

Town Council Meeting Draft Minutes July 22, 2019

The meeting was called to order at 6:30 pm.

Roll Call

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

Item 1 Order to go into Executive Session pursuant to the Laws of Maine to discuss the acquisition of real estate rights with the Town's attorney pursuant to 1 M.R.S.A. § 405 (6) (C) and (E).

Councilor Johnson moved to enter executive session; Councilor Asherman seconded.

Chair Kuhn called for public comment; there was no public comment.

Motion carried 6-0. The Council entered executive session at 6:32 pm.

The Council returned from executive session at 7:13 pm.

Pledge of Allegiance

Chair Kuhn led those present in the Pledge of Allegiance.

Item 2 Public Forum

Lee Hanchett of Stonebridge Road discussed three requests. 1)Finish the 2016 zoning roll back. The Council is off to a good start with RA but needs to tackle the same problems in RB and RD. At a minimum, single family and multi-family homes need to be restored from permitted to conditional. The old Council brought this issue up previously. The neighbors in these areas need to have a voice. Neighbors will have a voice if it is conditional but, if it is permitting, then it is automatic. 2)When the Town conducts zoning changes or comprehensive plans, it needs to make sure that impact studies are conducted. No impact studies were conducted as a component of the 2013 Comprehensive Plan process. 3)Mr. Hanchett felt that the Council made the right decision in not involving LPAC in the process of rolling back the 2016 zoning in RA. The Council can do this on their own without assistance from LPAC. The Council needs to roll the 2016 zoning all the way back.

Valentine Sheldon of Route 80 said that the Council's decision to stop evaluating density in RB and RD is a misrepresentation of the public's desire and a breach of public trust. This is not a niche issue. Ron Dearth's property has been devalued by the new duplex next door. The current policies have significantly and negatively affected his economic wellbeing. Just because the 2016 zoning was rolled back in certain streets or zones, it does not mean that it is not affecting other residents in the Town. It has been stated that there is no emergency in RB. No one knew there was an emergency in RA until data was gathered and residents had the opportunity to voice their concerns. Mr. Sheldon shared data on RB. 80% of new building allowed by the 2016 zoning in RB has been duplexes. In RB there is an effective minimum lot size of 12,500 square feet which is only 2,500 square feet more than in RA which was just rolled back. The current zoning in RB allows for more than a 70% increase in potential single-family homes. It allows for 1,072 duplex units and 3,216 multi-family units which is a 1000% increase in potential residential infill units. The Council is allowing residential housing including multiplexes to be built fifteen feet off several roads. The Council is also allowing six-unit multiplexes on a slightly larger lot size in RD that previously allowed only in single family homes. Just

wait for the first tear down in a six-unit multiplex development on any of those previous roads. It will happen and no one will be able to do anything about it. It will cause irrevocable damage. Not a single impact study on traffic, schools, taxes or emergency services was ever conducted. We have no idea what the impact of any of this growth will be. Zoning anywhere affects everyone in town. John Winslow's petition to repeal the entire 2016 rezoning had significant support. That petition should continue to carry weight with the Council. Residents from across town spoke out against the zoning in RA and the 2016 zoning in general. It is unconscionable to move with a comprehensive plan process before evaluating the RB and RD growth districts. He is against the proposed wellness committee. The wording of the ordinance allows non-residents to sit on the committee and to spend town funds.

