

Town Council Meeting Minutes May 30, 2018

The meeting was called to order at 5:00 pm.

Roll Call

Councilors King, Farber, Kitchel, Hemphill and Ferrante were present and answering roll call.

Councilor Svedlow arrived late.

Item 1 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);**
- **nomination of the annual Citizen of the Year Award, pursuant 1 M.R.S.A. § 405;**
- **the Town Manager's annual performance review, pursuant to 1 M.R.S.A. § 405 (6) (A).**

Councilor Kitchel moved to enter executive session; Councilor King seconded. Motion carried 5-0.

The Council returned from executive session at 7:00 pm.

Pledge of Allegiance

Chair Hemphill led those present in the Pledge of Allegiance.

Item 2 Public Forum

Mike Doyle of Shady Lane spoke about his website. He said there is a case at the Supreme Court regarding censorship of content based discussions in public forums. He spoke about the Police Chief and said he retired a year ago and is drawing a pension, but continues to work for the Town and draw a salary. Amanda Stearns has also retired and is working a new job for the town. He argued that these situations are not transparent. He didn't think this was a good thing.

Item 3 Consent Agenda

- **Order to approve the minutes of the April 4, 2018, Town Council/School Board Special Meeting**
- **Order to approve the minutes of the April 9, 2018, Town Council Special Meeting**
- **Order to approve the minutes of the April 18, 2018, Town Council Special Meeting**
- **Order to approve the minutes of the April 23, 2018, Town Council Meeting**

Councilor King made an amendment to the April 23 minutes.

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

Councilor Farber moved the minutes as amended; Councilor King seconded. Motion carried 5-0.

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

Councilor Farber reported that CDC will meet on Wednesday, June 6 at 5:30 to discuss the Waterview Overlay. CDC will offer a report on June 4 regarding recommendations on the Route 100 vision plan.

Councilor King reported that the Falmouth Fest and Old Home Days event on Saturday went very well. Around 1000 people, including vendors and volunteers, participated. The Civil Air Patrol assisted with parking and traffic control. There was music, food, hot air balloon rides, vendors, a ham radio operator, living history demonstrations, and desserts provided by local non-profits.

Town Manager Nathan Poore reported that the Council will hold a special meeting on June 4 to hear some committee reports as well as a presentation on a significant commercial development that is being proposed for Route 1.

Item 5 Report from the Appointments Committee and order relative to filling various vacancies on Boards and Committees.

Councilor King reported that the Appointments Committee is recommending the following appointments:

- Conservation Commission– Jeanie Campbell
- Land Management Acquisition Committee – Casey Webster
- Tercentennial Planning Committee – Katie Han & Madeline Joyce

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

Councilor Kitchel moved the slate of appointments; Councilor King seconded. Motion carried 5-0.

Item 6 Order to appoint election workers for the 2018 elections.

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

Councilor Farber moved the order; Councilor Ferrante seconded. Motion 5-0.

Item 7 Discussion regarding the process and a proposal by Habitat for Humanity Greater Portland to create an affordable housing development on Town-owned property on Marshal Drive, off Woods Road.

Mr. Poore said the town evaluated a project similar to this many years ago, but the Council decided not to move forward with the project at that time. The Council heard a presentation on this proposed project earlier this year. The question at that meeting was whether the town should proceed with Habitat for Humanity or put out an RFP/RFQ to weigh the interest of other developers.

Councilor Farber thought they had polled department heads on whether there is any other use for this property; Mr. Poore said they did that years ago. He didn't think the answers have changed since then. The town also evaluated it for any open space value.

Councilor Farber wondered if it made sense to push this decision off until the new Council year begins. She worried about this Council supporting something the next Council might not. She suggested putting it on an agenda in August and putting the RFP off until September.

Councilor King didn't see the need to pause at this point. She asked if Councilor Farber was concerned about a reversal by the next council.

Councilor Farber said a committee was formed last time; they did a tremendous amount of work, the Council did a lot of work, and there was a lot of push back from the community. The Council needs to be solid in its interest and commitment to this project.

Councilor Ferrante said it was important that they not make this exclusive to one developer. She agreed with Councilor Farber's concern on the timing.

Councilor Kitchel agreed with Councilor King; he didn't see the need to postpone. He was an advocate for the project in general. He wondered how the process of turning over 25 acres of land would work.

Mr. Poore said that a proposal would include details on that process.

Councilor Farber asked what the timeframe for the process should be.

Chair Hemphill said, given the reduced requirement for information, it seemed reasonable to get responses back by September or October.

Mr. Poore suggested an alternative timeline: gauging the interest of the Council tonight, bringing it back to the new Council for a resolution supporting the RFP in July and putting the RFP out by the end of July with a request for responses in August. He would send out a "save the date" announcement of the RFP in June, to drum up interest in the community.

Councilor Farber was surprised to discover that this area is zoned MUC, which means that commercial development would be allowed. She wondered if the RFP should clarify that they are looking for a "housing development" or a "mixed-use development".

Chair Hemphill said they have been considering this parcel for housing for a long time.

Councilor Svedlow arrived at the meeting.

Councilor King would like to talk about the zoning on this lot at some point and how that would impact a proposed development. Mr. Poore said plenty of the lot is unbuildable; it is very wet on the site. There should be plenty of net residential area.

The Council agreed with Mr. Poore's proposed process.

Item 8 Update on the Charter Commission process.

Chair Hemphill said there are six candidates on the ballot for election in June. The newly-seated Council will appoint the remaining three members of the commission.

Councilor Svedlow suggested that it would be the new Appointments Committee that made those appointments, and for continuity at least one member of the current Appointments Committee should remain for next year.

Councilor Farber said that the current committee could stay until the end of June to manage this process; a similar process was used for CDC last year to allow them to finish a project that they had been working on before the new CDC was seated in July.

Item 9 Order to authorize the Town Manager to execute a labor contract between the Town of Falmouth and Teamsters Local Union No. 340.

Mr. Poore said the final version of the contract has not been attached to the agenda yet but it has not changed since the last time the Council reviewed it.

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

Mr. Poore reported that both unions have already voted for these contracts.

Amy Lamontagne, Assistant Town Manager, said the contracts are not published until they have been ratified by the unions. She received word today that the Teamsters voted for theirs yesterday.

Councilor Farber moved the order, adding "as ratified by the Teamsters on Tuesday, May 29, 2018".

Councilor Svedlow seconded. Motion carried 6-0.

Item 10 Order to authorize the Town Manager to execute a labor contract between the Town of Falmouth and the Maine Association of Police.

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

Councilor Svedlow moved the order, adding ““as ratified by the Maine Association of Police on Monday, May 21, 2018.”; Councilor Ferrante seconded. Motion carried 6-0.

Item 11 Nomination of a representative to serve on the MMA Legislative Policy Committee.

Councilor King said she would agree to serve again.

Councilor Svedlow moved to waive Council rules section 12 to consider a nomination for Councilor King to the LPC; Councilor Farber seconded. Motion carried 6-0.

Councilor Kitchel nominated Councilor King; Councilor Farber seconded.

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

Motion carried 6-0.

Councilor Farber moved to enter executive session to discuss 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 Svedlow seconded. Motion carried 6-0.

The Council entered executive session at 8:10 pm and did not return.

Respectfully submitted,

Melissa Tryon
Recording Secretary