

**Town Council Meeting
Minutes
November 9, 2020**

Chair Kuhn began the meeting at 7:00pm

Roll Call

All Councilors were present and answering roll call.

Item 1 Public hearing and order relative to the renewal of a permanent food service establishment license for Subway.

Councilor Asherman motioned; Councilor Cahan seconded.

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

The motion carried unanimously.

Item 2 Public Hearing on an ordinance to amend the maximum levels of income and expenses for the General Assistance program, Chapter 6, Article 6, Section 6.68, Appendices A-H of the Falmouth Town Ordinance.

Nathan Poore, Town Manager, provided background information on the proposed ordinance.

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

The order was scheduled for the November 23 meeting.

Item 3 Public hearing on an amendment to establish a new Chapter II-22 of the Code of Ordinances relative to creating a procedure for considering requests for ordinance amendments.

Councilor Cahan provided background information on the proposed amendment.

Chair Kuhn opened the public hearing.

John Winslow of 253 Gray Road asked if these were amendments to land use ordinances and, if so, whether it would require a Planning Board MRA hearing.

Bonny Rodden of 10 Shoreline Drive felt this was a great idea. She felt it sets clear expectations for developers and streamlines the process for the Council. She liked that it specifies clearly what needs to be in the application and gives staff clear direction for what to do if the application is not complete. She said it also shows that the Town government is making decisions based on what the community wants.

Chair Kuhn closed the public hearing.

Mr. Poore said that when it gets to the stage of being a formal introduction by the Council it would kick into the Planning Board MRA process.

Chair Kuhn said that someone sent in a comment that in an effort to provide flexibility for the Council there is vagueness in the program that is not helpful for people seeking zoning changes. Councilor Cahan said that the CDC wanted to provide as much predictability as possible but there are so many issues that are unique to each project so the CDC requested a chart of items that would need to be submitted before staff review. She said the Council could send request back to the CDC.

Chair Kuhn said that the process remains with the Council throughout.

Councilor Trickett said there is not currently a formal process for requesting a zoning amendment. He felt there are legitimate concerns that there is the potential for favoritism to be shown. He said the CDC is trying to give as much guidance as possible. He said changes to the Town's zoning potentially impacts the entire zoning ordinance. He felt that any request to change the zoning for an individual parcel needs to be scrutinized. He said that the CDC worked to make the process as streamlined as possible but the process need to accommodate the range of complexity of amendment requests.

The order was scheduled for November 23.

Item 4 Falmouth Memorial Library update.

Steven Knapp, President of the Board of Trustees of the Falmouth Memorial Library, described the hiring process for the new Library Director, Jenna Mayotte. He said that construction is finished and was completed on time and on budget. He said that fundraising and the strategic plan were focuses this year.

Jenna Mayotte, Library Director, described the Library reopening. She said that the building capacity has been capped at fifteen patrons at a time. She was pleased with the number of people who had been coming in. She said that the Library will continue with curbside service indefinitely. She said that staff have processed three times more new card applications during October than over the last year. She said that they plan to begin engaging with their volunteer pool again.

Councilor Cahan asked about the status of the electric car charging stations. Mr. Poore said that agreement puts the responsibility on to the Town. He said the new Energy & Sustainability Coordinator is working on that and trying to secure grant funds.

Item 5 Update on the Community Vision and Values project.

Chair Kuhn provided background information on the Vision and Values project.

Councilor Trickett said that the first Community Survey had been drafted. He said that the Town solicited input from the community on proposed questions or ideas for the survey. He said that the draft survey is for the most part driven by those comments. He said that the initial survey is intended to seek community input and survey individuals on their aspirations for Falmouth over the next 20 years. He said that the survey is looking at a higher level of what do people want the Town to prioritize over the next 20 years and what do people want the Town to be like in 20 years. He said that Future iQ made sure to have open ended questions so that people can express how they feel. He said that the project is asking for aspirations and it is likely that people will have aspirations that are unrealistic or create tensions. He said it was important to understand what people care about and value and then we can have a conversation about tradeoffs.

Chair Kuhn said that the survey deadline had been extended to December 31. She said there will be updates made to the portal the next week in response to resident suggestions.

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Councilor DeLima said that the breadth of the questions was vast and she was interested to see how this can be whittled down. She said there would be tradeoffs that the community would have to consider.