John Winslow of Gray Road discussed three points. 1) Tonight's agenda includes thirteen items but only four of those items allow public comment. Three are basic housekeeping items. The Merrill Property purchase and sale agreement agenda item is significant. It does include public comment and is placed at the end of the agenda. The Council would be spending \$600,000 on 40 acres of property. His estimation is that there is only about eight acres of usable property so the Council would spend \$600,000 on eight acres of land which is not sensible. The Council has stated that it wants public input and involvement, but this is the only regular meeting of the month and the Council has shunned public comment on the other items on the agenda. How is the Council going to get the public involved if they are not allowed to speak on specific agenda items? 2) Since the development and creation of the open space manager position, how many land grants have been written and how many land grants has the Town received? Where does the Town stand since switching from contracting to an in-house position? 3) His last comment pertained to the 68% increase in resident mooring fees. When will there be a public dialogue on user fees? The mooring fees have been the sole financial support of Town Landing. However, most permit holders do not use Town Landing. Only a very small group of people use the Town Landing facility. It is a public facility that gets used by lobsterman, people with agricultural ventures, charter boat owners, commercial ventures, and the general public. People can launch boats several times a day and not get charged. He only uses the Town Landing facility twice a year to launch and take out his boat. Where is the public dialogue about user fees? There are no user fees for the Town's open space venues. Taxpayer dollars were used to create these venues and there is no money being put back in the Town coffers to maintain them. The public venues without user fees also include community fields and the library. There needs to be a discussion about financially equitable solutions to offset the cost of expenditures for the Town's public venues.

Jack Kaminski of Mackenzie Lane spoke on behalf of three other homeowners in his homeowner's association. He and his neighbors were adversely affected by the 2016 zoning changes. The original developer who developed his private lane and his and his neighbors' four properties also purchased a fifth property. Under the old zoning, the developer could not build on the fifth property because there was already an existing house. The developer sold the fifth property and developed the other four properties that Mr. Kaminski and his neighbors occupy. Mr. Kaminski and his neighbors have been maintaining the private road for almost twenty years. Another developer bought the fifth property. The developer intended to split the lot under the new zoning and use Mr. Kaminski and his neighbors' private road. Mr. Kaminski and his neighbors hired a lawyer to stop the new developer. The developer stopped very quickly but then tried to put a duplex on the property. The developer conducted blasting and digging and then abruptly stopped work. Mr. Kaminski has reached out to Town staff. Justin Brown, CEO, was not able to give an update on the developer's activities. Mr. Kaminski hopes that the developer does not resume work. He would like to see the Council pay the same attention to RB as it did to RA. He is concerned with spirituality wording in the wellness committee description regarding the separation of church and state. He agrees with Mr. Hanchett, Mr. Sheldon, and Mr. Winslow's prior comments.

Jan Baker of Brook Road was concerned about the number and loudness of oppositional voices. She believes that, since the election, the Town Council has shown remarkable restraint and consideration of what is happening in the town. She was involved in the early complaints regarding the development on Brookfield Road. There was a large development and it did not seem like anyone was aware of it until it was happening.

The developer ended up halting work and she is not sure of the current status but, even then, the Town was listening. She thinks the Town voted in some people who can bring reasonable dialogue to what is going on. She loves Falmouth and it pains her to see so much anger and bitterness. She is on an email list that she thinks brings out most of the people who have spoken here tonight. She is speaking tonight to present another side of the story. She thinks that people like her who are happy here and are proud of the town and what it is trying to do stay home and watch television. A few angry voices get heard. She wants the Council to know that not everyone feels the way the people that have been speaking here today feel.

Item 3 Consent Agenda

- **Order to approve the minutes of the June 17, 2019, Town Council Organizational Meeting**
- **Order to appoint Merrill Barter to serve on the METRO Bus Board of Directors.**

Councilor De Lima clarified that FEIC meets on Wednesdays not Thursdays.

Councilor Hemphill made a correction to the title of Item 2(I). The title should state, "Order to appoint one primary and one alternate representative to the ecomaine Board of Directors."

Chair Kuhn corrected typos in Items 2G and 2H. Chair Trickett and Chair Cahan should be changed to Councilor Trickett and Councilor Cahan, respectively.

Chair Kuhn opened a public comment period.

Jack Kaminski of Mackenzie Lane stated that he could not find the July 8 Council meeting minutes on the Town website. Chair Kuhn and Nathan Poore stated that the July 8 draft minutes had not yet come before the Council for approval.

Chair Kuhn opened a public comment period for the order to appoint Merrill Barter to serve on the METRO Bus Board of Directors; there was no public comment.

