

**Town Council Meeting
DRAFT Minutes
September 26, 2011**

Roll Call

Councilors Chase, Payne, Rodden, Varney, Pierce and Armitage were present and answering roll call.
Councilor Orestis was absent.

Pledge of Allegiance

Chair Pierce led those present in the pledge of allegiance.

Public Forum

Claudia King of Woodville Road, co-chair of the Recycling and Energy Advisory Committee spoke about upcoming events. Saturday October 1 will be the annual green buildings open house. The elementary school, the Gorham Savings Bank and two local homes will participate in the open house. Wednesday, October 5 the committee will host a forum for homeowners to learn about the PACE loan program. Residents can email REAC@town.falmouth.me.us to be placed on an email contact list for future events.

Mike Doyle of Shady Lane spoke about use of the Falmouth police boat. He accused town staff of lying.

**Item 1 (a) Order to approve the minutes of the August 8, 2011, Town Council
(Consent Agenda) Special Meeting and Workshop.**

**Item 1 (b) Order to approve the minutes of the August 22, 2011, Town Council
(Consent Agenda) Meeting.**

Councilor Varney moved to approve the consent agenda; Councilor Payne seconded. Motion carried 6-0.

**Item 2 Report from Council Committees and liaisons regarding updates on
 assignments.**

Councilor Chase said the Harbor did a great job of preparing and removing the boats prior to the recent hurricane.

Councilor Payne said the CDC met and appointed a chair. It was decided that LPAC will present their report directly to the entire Council.

Councilor Rodden said that there is a link on the town website on how to keep junk mail out of your mail box. She reported that ecomaine has released the latest monthly recycling rates: Falmouth's rate is now 39%, down from 41%. It was averaging 45-47% prior to the summer.

Councilor Varney said the Library's annual meeting is scheduled for October 3, and it is hoped that all the Councilors will attend.

Chair Pierce said PACPAC met last week; they redid some fields at Community Park and there have been some drainage issues. Those issues should be resolved soon. Little league boosters are upgrading all the dugouts; tennis courts at the high school have been resurfaced. Programs are being held at the Plummer/Motz/Lunt site. She said that the recent event at the new school went very well.

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

Councilor Payne moved the appointment of Rebecca Carrier to the Library Board of Trustees; Councilor Varney seconded. Motion carried 6-0.

Item 4 Order to adopt the Cumberland County Hazard Mitigation Plan.

Councilor Armitage moved to adopt the plan; Councilor Chase seconded. Motion carried 6-0.

Item 5 The Town Council will review a presentation and report on draft Survey Conclusions as prepared by the Long Range Planning Advisory Committee (LPAC+).

Sandra Lipsey, vice-chair of LPAC, chaired the survey sub-committee and presented the survey conclusions. She described the survey process: an invitation letter was sent to all households and businesses inviting them to take part in the survey, which was available both on-line and in paper copy at 4 different locations. LPAC also personally went to a number of community events. They received 883 complete responses, and 194 partial responses. The results were examined based on gender, age, income and education, but weighted in respect to age only. There are more than 700 pages of survey data available; all the data is posted on the Town website. Ms. Lipsey reviewed several key survey conclusions relating to overall satisfaction with the Town; driving, bicycling and walking; Town services; Town Center; public water and sewer; residential development; commercial development; alternative energy; open space preservation. From the data, LPAC discerned that the survey respondents wanted to devote primary resources to quality of education, public safety, and roads and driving conditions. Respondents wanted to address walkability, alternative sources of energy, Town services, open space preservation, public water, commercial development and the Town Center as resources became available; and wanted to allocate the least resources to the issues of residential development. The committee recommends the following next steps: Council discussion and authorization of the next step; conducting survey result outreach to engage Town residents and stakeholders; completing 15 +/- chapters; a review of the draft chapters with the Council and incorporation of the Council's feedback; holding community outreach events in the Spring of 2012 and a presentation of the final plan to the Council scheduled for Fall of 2012.

