

Town Council Meeting Minutes June 22, 2020

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

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 said there was a fatality on Gray Road that week. He felt that the accident raised questions about road safety. He expressed concern that the Planning Board allowing the Homestead Acres sight distance to be reduced violated the Town's sight distance ordinance and was a safety issue. He said that the intersection of Mountain Road and Gray Road was the most accident-prone intersection in the town in 2017. He said the Town peer reviewer did not do a site visit or site. He desired for an explanation on how this could happen to be released publicly.

Keith Noyes of 94 Gray Road said that the Homestead Acres project has been going on for years. He said the sight line on Mountain Road has been questioned for years and has been brought to the Planning Board's attention multiple times. He also expressed concern the Planning Board granted the reduced sight line. He expressed concern that the Planning Board did not follow the ordinance and desired for the involved members to resign or be removed from office. He felt that the Council should overturn the decision. He felt it was the most dangerous place to put a road. He said almost 900 people signed a petition opposing the decision.

Lee Hanchett of 21 Stone Ridge Road felt that it was not the time for the Council to let down its guard on traffic safety. He also expressed concern that the Planning Board had accepted the Town's peer traffic engineer's opinion on the safety of the proposed new intersection at Homestead Acres. He expressed concern that the engineer had not visited the site and that the drawing provided by the developer contained errors. He felt that the Planning Board had ignored the ordinance.

Chair Kuhn closed the public comment period.

Item 2 (Consent Agenda)

- **Order to approve the minutes of the April 13, 2020 Town Council Special Meeting.**
- **Order to approve the minutes of the April 27, 2020 Town Council Meeting.**
- **Order to approve the minutes of the April 29, 2020 Town Council Meeting-Budget Public Hearing.**
- **Order to approve the minutes of the May 11, 2020 Town Council Special Meeting.**
- **Order to approve the minutes of the May 27, 2020 Town Council Meeting.**

Councilor Asherman motioned; Councilor Cahan 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 Johnson said that the Conservation Commission met recently. He said Falmouth has been recognized as a Tree City USA. He said three Eastern White Pines were planted on an island at the Route 1 and Route 88 intersection in recognition of the State's Bicentennial. He said that the Living Lawns Education Campaign had begun, and the Committee continues to work on getting the word out about healthy lawncare practices. He said 15 applicators had registered under the new pesticide and fertilizer ordinance. He said that week was National Pollinator Week.

Councilor De Lima said PACPAC received a staff update on the Community Programs staff's efforts to stay in touch with residents during the pandemic. She said there is strong participation in the summer programs. She said some of PACPAC's work plan assignments have been put on hold due to budgetary constraints. She said FEIC felt there is a need to continue keeping the Falmouth Business League going in some form such as webinars. She said Theo Holtwijk, Director of Long Range Planning and Economic Development organized a webinar for businesses to talk about available resources and challenges business are facing during the pandemic. She said FEIC was collaborating with the Chamber of Commerce.

Councilor Cahan said the transit agencies have been working with the federal funding they received. She said they used the first installment of funding to cover their expenses. They lost significant fare revenue when they had to shut down. They are now trying to figure out how to allocate the second installment of funding. She said they are considering how they can help member municipalities through reduced fees.

Chair Kuhn said Library Director Andi Jackson-Darling is retiring at the end of the month after many years of service to Falmouth residents. She thanked Ms. Jackson-Darling on behalf of the Council. She said the new Director is Jenna Mayotte. She previously worked for the Portland Public Library. Chair Kuhn welcomed Ms. Mayotte to Falmouth on behalf of the Council.

Chair Kuhn said this meeting is the last regular Council meeting of the Council year. She thanked the councilors and staff for their great work this year. She thanked Councilor Hemphill for his six years of service to the residents of Falmouth and two years as chair. Nathan Poore, Town Manager, presented Councilor Hemphill with a gift of a painting of Town Landing Market. Councilor Hemphill thanked Chair Kuhn and his fellow councilors. He said being a councilor in Falmouth had been a wonderful experience. He said it was rewarding, always stimulating, and always a good experience and he would not have done anything differently. He said the Council and Town staff were a great group of people. He expressed how lucky and how wonderful the experience was and how lucky the Town is to have this group of people looking after Town business and residents' welfare.

Item 4 Public hearing and order relative to the renewal of a permanent food service establishment license for Dockside Grill.

Councilor Johnson motioned; Councilor Trickett seconded.

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

The motion carried unanimously.

