## Falmouth Town Council Regular Meeting Falmouth Town Hall Monday, November 26, 2007 7:00 pm

- **ROLL CALL** Present and answering roll call: councilors: Goggin, Rodden, Wrobleski, Breen, Armitage, Payne & Libby.
- PUBLIC FORUM Chair Breen opened the public forum.

There was no public comment.

Chair Breen closed the public forum.

### ITEM 1 CONSENT AGENDA

- A) Order to approve the minutes of the regular meeting of October 22, 2007.
- B) Order to certify the election results from the state/county/special municipal referendum election held on November 6, 2007.
- C) Order to set December workshop (December 11, 2007) and the regular meeting (December 17, 2007).

D) Resolution to support the Downeaster rail service.

On motion (Wrobleski), duly seconded by (Armitage), it was VOTED (7 Ayes) as follows:

BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:

"To take Letter "A' off of the consent agenda."

On motion (Goggin), duly seconded by (Armitage), it was VOTED (7 Ayes) as follows:

BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:

"To correct item 2 from the previous month's minutes under Councilor Wrobleski's report."

On motion (Armitage), duly seconded by (Goggin), it was VOTED (7 Ayes) as follows:

# BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:

"To approve Letter "A" as corrected."

On motion (Armitage), duly seconded by (Goggin), it was VOTED (7 Ayes) as follows:

BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:

"To approve the consent agenda with the above mentioned amendment."

### Town of Falmouth Election November 6. 2007 State of Maine

## **Question 1: Citizen Initiative**

Do you want to allow a Maine tribe to run a harness racing track with slot machines and high-stakes beano games in Washington County?

Yes 1037

No 1685

## Question 2: Bond Issue

Do you favor a bond issue to stimulate economic development and job creation that would provide \$5,000,000 in loans and grant funds and would provide \$50,000,000 in research, development and commercialization funds for targeted technology sectors, awarded after a competitive process administered by the Maine Technology Institute, and will leverage at least \$50,000,000 in other funds?

Yes 1671

### **Question 3: Bond Issue**

Do you favor a \$43,500,000 bond issue for interior and exterior building renovations, improvements and additions at all campuses of the Maine Community College System, the Maine Maritime Academy and the University of Maine System, to replenish the School Revolving Renovation Fund for school repairs and renovations, and to support capital improvements for cultural and educational assets such as museums, historical facilities and libraries?

Yes 1691

## **Question 4: Bond Issue**

Do you favor a \$35,500,000 bond issue to invest in land conservation, water access, wildlife habitat, outdoor recreation opportunities, including hunting and fishing, farmland and working waterfront and to invest in state parks, historic sites and riverfront, community and farm infrastructure to be matched by at least \$21,875,000 in private and public contributions?

Yes 1878 Question 5 Referendum Question

Do you favor extending term limits for Legislators from 4 to 6 terms?

Yes 1029

No 1654

### **County Referendum Questions**

### Question 1: Radio Interoperability Upgrade

No 1038

No 1031

No 846

| Yes 1942                                      | No 729               |  |  |  |
|---|----------------------|--|--|--|
| Question 2: Inmate Medical Facility Expansion |                      |  |  |  |
| Yes: 1255                                     | No: 1258             |  |  |  |
| Question 3: County Commissioner Redirect      |                      |  |  |  |
| Yes: 569                                      | No: 1261             |  |  |  |
| Municipal Questions                           |                      |  |  |  |
| QUESTION ONE: LAND                            | YES: 1884<br>NO: 830 |  |  |  |
| QUESTION TWO: BOND                            | YES: 1828<br>NO: 853 |  |  |  |

Attest/Certified November 7, 2007

Kathleen W. Babeu

Kathleen W. Babeu Falmouth Town Clerk

# ITEM 2 Report from Council Committees and liaisons regarding updates on assignments.

**Councilor Rodden** reported that ECO Maine had an incident of a forged check cashed in the Philippines, which was honored by a bank and charged to an ECO Maine account. TD Banknorth has acknowledged the mistake and re-deposited the money back into the account. It was noted that this was not an ECO Maine check; it was created by using a photo copier.

It was reported that for recycling for the first two months of curbside, 44% of trash was recycled.