Chair Kuhn opened the public comment period.

Lee Hanchett of 21 Stone Ridge Road said that the planning team needed to settle on 10 or 20 years for the length of the future vision. He felt who participates is as important as what questions are asked. He felt there should be a hierarchy of stakeholders. Regarding question 1 on the survey, he felt the survey is only relevant to individuals who live in Falmouth part of full time. He said that the terms shared vision and shared values needed to be defined. He felt that question 24 was misleading because higher taxes are not only caused by higher levels of service. He felt that questions 31-33 were feel good topics. He listed the groups of people who he felt should be included and excluded from participation in the survey. He felt that the responses needed identification and authentication.

Amanda Henson of Meadow Creek Lane thanked the Council for extending the survey deadline. She asked how Future iQ would validate who is completing the survey. She suggested doing a demo of the survey at the next Council meeting.

Valentine Sheldon of Route 88 wished that the time period had been longer for providing input on the survey questions. He expressed concern about the survey being opened up to non-residents. He felt that non-residents and business owners should be allowed to participate in the survey. He wanted more questions related to taxes and felt that there were a lot of open ended, leading, and feel good questions.

Marjorie Getz of 33 Old Powerhouse Road felt that the way the survey questions were written would lead to factionalization from the public. She felt it was ridiculous to ask questions on scales of 1-10. She said there would be a lot of people feeling strongly about some of the questions because the genie was being let out of the bottle.

John Winslow of 253 Gray Road wanted to community stakeholders to be defined. He felt that if the Council wanted to include non-residents, they should create a separate survey. He expressed concern with asking about ethnicity in the survey. He said he failed to see continuity between the survey questions that people submitted and the actual survey.

Bonny Rodden of Shoreline Drive felt that working in Falmouth but live elsewhere was not an appropriate question. She felt that the survey should be based on who owns property here or is a resident. She did not think it was right to have business owners who did not live in Falmouth participate. She liked the idea of validating who is responding to the survey. She wanted to see a question about where people work and whether they worked from home. She wanted to see a question related to bicycle and pedestrian opportunities. Regarding questions 27 and 28, she did not think that the ends of the scale were a fair balance.

Andrea Ferrante of 13 Greta Way agreed that residents should be prioritized. She thought the survey was good. She saw a lot of questions that were in the resident comments. She said the project gained momentum because the Council did not know what residents wanted and what they valued. She felt that should be the impetus. She suggested extending the deadline to provide input on the survey questions and respond to the survey and to continue outreaching people to participate. She felt that the school system, taxes, and town governance were under-represented. She liked the open ended questions.

Chair Kuhn closed the public comment period.

Chair Kuhn asked the Council to consider the question of who participates in the survey. She did not have a problem with limiting it to residents and property owners. Councilor Johnson felt that business owners should be allowed to participate. He expressed concern about how business owners' voices would be captured if business owners were not allowed to participate. Councilor Cahan agreed that it was important to have an understanding of the businesses in town and what will help them to thrive and remain in town and what would attract businesses to town. Chair Kuhn suggested that one of the focus groups could be dedicated to business. Councilor Asherman said that made sense. He felt it should be residents not just taxpayers. Chair Kuhn felt that people who own property but do not live here should have a stake. Councilor LaFond supported the resident and taxpayer focus. He appreciated the prior comments about capturing the voices of businesses that are doing business here and paying taxes. Councilor Trickett said that Future iQ can segregate out the responses. He thought that there could be useful information from the perspective of people who do not fall into the category of voter. He said that the survey allows people to self-identify. Councilor Cahan said that having a validation process will be helpful. Councilor DeLima agreed with Councilor Trickett's comments. She supported gathering information from non-residents. Councilor Asherman agreed. Councilor Johnson felt that any way to attract the business community should be encouraged because it has historically been difficult to reach them. Chair Kuhn said she wanted to keep resident voices central.

Councilor Trickett liked Ms. Rodden's suggestion about asking whether people work from home. He asked Heather Branigin of Future iQ about the race and ethnicity question would be used. Ms. Branigin said some communities choose not to have that question but some with high minority populations find the information valuable. Councilor Trickett said he would rather have more information than less. Chair Kuhn felt that it was a relevant and appropriate question. Councilor Cahan agreed. She suggested ask a professional if there is a better way to ask the question. She asked if there was a better way of stating multi-modal transportation.