Councilor Armitage said that tonight's meeting is more for the committee to present the survey conclusions. The CDC was recommending that the Councilors take the next two weeks to review the material, and then further discussion can take place at the next Council meeting on October 12.

The Council and Ms. Lipsey discussed the survey questions, responses and the process moving forward.

Brian Robertson of Market Decisions, the company that conducted the survey, explained the purpose and process for weighting the results for age.

Item 6 Introduction of an amendment to the Code of Ordinances to prohibit the use and sale of consumer fireworks.

Public hearing on this item will be held at the meeting on October 24.

Item 7 Order to approve amendments to the Code of Ordinances that will update the procedures and rules concerning the use of Parks and Public Lands.

Chair Pierce explained that the previously proposed amendments to section 6.e regarding restricting dogs to leash-only during certain times of the year has been removed from the ordinance currently being considered, as requested by the Council at the public hearing on this item.

Councilor Payne moved to adopt the ordinance amendments; Councilor Rodden seconded.

Councilor Payne spoke about proposed section 6.d: *“It shall be a violation of this ordinance for any person who owns, possesses or controls a dog to fail to remove and dispose of any feces left by his/her dog on any park, public lands, sidewalk or street. Disposal of dog feces must be off park property or public lands.”* He felt it unlikely that people would chase their dogs into the woods to clean up after them.

Councilor Payne moved to amend the ordinance, to read *“...to remove and dispose of any feces left by his/her dog in the public way on any park, public lands, sidewalk or street.”* in section 6.d. Councilor Armitage seconded.

Councilor Armitage asked about a definition for “public way”.

Town Manager Nathan Poore said that typically a “public way” refers to a street. He thought the intent of Councilor Payne’s amendment was to keep dog waste out of where the public is. In support of the original language, he felt that an officer isn’t likely to take enforcement action on an owner picking waste up off a trail and tossing it discreetly into the woods. This section is mainly to allow them to address habitual offenders in areas such as the ball fields, etc. A fix might make it harder for them to enforce this where they want to.

Councilor Payne wanted the ordinance to make it clear, in case they take up the issue of the leash restrictions, that wherever they allow dogs to be off-leash, dog waste should not be in the public way.

Mr. Poore suggested the language be amended to read *“to remove and dispose of any feces left by his/her dog on any improved park, public lands, sidewalk or street”*.

Councilor Armitage felt “improved” became an interpretation issue.

Lucky D’Ascanio, Director of Community Programs, in answer to a question at the last meeting, said that state law qualifies that a leash is 10 feet; it is also 10 feet for voice control. Legally, dogs should not be running out in the woods where the owner doesn’t have sight or voice control. She said the language of the second sentence *“Disposal of dog feces must be off park property or public lands.”* was written to address those people who pick up their pet waste and leave the bags in the park.

Councilor Payne said the objective was for dog owners to clean up where people are walking and playing.

Councilor Payne amended his motion, changing the language of section 6.d to read: *“to remove and dispose of any feces left by his/her dog on any improved park, trail, public lands, sidewalk or street.”* Councilor Armitage seconded the amended language.

Councilor Rodden called the amendment. Motion carried 6-0.

Councilor Armitage moved to amend section 6.d by removing the words “*remove and*”. Resulting section would read as follows: *It shall be a violation of this ordinance for any person who owns, possesses or controls a dog to fail to dispose of any feces left by his/her dog on any improved park, trail, public lands, sidewalk or street. Disposal of dog feces must be off park property or public lands.*” Councilor Payne seconded.

Motion carried 6-0.

Councilor Rodden moved to delete section 6.d in its entirety. In discussing these types of laws, a park ranger in Portland explained to her that to enforce such a law, an officer would actually have to see the dog relieving itself. She didn’t see how they could enforce this, and she didn’t want to pass anything they couldn’t enforce. Councilor Armitage seconded for the sake of discussion.