Item 5 Order to appoint election workers for the 2020 elections.

Councilor Cahan motioned; Councilor De Lima seconded.

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

The motion carried unanimously.

Item 6 Resolution for the Town of Falmouth to Support the 2020-2030 Highland Lake Watershed-Based Management Plan.

Mr. Poore said the Highland Lake Leadership Team has developed a ten-year watershed management plan. He said that implementation of the plan will require funding and that the Leadership Team is hopeful that it will be successful with a 319 grant from the EPA and DEP. He said as part of submitting the grant the plan needs to be endorsed. The Committee decided it would be impactful for both the Falmouth and Windham town councils to endorse the plan through formal resolutions.

Dennis Brown, Highland Lake Leadership Team Chair, thanked the Town of Falmouth, the Council, and the staff. He said the enthusiasm and commitment that he has seen from those involved indicates that this plan will not fall by the wayside like the 2003 plan. He said that watershed management plans are typically a two-year effort, but this plan was done in a year. He said that this watershed management plan and the first 319 grant are designed to address phosphorous getting into the lake. He said that there was only one hypothesis left for the cause of the algae bloom which was the large number of alewives coming into the lake and upsetting the food chain. He said most of the focus on the watershed management plan has been on the fuel for that bloom which is phosphorus. He said that the watershed management plan is a living document.

Heather Hunt, Project Manager, Cumberland County Soil & Water Conservation District said that the Team was hoping to get into the plan action items this year. They hoped to do an education outreach plan, hold private road workshops, and continue looking into investigating the blooms that have been happening.

Councilor Hemphill read the resolution into the record.

Councilor De Lima asked for clarification that Alewives are causing the problem. Mr. Brown said they were down to one hypothesis for the cause. He said that phosphorus will amplify the bloom so that is why it is the focus of the watershed management plan. He described how Highland Lake had the unique problem of millions of larval stage alewives wiping out the nanoplankton which are the predator for the picocyanobacterial leaving them unchecked and able to explode. He said it is a food chain phenomenon. He said that more testing is needed to prove that hypothesis. He said there is thinking that the lake is adjusting in that the populations of nanoplankton are changing overtime resulting in the bloom not being as bad. He said the alewife population is new to the lake.

Chair Kuhn clarified that the resolution does not commit funding. She said it is meant to be a guidance document for future spending decisions. Mr. Poore said the resolution is supporting the plan in concept. He said that the language was written so that the Town can approve implementation on a case by case basis. He said implementation requiring funding would go through the budget review process. He said much of the initial matching funds are in-kind with staff support. He said the next fiscal year or the year after there will be two years of budget requests at the level of \$5,000 each year from each community as a minimum. He said individual implementation decisions will be coming before the Council over the ten years.

Councilor Hemphill motioned; Councilor Cahan seconded.

Chair Kuhn opened the public comment period.

John Winslow of 253 Gray Road asked if the removal of the dams of the Presumpscot river and other dams allowed the alewives to migrate back into Highland Lake. He asked if that could be part of the new migration.

Mr. Brown said most of the dams preventing alewives from entering Highland Lake have been gone for quite a while. He said the Highland Lake Dam washed out in 1996 and as a result a new dam was built and a new fish way was installed in 2000. He said with that rebuild alewives were stocked into the lake to try to seed it but there were several constraints downstream with road crossings. He said when those were corrected the Lake went from a couple thousand alewives to 40,000 in one year.

Chair Kuhn closed the public comment period.

Councilor Cahan thanked Ms. Huntt and Mr. Brown for their work.

The motion carried unanimously.

Item 7 Order to authorize the Town Manager to execute a Memorandum of Agreement between the Town of Falmouth and the Maine Association of Police.

Mr. Poore said part of the expense reductions in the FY2021 budget was foregoing cost of living adjustment for all staff beginning July 1 through the end of the calendar year. He said that executing that with the unions required bargaining as the union contracts guarantee cost of living adjustments each year. He said that staff asked the police union if they would be willing to forego the cost of living adjustment for the first six months of the fiscal year and they brought to staff's attention that many Greater Portland communities had already offered hazard pay or reduced hours worked. The union countered compensation time to be taken later which when calculated was far more than the cost of living adjustment. The Town countered with hazard pay at two dollars an hour for a nine-week period retroactive to March 13-May 17. He said that time period was the closest to the exact equivalent to the financial loss that they would face due to the cost of living adjustment. He said the Town will be in a satisfactory financial position at the end of this fiscal year and can come up with the money, however things will be different in the next fiscal year and the Town needs the union to forgo the cost of living adjustment. He said it seems reasonable based on what other communities are doing.