Councilor Asherman moved the consent agenda as amended; Councilor Hemphill seconded. Motion carried 6-0.

Item 4 Report from Council Committees and liaisons regarding updates on assignments.

The first meeting of the Finance Committee will not be until November.

Councilor Hemphill stated that the Ordinance Committee has not yet met.

Nathan Poore, Town Manager, reported that staff have been working to schedule the first CDC and Ordinance Committee meetings.

Councilor Trickett stated that CDC will likely not meet until after the August Council retreat.

Councilor De Lima said that FEIC is discussing plans to establish a Falmouth Business League. The League corresponds to item 1D of the Economic Development Strategy. The Committee envisions that the League will be a network to promote success in the Falmouth businesses community that is aligned with the Town's values. Additionally, FEIC plans to develop a work plan for the year to be presented at the Council work plan retreat.

Councilor Asherman stated that LPAC has begun considering what kind of data needs to be gathered to inform a comprehensive plan update. Town staff have been gathering data on the residential development activity from January 1 thru June 30, 2019 in RB and RD for presentation to LPAC. This is an analysis of what might have been allowed under the pre-2016 zoning and what became allowed under the 2016 zoning.

Councilor Hemphill stated that LMAC met on July 9. LMAC is working on a town trail management plan and tonight will be making a report to the Council.

Chair Kuhn stated that she, Nathan Poore, and Pete McHugh have been attending weekly construction meetings at the library site with representatives from the library, the architectural firm, and Ledgewood Construction. So far, everything is progressing on schedule and on budget.

Item 5 Report from the Appointments Committee regarding various vacancies on Boards and Committees.

Councilor Hemphill stated that he, Councilor Johnson, and Councilor De Lima sit on the Appointments Committee. The Committee is scheduled to meet in early August to interview candidates for committee vacancies.

Item 6 Public Hearing on an amendment to the Code of Ordinances, Section 2-25 Compensation, to update councilor compensation.

Nathan Poore reported that the Council has been considering incorporating an adjustment to Councilor wages into the budget for several years. Town staff have done research and cannot determine how long it has been since the last wage increase, but it has been at least since he commenced employment with the Town thirteen years ago. Town staff conducted research on Councilor pay in surrounding communities and determined that the average wage was approximately double Falmouth's current councilor wages. Staff suggested increasing councilor wages from \$1,000 to \$2,000 annually. The wage increase was approved by the Council. Councilor Trickett found that the charter prevents an increase in wages during the same year that the passing of the ordinance. Town staff talked with Town attorneys and determined that it is possible for Councilors to seek expense reimbursements. Mr. Poore recommended that the Council set a reimbursement cap. It would be up to each individual councilors to track their mileage and expenses. Some towns allow councilors to seek reimbursement for a portion of their cellphone and internet bills. The Council would need to pass a resolution allowing reimbursements at a future meeting. The resolution could be sunsetted at the end of the fiscal year and could be retroactive to July 1, 2019.

Chair Kuhn opened a public comment period; there was not public comment.

Councilor Hemphill stated that increased councilor wages are a long time coming. Town staff conducted area surveys and the increase aligns Falmouth more with the mean rather than being at the low end. It is still relatively modest compensation for the work that the Councilors do and brings Falmouth more in line with surrounding communities.

Chair Kuhn asked for councilors' opinions on passing a resolution to allow for expense reimbursement. Councilor De Lima said she supports a resolution that allows Councilors to submit expense reimbursement requests up to the \$75 cap. Councilor Asherman supported a resolution. Councilor Hemphill agreed. Councilor Trickett was concerned that the resolution was as a way of spending the money that was budgeted for compensation, but he does not want the burden of serving on Council to prevent people from running. He supports expense reimbursement as a way of making serving on the Council more democratic and more accessible. No councilors expressed objections to moving forward with a resolution. The resolution and order will be scheduled for the August 12 Council meeting.