**Councilor Wrobleski** reported on the school consolidation timeline, with January 15, 2008 as the date to submit the plan. There is a meeting tomorrow night (November 27<sup>th</sup>) scheduled at the Cumberland Town Hall at 6:30.

The Community Development Committee is working with CPAC on the natural resource protection ordinance changes. There is a meeting scheduled for December 13<sup>th</sup> at 7 PM.

**Councilor Wrobleski** mentioned for residents to be careful to shred before recycling. The Finance Committee met and reviewed financial statements and had a quick review of the CIP budget. Town Manager, Nathan Poore will present the information on December 3<sup>rd</sup> at 9 AM.

Chair Breen reported on the Governance Committee that one of the

charges is for a mission statement for standing council committees, as well as email. A meeting is scheduled for the morning of December  $5^{th}$  at 7:30.

**Councilor Libby** congratulated the Cable TV Committee and the control booth in the successful downloading of the school consolidation meeting available on the town's website. It was reported the Harbor/Waterfront Committee is proposing a few minor changes this evening and that there will be a public hearing on Workforce Housing.

**Councilor Armitage** reported that on Dec. 3<sup>rd</sup> at 9 AM in the Map Room, the Finance Committee will meet.

ITEM 3 Report from the Appointments Committee and order relative to filling various vacancies on Boards and Committees.

On motion (Libby), duly seconded by (Goggin), it was VOTED (7 Ayes) as follows:

BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:

"To appoint Stanwood Given as a second associate to the Board of Zoning Appeals and to re-appoint Bonita Marchetti to the Cable TV Committee for a three year term retroactive to October 1, 2007."

## ITEM 4 Presentation on the 2008 property revaluation process.

Assessor, **Anne Gregory** presented a Power point describing the 2008 property revaluation process as follows:



## **Tax Rate Calculation**

Portion of Budget funded by the PROPERTY TAX

Approved by COUNCIL

Town's Taxable Value

**Determined by ASSESSOR** 

11/26/2007

| Tax Bill Calculation  |
|---|
| <u>\$25,354,138 Budget from Property Tax</u><br>\$1,736,584,800 Taxable Value = \$.01460 Tax Rate |
| Property Assessment x Tax Rate = Tax Bill   |
| $350,000 \times 0.01460 = 5,110$  |
| Your assessed value determines how much of the property<br>tax portion of the budget you pay      |

## 2007 Assessed Value v Taxable Value

| Real <b>F</b>   | Estate:             | \$1,723,693,400 |                              |  |              |
|---|---------------------|-----------------|------------------------------|--|--------------|
| Personal Property/Business Equip:<br>TIF Real Estate:<br>TIF Personal Property/Business Equip:<br>Total Real & Personal Property: |                     |                 | + 28,178,400<br>+ 73,761,100 |  |              |
|   |                     |                 |                              |  | + 13,376,900 |
|   |                     |                 | \$1,839,009,800              |  |              |
|   |                     |                 | Exempt Real Estate:          |  | \$68,531,800 |
| Persor  | nal Exemptions:     | + 1,518,000     |                              |  |              |
| Homestead Exemptions:   |                     | +32,375,200     | - 102,425,000                |  |              |
| TOTAL TAXABLE VALUE:  |                     |                 | \$1,736,584,800              |  |              |
| 3.7%  | = Exempt Properties |                 |                              |  |              |
| 13.9% = Commercial Properties (includes Personal Property)   82.4% = Residential Properties                                       |                     |                 |                              |  |              |

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## **MAINE CONSTITUTION**

The Maine Constitution requires that "All taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally according to the just value thereof ." Me. Const. art. IX, Sec. 8.



Assessor

The Assessor is responsible for determining the market value of all real and personal property in accordance to the State of Maine's property tax laws.

11/26/2007



## State of Maine Assessment Law

- The assessment-to-sale price ratio must be a minimum of 70% and a maximum of 110%.
- The Coefficient of Dispersion (COD) must be 20 or less.