Councilor Trickett suggested adding language at the beginning of the survey clarifying the 20- or 30-year confusion. He said that a question was added that day specifically about.

Chair Kuhn said that the project team would take all the comments and discussion and adjust as appropriate to the draft survey. The survey was scheduled to be launched later that week. She said that the town would share the survey through all its communications channels and there would be a townwide postcard mailing. She said that there will also be opportunities for people to volunteer to be neighborhood connectors on the project portal.

Item 6 Re-enactment of Ordinance No.128-2020, an emergency ordinance to temporarily suspend certain provisions of the Falmouth Code of Ordinances relating to outdoor eating areas and outdoor retail display to assist businesses suffering economic loss due to COVID-19 in a manner consistent with the Governor's re-opening plan.

Ethan Croce, Community Development Director, said that there had not been any complaints. He said that the businesses taking advantage of the ordinance and appreciative. He said that Dockside Grill had already moved inside but the other four restaurants planned to accommodate outside guests as long as they can into the season. He said all the businesses planned to move inside once it began snowing and did not plan to operate with tents and heaters.

Councilor Johnson motioned; Councilor Cahan seconded.

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

The motion carried unanimously.

Item 7 Discussion about an application to accept Seaside Way as a public street.

Mr. Poore said at the last meeting the Council expressed interested in moving forward with the application. He said there was some discussion about whether to include the eyebrow so staff desired to get clarification from the Council on whether the eyebrow should be included before moving forward with the drafting the final documents and the deeds. Chair Kuhn clarified that the question is whether the eyebrow is part of the street under consideration for street acceptance such that the Town should take responsibility plowing and maintaining it or whether the eyebrow constitutes a private driveway for two homes.

Mr. Poore screenshared a map showing the eyebrow.

Councilor Cahan said that she viewed the eyebrow as part of the road. She felt that if the Town were to accept the street the eyebrow should be included. She said the driveway served a significant number of houses on the street. She mentioned the point made by another applicant that it could be challenging and inconsistent to coordinate private plowing for the eyebrow with the Town's plowing.

Councilor Trickett said that his driveway is often plowed in by the public plow and he must plow his driveway independently and that is part of having a private driveway. He did not think that the eyebrow offered any public benefit to the Town. He said that the eyebrow would likely double the amount of time that it takes to plow Seaside Way. He said he was in favor of accepting the rest of the street.

Councilor Johnson agreed with Councilor Cahan's comments. He said that the eyebrow serves a quarter of the residences on the street. He suggested accepting the eyebrow and not the section by the eyebrow as the other section is not connected to any driveways. Councilor Cahan agreed with Councilor Johnson's suggestion.

Councilor Asherman did not see any public benefit in the eyebrow. He said that the only benefit of the eyebrow is the serve the two residences.

Councilor DeLima agreed with Councilors Asherman and Trickett.

Councilor LaFond said it appeared that there are driveways for the individual homes coming off of the eyebrow and the eyebrow is not a driveway. Chair Kuhn clarified that the eyebrow acts as a driveway by only serving those two homes.

Bob Kline of 47 Seaside Way described a chimney fire at a resident's house where the fire truck parked in the eyebrow. He said young people use the eyebrow to ride bikes and climb on the island rock. He said in terms of scale there are nine homes only eight of which are on Seaside Way. He said 2.3 acres have been set aside as conservation area. He said the eyebrow is only one hundred feet of pavement. He said that the neighborhood associated provided pavement measurements. He said the street is very consistent with the scale of the neighborhood. He said they are already stock piling snow on the island and that the curving around the island is sloped to minimize plow damage. He said that the neighborhood had resolved a parking dispute with Glen Road residents, conveyed a public access easement to the Town to give pedestrian access to Underwood Spring and withdrew its request for the waiver of the defect guarantee. He said that the Town maintaining one section of the road and residents maintaining the eyebrow would be difficult to coordinate.

Jeff Buxton, Streets Superintendent and Acting Public Works Director, described difficulties that could arise with the plow truck turning around the eyebrow.