Item 7 Report from the Land Management and Acquisitions Committee (LMAC) on a recommended implementation strategy for the 2018 Open Space Plan.

John Adelman, LMAC chair, recognized the committee members and responded to a point made during the public comment period; LMAC does not currently have acquisitions in the pipeline but if new acquisitions arise it will try to seek out non-Town funds to pay for the acquisitions.

Amanda Stearns, Open Space Manager, delivered the presentation. Ms. Stearns provided a brief history of the plan which was first commissioned in 2016 with the purpose of updating the “Greening of Falmouth” plan. The new plan will be the guide for open space acquisition for the next 10 years. The focus of the plan has always been conservation but there is a key recreation component. Ms. Stearns reviewed how the plan was developed. The plan resulted in six main goals: 1)Protect Open Space, 2)Provide Open Space to a Diverse Population 3)Ensure that Protected Open Space is Available Throughout the Entire Town, 4)Utilize Open Space Acquisition as a Land Use Growth Management Tool, 5)Ensure the Utility and Longevity of Open Spaces Through Good Management, and 6)Educate the Public about the Presence, Functions, and Value of Open Space. Key messages of the plan are 1)to be forward looking 2)to maintain a balance between managed growth and strategic preservation and management of open space and 3)to promote that all types of open spaces are important to the well-being of the community.

Ms. Stearns stated that LMAC has been working on developing implementation strategies for the plan since January. The committee has prioritized the 6 goals and 32 recommended action items by importance. The Committee also categorized the actions into acquisition, management, and communication. LMAC divided those categories into implementation tasks, ongoing tasks, and tasks to be accomplished by others. The top priority is improving the town-wide GIS system. Improved data gathering would help LMAC work more efficiently and assist volunteers. The second priority is the development of a comprehensive trail management plan. LMAC has already started developing that plan. The third priority for this fiscal year is to update the open space rating guides. The fourth priority is to update the land management plans. There are currently fifteen plans, and some are more than eight years old. Anticipated expenses for fiscal year 2021 include the purchase of a GIS unit and hiring a temporary seasonal position to conduct data collection.

Chair Kuhn clarified that the goal for tonight’s meeting is for the Council to agree to review LMAC’s recommendations at its August Workplan retreat to make sure that the Council’s goals align with LMAC’s goals.

Councilor Trickett asked about funding for the GIS system. He asked Ms. Stearns to further describe how improved data would assist LPAC. Ms. Stearns responded that the largest piece of open space to manage is the trails. The current trail data is not accurate and is hard to use for planning purposes. LPAC wants to have an inventory and GIS locations for all structures, signs, and kiosks. This information would allow the Town to know the locations of people who need assistance while on the trails. Councilor Trickett asked if the data that LMAC plans to collect would be made available to users? Ms. Stearns replied that the Town currently has a trail finder app that is available through the website. The app is not currently running as a mobile app, but the public can access the website link through their phones. Data collected through the new GIS system will make the app more robust.

Chair Kuhn asked for an update on the status of a proposed outdoor recreation inventory. Lucky D’Ascanio replied that it is part of the Council work plan. The outdoor recreation inventory is next on LPAC’s agenda after it completes work on the 2016 zoning. PACPAC will assist.

Item 8 Update on the Town's Senior Tax relief program.

Pete McHugh, Finance Director, delivered the presentation. Mr. McHugh provided an overview of the Senior Tax Relief program. The Council set aside \$50,000 to be used for the property tax assistance program for low-income seniors. The Council appropriated \$75,000 last year but there was very low program participation. Mr. McHugh reviewed how the award is calculated. He also reviewed eligibility requirements. This program is based on state statutes. Applicants must be 62 years of age or older and have a household income of no more than \$30,000. Applicants must provide proof of income and proof of Falmouth residency. Mr. McHugh reviewed the proposed communications plan for the program. Last year’s budget of \$75,000 was based on an assumed 50% participation rate. The actual participation rate was 13.7% for a total of \$20,501 awarded. Mr. McHugh stated that surrounding towns have also experienced low first year participation rates, but many experienced a doubling of the participation rate in the second year. If

Falmouth's participation rate increases to 25% (double last year's rate) this year, the total funding liability would be \$87,000. The \$50,000 budget would fund 57.4% of this liability. Mr. McHugh discussed data on changes in Falmouth's senior population. Mr. McHugh then discussed how raising the income eligibility cap could reduce the funding liability.