## **Coefficient of Dispersion** < 20

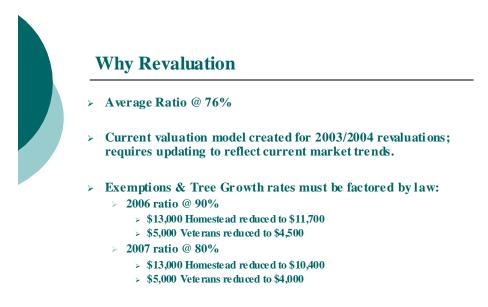
Measures how far apart the range of ratios is "dispersed" from the average ratio.

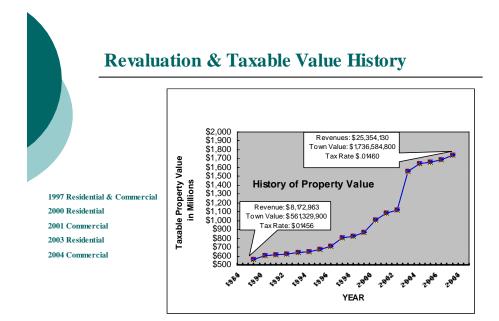
The average deviation is divided by the average ratio.

Average deviation of 7 divided by the average ratio of 73% = COD of 10.\*

\*Last study conducted by MRS' Property Tax Division (sales from 7/05 to 6/06).

11/26/2007





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## **Before & After Revaluations**

| YEAR                         | TAXABLE<br>VALUE | REVENUE/<br>PROPERTY<br>TAX | TAX/<br>MILL<br>RATE | PARCEL<br>COUNT |
|------------------------------|------------------|-----------------------------|----------------------|-----------------|
| 1996                         | \$ 707,686,100   | \$ 12,971,888               | \$ 18.33             | 4,411           |
| 1997 Residential Revaluation | \$ 806,327,326   | \$ 13,909,158               | \$ 17.25             | 4,509           |
|                              |                  |                             |                      |                 |
| 1999                         | \$ 869,659,226   | \$ 16,036,516               | \$ 18.44             | 4,616           |
| 2000 Residential Revaluation | \$ 1,008,543,200 | \$ 18,758,904               | \$ 18.60             | 4,689           |
| 2001 Commercial Revaluation  | \$ 1,080,644,600 | \$ 21,115,795               | \$ 19.54             | 4,809           |
|                              |                  |                             |                      |                 |
| 2002                         | \$ 1,116,718,300 | \$ 22,836,889               | \$ 20.45             | 4,842           |
| 2003 Residential Revaluation | \$ 1,556,591,600 | \$ 25,425,600               | \$ 15.80             | 4,832           |
| 2004 Commercial Revaluation  | \$ 1,643,280,700 | \$ 25,405,119               | \$ 15.46             | 4,882           |
|                              |                  |                             |                      |                 |
| 2007                         | \$ 1,736,584,794 | \$ 25,354,138               | \$ 14.60             | 5,185           |



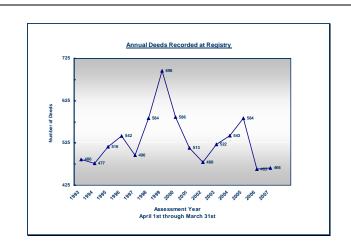
## **History of Property Sales**

| YEAR                    | AVERAGE<br>SALE PRICE | MEDIAN<br>SALE PRICE | AVERAGE<br>ASSES SMENT | # OF<br>SALES | RATIO         | MISC     |
|-------------------------|-----------------------|----------------------|------------------------|---------------|---------------|----------|
| 2000                    | \$288,000             | \$258,000            | \$242,400              | 210           | 91%           |          |
| 2001                    | \$337,000             | \$329,000            | \$240,100              | 196           | 82%           |          |
| 2002                    | \$345,000             | \$313,000            | \$264,300              | 220           | 75%           | 84 DOM*  |
| 2003                    | \$382,000             |                      | \$370,900              | 197           | 96%           |          |
| 2004                    | \$425,000             |                      | \$350,700              | 232           | 87%           |          |
| 2005                    | \$439,000             | \$340,000            | \$352,900              | 212           | 78%           |          |
| 2006                    | \$460,000             |                      | \$338,100              | 183           | 73%           |          |
| 2007*                   | \$458,000             | \$401,000            | \$347,000              | 110***        | 76%           | 133 DO M |
| *Data :                 | from inhouse s        | study as State's     | s Ratio Study no       | ot comple     | ete d.        |          |
| ** DOM = Days on Market |                       |                      |                        |               | *** 10 months |          |