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Councilor Cahan asked about plowing the eyebrow and not the otherside of the street. Mr. Buxton said that the straight through part is easy so it would not save time to leave it off. He said that the plow would not be able to do the eyebrow in one pass. Councilor Cahan asked if the eyebrow were not accepted whether the plow would through snow into the eyebrow. Mr. Buxton said he could not guarantee that.

Councilor Johnson said that the eyebrow is the same width as the rest of the road. He did not think that plowing the eyebrow would exponentially increase the cost. He did not think finding somewhere to push the snow would be a problem.

Councilor Trickett said that three to five minutes for 100 feet was not a small issue. He did not see an argument for taking the eyebrow. He desired a clear policy for distinguishing between private roads that benefit the Town and are worth taking on the cost and those that do not.

Chair Kuhn said that she was not a fan of street acceptance. She did not agree that taking the eyebrow was a small issue because all the small issues add up. She said the fire safety issue is a significant public benefit.

Chair Kuhn opened a public comment period.

Marjorie Getz of Old Powerhouse Road said that in accepting streets the town is spending public money to buy something for the public. She felt that going forward there needed to be a protocol for how streets are accepted. She asked the Council to keep in mind that they are spending residents' money on this. She said her street was too narrow for a fire truck to get down. She did not agree with plowing argument as her street has to coordinate the company that plows the road with the different companies that plow their driveways. She felt that there should be a set of standards so that there is no uncertainty for residents of private roads She agreed with the idea of just plowing the eyebrow and not the other side of the street.

John Winslow of 253 Gray Road said the Town could not plow any snow outside of the right-of-way. He said a 30-foot right-of-way would not leave a lot of room. He could not see the public benefit. He said that Fire-EMS travels private ways all the time so he did not see a public benefit there. He said that kids riding bicycles are safer on private ways than on public streets. He asked about where parking would be located for a private beach. He said that plowing there is a nightmare.

Scott Walker of 8 Rogers Trail agreed with Mr. Winslow's comments. He said that his neighborhood, Stone Ridge, was shot down as not having a public benefit even though they are offering access to 40-acres. He said that Seaside Way was offering access to a beach with no parking. He said that emergency vehicles have access. He felt that only the residents of the neighborhood would benefit. He felt that Councilor Johnson stood to gain from this vote and felt he should recuse himself.

Laura Metivier of 10 Seaside Way said what everyone is calling an eyebrow is what her child refers to as the loop. She said the neighborhood spent a lot of time considering whether to go through the street acceptance process. She felt a lot of people could benefit from this.

Chair Kuhn closed the public comment period.

Mr. Kline said that Mr. Winslow is correct in terms of what the original right-of-way comprised. It is 22-feet of pavement but the agreement under consideration is 15-feet of maintenance easement on each side of the road so the ability to move the snow is there. He said the Town maintains a narrow private road on lower Glen to access the pumping station. He did not think it was a floodgate type of issue.

Chair Kuhn said Councilor Johnson did not have a conflict of interest.

Councilor Johnson said he would like to see a cost breakdown of what it would cost to plow the straight portion and the eyebrow. He wanted to see the overall cost of both together. He also wanted to know the cost of plowing down Underwood Road to Glen Road.

Chair Kuhn said she was leaning towards acceptance.

Mr. Poore said there are legal expenses for the Town and the applicant has expenses to consider in how they move forward with the proposal. He said if they move forward with acceptance of the eyebrow and the Council determines that it cannot support that then everyone will have to go back to the drawing board and develop the deeds in a way that would eliminate the eyebrow. He said if the Council is saying it is moving towards acceptance of the eyebrow then it would be up to the applicant whether they want to take the risk and move forward.

Councilor Trickett asked Chair Kuhn for clarification about emergency vehicles access as a public benefit. He asked how is this different from any other road that seeks public acceptance. Chair Kuhn said that one of the criteria for public benefit is the movement of emergency vehicles. She felt that condition is related to the criteria and moreover consistent maintenance and condition of the road could make a practical difference in terms of delivery of service. Councilor Trickett did not see how the eyebrow was unique in these respects. Councilor Asherman agreed with Councilor Trickett regarding emergency vehicles. Mr. Kline said if the eyebrow is extracted from what the Council accepts then it would be maintained as a driveway which would be a different standard than the street standard.

Councilor Cahan said that it was a concern that private streets are not consistent. She felt if the Town was going to accept a street it should take the whole thing.