Councilor Asherman asked why the Town experienced such a low participation last year. Mr. McHugh replied that most of the people who participated last year were active in the senior center. He stated that the web page could be improved this year and that hopefully posting in the senior newsletter will help. He stated that other towns found that participation improved as word of mouth increased. Councilor Asherman asked about the types of print advertising that had been done last year. Mr. McHugh replied that there had not been any print advertising and that employing some this year would be a good idea. Chair Kuhn mentioned possibly placing an announcement in the proposed Town newsletter.

Councilor De Lima asked whether a flyer could be placed in the clerk's department for seniors to receive when paying their property taxes. Mr. McHugh stated that application packets were placed in the clerk's department this tax season. Councilor De Lima also asked what percentage of an average annual low-income senior citizen property tax liability the \$750 cap represented? Mr. McHugh replied that it is challenging to determine but the average low-income senior property tax is around \$4,000 so likely twenty percent. Councilor De Lima asked whether the Council could increase the program funding if the Town experienced high demand. Mr. McHugh said that the Council could consider an appropriation in November.

Councilor Johnson asked for clarification on how last year's 13.7% utilization percentage was calculated. Mr. McHugh stated that the percentage is 13.7% percent of the total eligible population.

Councilor Trickett asked for clarification on how the award benefit is calculated regarding renters vs. owners as renters are vulnerable to rent increases due to property taxes increase. Mr. McHugh replied that the calculation is modeled after the old circuit breaker program, a state-run program for senior tax relief that was repealed, but that the Council could consider adjusting the benefit. Councilor Trickett commented that it would be interesting to consider models at the federal level. Instead of having a hard income cap there could be a phase out.

Mr. Poore stated that very low-income seniors likely have subsidized rents.

Chair Kuhn asked Mr. McHugh for his opinion on how high the income eligibility cap should be raised to include interested applicants who were not eligible last year. Mr. McHugh stated that all applicants would have been eligible to participate in the program last year if the cap had been \$40,000.

Councilor Asherman supported considering raising the income cap to \$40,000. Chair Kuhn agreed and suggested that Mr. McHugh come back before the Council if demand increases to the point of exceeding the funding cap. Councilor Hemphill agreed.

Item 9 Ordinance to amend the Code of Ordinances to increase the membership of the Economic Improvement Committee.

Councilor Asherman moved the ordinance; Councilor Hemphill seconded. Motion carried 6-0.

Item 10 Ordinance to amend the Code of Ordinances Section 2-3 *Boards, Committees, Commissions* to create the Community Wellness Committee

Councilor Hemphill supported the intent of broadening the scope of the committee. He acknowledged that the Council received public comment on the spirituality language but that that the intent is not religious in meaning. Chair Kuhn clarified that the spirituality wording has been removed from the ordinance.

Councilor Asherman stated that the committee reached out to several entities and that all the professionals in town are excited to move forward. They think that it is a great opportunity for collaboration around wellness

initiatives. He does not believe that the committee will significantly increase the financial burden on the Town. It will be a resource that will assist existing organizations with the work they are already doing.

Councilor Trickett stated that he was skeptical at first but believes that this initiative is stakeholder driven and something that the stakeholders think is a good idea. He does not believe that it will be a significant resource drain on the Town.

Chair Kuhn clarified that the origin of including wellness services in the committee eligibility guidelines was to include an important stakeholder group in Falmouth. Councilor Johnson felt that this is a committee of the people for the people and likes the fact that Falmouth businesses working on this issue are included.