Mr. Poore didn’t recommend that. He said there are other ways to enforce, an affidavit from a witness for example. The parks maintenance crews face this issue on a regular basis. Having this on the books and putting up a sign, regardless of enforcement, will take care of much of the problem.

Motion failed 2-4 (Chase, Payne, Varney and Pierce opposed).

Councilor Rodden moved to amend the no hunting list, removing Pine Grove from the list because another place in the law already says “east of 88”, and removing the allowance for bow hunting at Town Forest. A resident was in touch with her about Town Forest; it is a small property, there are plenty of other places to hunt with bows, and she felt it was confusing to say “no hunting” but allow bow hunting.

Mr. Poore pointed out that Walton Park should also be removed from that list. He clarified that the ruling mentioned by Councilor Rodden is actually “east of Middle Road” except for one bump-out area bounded by Lunt Rd., Falmouth Rd. and the Presumpscot River.

Councilor Armitage asked that the removal of Pine Grove and Walton Parks be considered separately from the question of bow hunting in Town Forest. Councilor Rodden agreed.

Chair Pierce clarified that the first amendment made by Councilor Rodden is to remove Pine Grove and Walton Parks from the listing of “no hunting” sites. Councilor Payne seconded.

Motion carried 6-0.

Chair Pierce clarified that Councilor Rodden’s second amendment is to remove the allowance for bow hunting at Town Forest and therefore make Town Forest a no hunting zone completely. Chair Pierce seconded.

Councilor Chase asked why they allowed bow hunting to begin with.

Mr. Poore said their objective when doing a comprehensive review of this ordinance was to not make significant changes to the hunting regulations. They were counting on the hard work done on the issue years ago. Their goal was to make the least amount of changes possible.

Councilor Varney didn’t think it was confusing for hunters. Councilor Chase agreed.

Councilor Rodden said this neighborhood has changed over time; it is different than it was when these allowances were put in place. She felt it was a safety issue. They are telling people that they can’t walk in their neighborhood woodlands for one month out of the year because people are bow hunting. She didn’t think many people bow hunt on that small property and she didn’t think it was fair.

Councilor Varney argued that people could put orange on and go walking.

Chair Pierce agreed that this area has changed a great deal. She asked if Town Forest abutted Community Park.

Mr. Poore said it is close, but there is a separation. At Chair Pierce's question, he said you might not know you were leaving Community Park and entering Town Forest unless you knew the property very well.

Motion failed 2-4 (Chase, Payne, Varney, Armitage opposed).

Councilor Armitage pointed out that in section 6.c it refers to "improved areas".

Councilor Chase spoke about the handout presented to the Council; he wondered if this document was adopted as part of the ordinance. He also pointed out that they cannot say "no hunting"; only the state can say that. He said they can only say "no discharge of firearms".

Mr. Poore said they couldn't find any evidence of the source of the document.

Councilor Chase thought it was authored by John Dalton originally.

Councilor Rodden clarified that a new brochure would be developed based on the changes made tonight, to replace this document and handed out to people when they get their hunting license.

Mr. Poore spoke to the issue of "no hunting". They can state that in this ordinance because they are regulating Town-owned properties and not land in town overall. He said the Dalton handout should not be labeled "ordinance", but "guidelines".

Amended ordinance carried 6-0.

Councilor Rodden left the meeting.

Item 8 Discussion about the development of a Town Council "Annual Work Plan".

Mr. Poore discussed the changes made to the document since the last meeting.

Councilor Armitage suggested some changes. Mr. Poore will add a row to the high-impact list to reference the emerging issues list.

The Council was in agreement with the work plan.

Item 9 Order to approve a supplemental appropriation in the amount of \$50,000 to be used to acquire and install cable broadcasting equipment at the new elementary school.

Councilor Payne moved to adopt the order; Councilor Armitage seconded. Motion carried 5-0.

Adjourn

Councilor Payne moved to adjourn; Councilor Varney seconded. Motion carried 5-0.

Meeting adjourned.

Respectfully submitted,

Melissa Tryon
Recording Secretary