Councilor DeLima asked for clarification around the costs that the Town had incurred around legal fees. Mr. Poore said that the ordinance was not clear on the recovery of all costs so that is one of things that he wants to make sure is clear in the procedures going forward.

Chair Kuhn said a slim majority of the Council supported taking the eyebrow and it was up to the applicant to decide what to do next. She asked Councilor Johnson whether the cost information should be an intermediary step to moving forward. Mr. Kline said that the neighborhood intends to proceed. Councilor Johnson clarified that he wanted to see what the cost breakdown looked like if the Town were or were not to accept one portion of the other. Mr. Kline said that the cost to plow the road last year with a private contractor was \$2,700.

Chair Kuhn said she strongly supported taking the street in general because of the connectivity piece.

In the straw poll, Councilors Kuhn, Cahan, Johnson, and LaFond were in support of accepting the street with the eyebrow and Councilors Asherman, DeLima, and Trickett were opposed.

**Item 8 Discussion about the Greater Portland Transit District (Metro Bus)
preliminary FY 2021 budget.**

Greg Jordan, General Manager of Greater Portland METRO, delivered the presentation. He provided an overview of METRO. He described transit service in Falmouth. He showed a chart showing the 20-year ridership trend. He described the METRO/regional pandemic response. He described the new fare payment options. He described planned 2021 projects. He reviewed the 2020 Budget Summary. He reviewed the METRO budget process.

Councilor DeLima asked if the lost revenues were being built back into the FY21 budget. Mr. Jordan said they were assuming some recovery in FY21. He said the 2020 overall reduction in ridership will be 50 or 60%. He said they are assuming that the ridership will increase to 60 to 70% of pre-pandemic levels in FY21. He said the CARES Act funding will fill the gaps in FY21. He said they do not want to just use the CARES Act funding to plug revenue losses but to also invest in health and safety projects. He was optimistic that by FY22 they would be close to full recovery or at full recovery.

Councilor Asherman asked for clarification that the Town would be receiving two different credits from the CARES Act, one in December 2020 and another in their FY21 budget year. Mr. Jordan said that was correct.

Councilor Cahan said that Falmouth had been lucky. She said other transit agencies' numbers had plummeted. She expressed gratitude for the community's support and continued trust in public transit as well as Mr. Jordan and the leaders of other transit agencies.

Item 9 Presentation of the results of the Communications Method Survey.

Erin Cadigan, Education and Outreach Coordinator delivered the presentation. She said that the survey was distributed in October 2020. It was mailed to all residents, promoted on social media and in the Falmouth Focus, and advertised in the Forecaster. She said there were 201 respondents. She reviewed the survey results. She said that overall, the responses were positive and constructive. She said that residents want to be engaged and heard and wanted the Town to continue to use a variety of approaches. She said that people felt more is good and wanted greater lead time and a more proactive approach to communicating important projects.

Councilor LaFond thanked Ms. Cadigan for her efforts.

Councilor Asherman also thanked Ms. Cadigan. He thanked her for offering ways that people could contact her to provide input.

Councilor Johnson thanked Ms. Cadigan and felt that increased communication by the Town and increased interest indicated that the Town was doing a great job.

Councilor Cahan thanked Ms. Cadigan for her hard work. She appreciated the report back.

Chair Kuhn said that it was good to know that people wanted more information. She asked for clarification that there are paper copies of the Falmouth Focus available. Ms. Cadigan said she was putting it at Mason-Motz Activity Center and at the Library before the pandemic but had not resumed taking it to the Library. She said that she could send the Library staff a pdf to print or could deliver copies. She said that people were not picking them up at Town Hall. She said there is a high cost to mailing it. She suggested exploring an opt-in. She felt a lot of people rely on print media. Chair Kuhn liked the idea of pursuing an opt-in option and encouraging the Library to print copies.

Councilor LaFond asked if the Town was using social media. Ms. Cadigan said that the Town uses Facebook and Twitter and has started an Instagram account.

Councilor Asherman pointed out a discrepancy on the slide between the text and the graph.

Adjourn

Councilor Cahan motioned; Councilor De Lima seconded.

The motioned carried unanimously.

The meeting adjourned at 10:28 pm.

Respectfully submitted,

Marguerite Fleming

Recording Secretary