Chair Kuhn asked Mr. Poore what work could be done between now and December 31 in terms of recruiting and seating members. Mr. Poore stated that first task is for the Appointments Committee to populate the committee. There will likely be a period between the establishment of the committee and the end of the calendar year. He suggested that committee members could schedule unofficial public meetings. Chair Kuhn asked about proactive communications around recruiting. Mr. Poore stated that all communications channels will be used to recruit members.

Councilor Johnson asked about wording in ordinance surrounding membership. Three of the four entities named in the ordinance are Town entities. He asked whether there are other organizations that should be named in the ordinance. Chair Kuhn explained that the library was named because it is already doing a lot of work in this area but that the intention was to be inclusive. Councilor Asherman further clarified that the idea was not to limit which organizations could participate. Mr. Poore stated that his expectation would be that parks and community programs and public safety staff would be liaisons rather than full members. Chair Kuhn asked about school department employees. Mr. Poore stated that it would be a question for Geoff Bruno, Superintendent of Schools.

Councilor Asherman moved the ordinance; Councilor Hemphill seconded. Motion carried 6-0.

Item 11 Presentation by Nathan Poore, Town Manager and Ben Thompson, Cumberland County Assessor, introducing the Town's plans to conduct a full revaluation of all real property town wide in 2020 for the 2021 tax commitment.

Nathan Poore, Town Manager, and Ben Thompson, Cumberland County Assessor delivered the presentation. Mr. Poore briefly reviewed the history of property assessment in Falmouth. It has been ten years since the Town conducted a full property revaluation. A revaluation is performed to establish fair market value for all real property in Falmouth and to secure an equitable distribution of the tax burden. Mr. Poore reviewed state statutes regarding property assessments. He then described how average assessment ratio and quality rating, the two measures used to determine the accuracy of assessed value as compared to sale price, are calculated. Mr. Thompson described how the average assessment ratio and quality rating can decrease and increase, respectively, as the housing market increases. State certified ratio calculations and preliminary in-house reports show that the Town's developed parcel ratio fell from 94% (out of 100%) in 2017 to a projected 85.2% in 2021. The Town's quality rating is projected to increase to 11.9 (maximum allowed is 20) by 2021. Mr. Thompson reviewed the ratio and quality rating projections for single family homes and condos. He also discussed several myths regarding property revaluation. He then discussed the projected project timeline. Mr. Poore said that there is nothing in the Town Charter or State statutes stating when the Council should take action to authorize the revaluation process. Mr. Poore stated that the Council will approve the mass appraisal firm contract and the supplemental appropriation to fund the project. He also described how it will be difficult to estimate the mill rate during the 2022 budget process due to the new assessed values.

Chair Kuhn asked whether the public would be able to comment during the process of approving the supplemental appropriation? Mr. Poore said yes.

Councilor De Lima asked for clarification that quality ratings become worse as they approach 20. Mr. Poore and Mr. Thompson said that quality ratings should not rise above 20 and average ratios should not fall below 70%. Average ratios are based upon average deviation and will become worse as home sales increase.

Councilor Trickett asked whether quality rating is an indicator of fair and equitable treatment? Mr. Poore and Mr. Thompson said yes.

Councilor De Lima asked about the statistical validity of the data set. Mr. Thompson replied that the single-family reports are based on a significant number of sales and that outliers were removed. He said that some categories such as the waterfront do not have enough sales for a full study so they are grouped with other categories.

Mr. Poore described the proposed revaluation project public engagement process.

Chair Kuhn asked what percentage of homes the appraisal company would seek to enter during a revaluation? Mr. Thompson said ideally 100%, if possible.

Councilor Asherman asked about factors that should be considered during the bid process other than price. Mr. Thompson said that it is important to consider how the appraisal company plans to perform the revaluation. He also said that a full revaluation is best for Falmouth.

Mr. Poore reviewed the revaluation project financing. The Town estimates that the total project cost will be between \$200,000 and \$350,000. He hopes that the actual cost will be closer to \$200,000 based upon research on other towns. Town staff will initiate the bid process as soon as possible.