Chair Kuhn clarified that this money is coming out of the current fiscal year's budget it is not adding to next year's budget. Mr. Poore said that is correct.

Councilor Trickett asked for clarification that the non-union staff had foregone the half year cost of living adjustment. Mr. Poore said non-union staff will not be receiving hazard pay except for the Fire-EMS Department. He said that the public works union was also asked to forgo the cost of living adjustment. The union did not agree, and the Town did not negotiate any other alternative. Staff will have to find that money somewhere else in the public works budget. He is working with the Fire-EMS Department to likely provide hazard pay for the same period out of the current budget.

Councilor De Lima motioned; Councilor Asherman seconded.

Chair Kuhn opened the public comment period.

John Winslow of 253 Gray Road expressed opposition to hazard pay for the Police Department. He said the Falmouth Police Department is one of the highest paid departments in the state. He said these officers are already compensated for the inherent hazards of being police officers. He expressed concern about hazard pay for dispatchers. He said that officers had received federal stimulus checks while still employed. He expressed concern that officers were not wearing face coverings.

Councilor Asherman clarified that the police union did not come to the Town, the Town went to the police union and asked them to forgo a cost of living increase and they negotiated with the Town to trade that cost of living increase for the hazard pay. He said the hazard pay in effect moves the money that the Town is obligated to pay to the union during the first half of FY21 into this fiscal year. Mr. Poore said that was correct.

Chair Kuhn asked for clarification on whether all members of the Police Department were members of the union. Mr. Poore said dispatchers are part of the union and would be subject to the hazard pay. He said the Police Chief, the two lieutenants, the sergeants, and the Executive Assistant are not part of the union.

Councilor Trickett said he was disappointed given that the non-union staff had forgone the cost of living adjustment and the Council eliminated its pay increase. He said the Council's hope was that Town employees would see the value in sharing the burden, but he anticipated that the unions would not agree to it. He said that the hazard pay is not saving the Town money, but it gives the Town flexibility for next year's budget.

Councilor Cahan pointed out a grammatical error in the last line of the memorandum. The second "that" should be changed to "the." Mr. Poore added that "and dispatchers" need to be added to that line after "patrol officers."

Councilor Johnson said that the Falmouth Police Department was called in to assist with the protests in Portland in addition to the pandemic. He said the Department is on the front lines and is dealing with this on a face to face level. He felt the Department was deserving of hazard pay. He said that if one of the officers had contracted COVID-19 it could have exposed the entire police station.

The motion carried unanimously.

Item 8 Discussion regarding COVID-19 updates and issues.

Mr. Poore said there has been no change since the last Council meeting regarding the outdoor dining and retail emergency ordinance.

Chair Kuhn said that a restaurant owner asked for feedback from the Council on whether it is likely that the ordinance will be renewed.

Councilor Trickett said he would like to see this continue. He suggested that to the extent that this is working out and is beneficial to the businesses that are doing it the Council should look into whether this could be made permanent.

Councilor Johnson said that we are entering a new normal. He was also supportive of considering whether this could be made permanent. He was inclined to extend the emergency ordinance.

Councilor Cahan wanted businesses to be able to have this option for as long as possible. She said she would be interested in receiving a report from the Community Development Department on how things are going and whether the Ordinance Committee could review the current ordinances and any opportunities to change them.

Councilor De Lima did not see any issues with extending the emergency ordinance. She expressed concern about making permanent changes to the ordinance. She felt there was a spirit of cooperation and sacrifice right now and that people might have objections that they are holding back. She preferred waiting things out and extending the emergency ordinance as much as needed. She said this could fit in with the vision and values process.

Chair Kuhn suggested the Council could discuss a track for that kind of consideration at its work plan retreat. She fully supported continuing this practice through the summer. She felt the outdoor dining was lovely and a great improvement for residents.

Item 9 Order to go into Executive Session pursuant to the Laws of Maine to discuss the following:

- **real estate rights, pursuant to 1 M.R.S.A. § 405 (6) (C); and**
- **the Town Manager's annual performance review, pursuant to 1 M.R.S.A. § 405 (6) (A).**

Councilor Cahan motioned; Councilor Johnson seconded.

The motioned carried unanimously.

The Council entered Executive Session at 8:18 pm and did not return.

Respectfully submitted,

Marguerite Fleming
Recording Secretary