. He felt it would be important to hear what the different demographics had to say. He did not feel that the 2013 comprehensive plan has a lot of political legitimacy at this point. He felt it was important for citizens to engage in good faith and keep an open mind.

Chair Kuhn said that the Council is trying to develop the fairest process that it can.

Councilor Hemphill felt that the Council was well informed of what was going on and had plenty of opportunity to provide feedback. He looked forward to supporting this.

Councilor Cahan said that she recalled that the other consultants all talked about students being involved. Chair Kuhn said that is a stakeholder group that you talk with. She said that she would not discredit what high schoolers have to say. Councilor Cahan agreed. She said that the company is housed in Minnesota which has a lot of small towns. She would not discount the company because they are from a different place.

Councilor Johnson said that in thinking about involving students he was thinking about high school students. Their opinions do matter, and they are valuable. He felt that the term, "from away" was derogatory.

The motioned carried 7-0.

**Item 10 Resolution for the Town of Falmouth to Support Recycling Reform in Maine.**

Councilor Cahan said that REAC discussed this at their last meeting and recommended support from the Council for the resolution. She said that the resolution does not tie the Town into any commitments. It is looking at adding an extended producer responsibility to the many that we already have within the state. She said that in 2019, the State Legislature passed LD 1431 in support of establishing recycling reform legislation. The Legislature is currently working on LD 2104. This resolution is saying that the Town supports the process and the goal of the consumer not having to bear the burden.

Councilor Johnson read the resolution into the record.

Councilor Cahan said that both legislation pieces say that municipalities will be able to opt in or opt out. The Town can do this resolution and still come back later and say that it does not support the plan. She said that REAC discussed how this would impact the cost to consumers. It was found that in Canada the consumer cost has remained the same between areas that have passed extended producer responsibility and areas that have not.

Councilor Trickett asked what the economic incentive is for producers to produce less wasteful packaging. Councilor Cahan said producers will be charged a fee based on the amount of end product, what it is recyclable and what is not, so it will behoove them to package with smaller products and more easily recyclable materials. Councilor Trickett asked about who would be charged and how the state would do it. He expressed concern about supporting the legislation without a better understanding of the legislation.

Councilor Cahan asked if the resolution was made vague by removing the reference to the specific bill if the Council could vote on that tonight. Mr. Poore said yes if the Council was voting on the concept.

Councilor Trickett suggested tabling the item. He was uncomfortable with the Town supporting pending legislation at the state level that could change.

Councilor Cahan asked if there was support for extended producer responsibility for packaging. She said that she was 100% supportive of that.

Councilor Trickett asked if any other states had done this. Kimberly Darling, Energy and Sustainability Coordinator, said no. He expressed concern that, if Maine led on this, producers and shippers would say that it is not worth it since Maine is such a small market.

Councilor Cahan clarified that the legislation was not referring as much to shipping packing but to the actual packing of the products. She said that she was happy to be a leader on this.

Councilor Hemphill felt that this movement is gaining traction. He did not see this as a huge commitment on the Town's part. He said that the Town would still have the option to opt out in the future. He felt that the Town could support this without much difficulty. Councilor De Lima agreed. She said there would be no enforcement requirement or cost associated with the Town supporting the bill. She felt that it would align the Town with other actions that it has taken recently around sustainability.

Chair Kuhn expressed concern with having the specific LD numbers in the resolution because they are constantly subject to change. She asked where this resolution would be sent. Staff said it would go to the

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committee that is evaluating it. She asked what the other 19 communities were. Ms. Darling said they were largely Portland region but also a few smaller communities. Ms. Fleming read the list of the Towns from the Maine Natural Resources Conservation Program's website.

Councilor Trickett reiterated that he could not support the resolution if he did not support the legislation. Chair Kuhn asked if it would be helpful to have additional information at the next meeting.

Ms. Darling added that because everything is still being worked out in committee it would be a few years before implementation. The Town would have additional opportunities to comment in the future.

Councilor Asherman asked if the resolution could be amended to indicate that the Town supported the concept. Councilor Hemphill said that removing the LD numbers would not allow the Town to join the list of other towns supporting the bill. He was ok tabling the vote until a future meeting. Councilor Cahan said she was comfortable voting now. Councilor Johnson was also comfortable voting now.

Councilor Hemphill moved the resolution; Councilor Cahan seconded.

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

The motion carried 6-1. Councilor Trickett opposed.

**Adjourn**

Councilor Asherman moved; Councilor Cahan seconded.

Motion carried 7-0.

The meeting adjourned at 11:08 pm.

Respectfully submitted,

Marguerite Fleming  
Recording Secretary