Councilor Asherman asked Mr. Thompson to clarify why a full revaluation is the best option for Falmouth at this time. Mr. Thompson believed that full revaluation is necessary because it has been ten years since the last revaluation. Market trends have changed significantly since that time and residents have likely made interior renovations that do not require a permit but significantly increase value. Additionally, the quality ratings and average ratios have become worse in every category of housing so it will be more cost effective to conduct a full revaluation than a multi-stage revaluation.

Councilor De Lima asked about the financial cost to the Town of having a bad quality rating? Mr. Poore said that it is more of a downside to the property taxpayers than to the Town because of the inequitable tax burden. Councilor De Lima asked whether conducting a revaluation during a hot housing market would put the Town at risk of overvaluing. Mr. Poore said that the 2009 revaluation was conducted during a similar housing market. He and Mr. Thompson said that Falmouth's real estate prices do not seem to be as heavily impacted by the market as the rest of the region. Chair Kuhn clarified that revaluation was more about ensuring equity and spread than property valuation.

Mr. Thompson added that the Cumberland County Assessing Program frequently receives emails from Town staff regarding interior renovations that the assessors are not aware of.

Chair Kuhn asked whether Town staff or the appraisal firm would be overseeing the public engagement process. Mr. Poore said that Town staff would likely oversee most of the communications process.

Item 12 Order to authorize the Town Manager to enter into a Purchase and Sale agreement on 40.5 acres of land abutting the Falmouth High School property.

Mr. Poore stated that the fifty-five-acre parcel at the corner of Field and Woodville Road is formerly owned by David Merrill. Mr. Merrill's family now owns the parcel and has been marketing it for three years. The Council first expressed interest in the property two years ago. The Town began talking with the seller and the asking price was too high. The Town entered into negotiations a year ago but could not reach an agreement. The Town does not need the portion of the property that borders Field Road because there is a gully that is difficult to cross. The Town and the seller initially discussed having a separate partner purchase that portion of the property for a small residential development. The Town would then only purchase the portion of the

property that abuts the school campus. That idea fell through. Last winter, the seller agreed to retain the portion of the property bordering Field Road. The Town and the seller entered into a purchase and sell agreement for \$895,000 and the waiver of a tree growth penalty. The purchase and sale agreement was subject to new appraisals. The Town conducted two appraisals. The first came in at \$775,000 and the second came in at around \$250,000. The second appraisal took several factors in to account including developability, development cost, etc. The Council offered \$500,000 but the seller was unwilling to lower the price enough to reach an agreement. The Town re-entered negotiations with the seller around a month ago and created the purchase and sale agreement that is being presented tonight. The Town would be purchasing the property for \$600,000. The purchase is intended for use by the School Department. The non-developable portion of the property will likely be converted into open space. There are two terms of the purchase and sell agreement that must be met. 1)the Town needs to reach an agreement with the School Board regarding access to the property. The Town has hired Sebago Consulting to complete high-level analysis on where the access point could be located. 2)The sellers need to receive Planning Board approval for the six lots that they plan to develop along Field Road.

Chair Kuhn described how the Town and School Board are discussing including a contingency in the purchase and sale agreement to allow access through Woodville Road so that if, in the future, neither the Town nor the School Department have a need for the property it could potentially be sold.

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

Councilor Trickett moved the order; Councilor De Lima seconded. Motion carried 6-0.

Item 13 Order to vote for MMA Vice President and Executive Committee Directors.

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

Councilor Hemphill stated that he believes the candidates are all qualified. He recommended that the Council approve the ballot.

Councilor Hemphill moved the order; Councilor De Lima seconded. Motion carried 6-0.

Adjourn

Council Asherman moved the motion to adjourn; Councilor Trickett seconded. Motion carried 6-0. The meeting adjourned at 9:40 pm.

Respectfully submitted,

Marguerite Fleming
Recording Secretary