2007 Sales Range = \$151,000 to \$2.3M

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## **Recorded Deed Activity**





## **2008 Revaluation Process**

- Determine Sales Analysis Time (4/05 to 10/07)
- **Qualify Sales**
- **Create Commercial & Residential Models**
- **Apply New Values to All Properties**
- **Complete Annual Assessment work** 
  - Inspect properties with changes
  - Create New Lots Process Personal Property accounts
  - Process Exemptions
- ✓ Conduct Field Review
- Mail Notices
- ✓ Conduct Hearings
- ✓ Make Revisions
- ✓ Finalize Assessments
- Process Appeals

11/26/2007

**ITEM 5** Public Hearing relative to proposed amendments to Section 9-94 O (1) (f) & Section 9-95 f (1) of the Coastal Waters Ordinance. HarborMaster, Kevin Cady explained the proposed amendments. Chair Breen opened the public hearing. There was no public comment. Chair Breen closed the public hearing. **ITEM 6** Public Hearing relative to proposed conservation zoning amendments to Sections 2.131 3.13 & 5.38 of the Zoning & Site Plan **Review Ordinance and Appendix 9 of the Subdivision Ordinance.** Chair Breen opened the public hearing. There was comment relative to steep slopes and the discussion continued. Chair Breen closed the public hearing, and explained that this item will be placed on the December 17<sup>th</sup> agenda. **ITEM 7** Public Hearing relative to Work Force Housing near Police Station property on Woods Road: R01-1, Tax Sheet 231. Chair Breen opened the public hearing. Tim Bryant & Willie Audet commented that as of this afternoon there are 12 homes on the market in the town of Falmouth under \$250,000. The

current housing stock is old and out of the twelve, there is only one built before 1991. The older housing stock has environmental issues including lead paint, sub standard heating issues. The Woods Road project would add to new housing stock. The average home price in the town of Falmouth is \$458,000.

**John Gallaher**, Westbrook Housing commented that the medium price is lower at \$409,000.

**Tim Flaherty** stated he is an abutter to the proposed workforce housing project and would like to see some sort of buffer, maybe a 100 foot buffer for a reasonable transition between the properties and the building lots.

**Martha Marshall** commented that she is totally against the housing project and she lives on Woods Road. She has been there for 15 years and it has been quiet.

**Roger Pryzant** thinks the issue of Workforce Housing should go to referendum. He believes there is just a warm support for this type of housing in Falmouth, and cited data from a Falmouth citizen survey from September of 2000 and the Comprehensive Plan Survey from 1994.

**Bill Lunt** stated the committee work is a commendable effort and affordable housing is not the same as subsidized housing.

**Edi Pryzant** asked what the opposition to bringing this question to referendum is.

**Councilor Armitage** explained that the issue could be voted up in referendum; however the council could still vote it down.

**Chair Breen** further explained that a council form of government enables the council to make decisions which to not always require a referendum.

Chair Breen closed the public hearing.

## ITEM 8 Order to adopt a Council e-mail use policy.

On motion (Libby), duly seconded by (Armitage), it was VOTED (7 Ayes) as follows:

# BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:

"To adopt a Council e-mail policy as follows:

Policies of the Falmouth Town Council Email Policy November 26, 2007

Pursuant to Section 35 of the Council Rules, the Falmouth Town Council hereby directs the Town Manager to memorialize the following policies of the Falmouth Town Council:

1) Use of Electronic Mail (E-mail)

A) Three or more Councilors or three or more members of any Volunteer Board or Committee shall avoid the use of e-mail for deliberation, discussion, or for voting on matters properly confined to public meetings; email should be used for non-substantive matters such as scheduling meetings, dissemination of information and reports, and developing agendas for future meetings.

B) In the event this policy is not followed, or if there is a question whether substantive matters properly confined to public meetings were discussed or deliberated on via e-mail by three or more members of any Town body, those e-mails in question should be printed and disclosed to the public at the next public meeting of the Town body.

C) Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning Town business or containing information relating to Town business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law.

D) The Town Council Chair shall acknowledge email messages that come to all Council members at once. While the Chair is not empowered to discuss substantive matters on behalf of the Council in these acknowledgements, he or she may supply pertinent information regarding how the Council will proceed with the issue, if applicable (for example, upcoming public hearings, information available through the Town of Falmouth website, and so on). The Chair and individual Councilors remain free to reply to such messages as individuals, but shall refrain from engaging more than one other Councilor in the electronic discussion."

#### ITEM 9 Update on the Tidewater Farm and Tidewater Village project -Tidewater Advisory Council.

**Councilor Wrobleski** is the council liaison to the Advisory Committee, and an honorary member to the Tidewater Conservation Foundation, which is a non-voting position. A question has been raised whether there is a conflict of interest and town attorney Bill Plouffe stated that no financial conflict exists.

#### History:

- 1. The Town of Falmouth originally sponsored a Charette with the stake holders, including the landowners, neighbors, and the Falmouth residences at large to develop this site.
- 2. Tidewater, LLC worked with the town of Falmouth and land owners to bring the concept generated from the Charette to fruition.
- 3. The Tidewater Master Development District was created with a set of parameters to allow flexibility while ensuring appropriate scale and high quality design.

These parameters call our specific areas of the Master Development district defining uses, and maximum building densities. A management plan was created for the conservation land which outlined the activities originally envisioned as well as made allowances for additions based on future needs which were aligned with the original vision.

The Tidewater Master development district was granted a TIF from the town of Falmouth to help offset road improvements on Clearwater Drive as well as help offset the cost of upgrading the sewer lines and

installing a new pump station.

The TIF was based on the new tax revenue generated by the 50 units of housing within the Tidewater Farm Housing Development and the 4 commercial sites within the Tidewater Village Development consisting of 65,000 sq of new commercial space and 10 condominium units. Two items not included in the TIF calculation were the hotel site and an additional 26 town homes.

The current status of the project was reported as follows:

- 1. To date 100% of the infrastructure improvements for the Tidewater Farm Housing development have been completed excluding final paving.
- 2. 25 of the 590 house lots have been sold and of the lots sold 18 houses are under construction or completed.
- 3. Farmgate Road has been extended thru the development to the neighboring development which in turn connects to Lunt Road.
- 4. 80% of the Clearwater Drive improvements have been completed. Work left to complete include the remaining sidewalk in front of TV #2 and final coat of pavement. We are currently waiting for the completion of TV #2 to finish these items.
- 5. TV#1 was sold to OHM, LLC. OHM built a 6,000 sq office building which was completed last month and is now 100% occupied. This building is currently awaiting LEED certification.
- 6. TV #2 received planning board approval this summer. Site work has begun and the building is scheduled for construction in December.
- 7. TV #3 is currently being designed and should be before the planning board early in 2008.
- 8. TV #4 was sold to a third party. This party received planning board approval in the spring however there construction schedule is unknown.

## ITEM 10 Conceptual Discussion of Amendments to the Tidewater Master Development Plan - Tidewater Conservation Foundation.

The trail system was discussed as well as proposed amendments to the Tidewater Master Plan by the Bateman's.

The suggestion was for the Bateman's to meet with the Community Development Committee regarding the learning center.

ITEM 11 Order to go into executive session for the following: Discuss a possible property acquisition - 1 M.R.S.A. § 401 (6) (C).

On motion (Armitage), duly seconded by (Goggin), it was VOTED (7 Ayes) as follows:

BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:

"To go into executive session for the following: Discuss a possible property acquisition - 1 M.R.S.A. § 401 (6) (C).

On motion (Libby), duly seconded by (Armitage), it was VOTED (7 Ayes) as follows:

BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF

## FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:

"To come out of Executive Session."

No action was taken.

ADJOURN On motion (Libby), duly seconded by (Armitage), it was VOTED (7 Ayes) as follows:

# BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:

"To adjourn the meeting at 11:00 PM."

Respectfully submitted,

Kathleen W. Babeu

Kathleen W. Babeu

Falmouth Town Clerk

\*\* These minutes are not verbatim. For a CD, please contact the Town Clerk's office. \*\*