

**Town Council Meeting  
DRAFT Minutes  
July 22, 2013**

The meeting was called to order at 7:00 pm.

**Roll Call**

All Councilors were present and answering roll call.

**Pledge of Allegiance**

Chair Pierce led those present in the Pledge of Allegiance.

**Public Forum**

Mike Doyle of Shady Lane spoke about a FOAA request he made.

**Item 1                                      Order to approve the minutes of the June 17, 2013, Town Council  
(Consent Agenda)                      Meeting.**

Councilor Mahoney moved the order; Councilor King seconded. Motion carried 7-0.

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

Councilor Farber said the Library Board met with Scott Simons Architecture and the rest of the team on the preliminary design of the library. The schedule will be available on November 1 for the design; public forums will be scheduled as they move forward.

Councilor Anderson said the CDC met last week to discuss bids on the Route 1 design process. Bids are due next week. CDC will meet August 5 with the finalists. The Veterans Memorial Committee have a good sense of what the memorial will look like but there are questions as to where it will be located. They are waiting to hear the designs of the library before they move forward.

Councilor Mahoney said the repairs on the middle school are underway; they are on time and on budget so far. The Land Management Team met for the last time recently; they are going to be replaced with LMAC.

Chair Pierce said the Council met in workshop earlier this evening to discuss the sewer system in the villas, section 6, and accessory cottages; these items will be heard later in the agenda. The fourth item on the workshop agenda was in regards to seasonal docks along properties on Carroll Street. The Council directed staff to move forward on allowing those docks.

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

Councilor Farber moved to appoint the following members to the following committees:

**Ad-hoc Zoning Committee:**

Timothy Nolan  
Jim Thibodeau

**Land Management Acquisition Committee:**

David Gagnon – 3 year term  
Fred Masciangelo – 3 year term  
Jed Harris – 2 year term  
Ted Asherman – 2 year term  
Caleb Hemphill – 1 year term

And also to appoint Nathan Poore to Metro Board until December 31, 2013, and Dave Goldberg for the remainder of the term.

Councilor Mahoney seconded. Motion carried 7-0.

**Item 4                                      Public hearing and order relative to a new victualer license for The Dockside Grill, 215 Foreside Road.**

Chair Pierce opened a public comment period; no public comment.

Councilor Farber moved the order; Councilor Mahoney seconded. Motion carried 7-0.

**Item 5                                      Public Hearing and order for a new liquor license for The Dockside Grill, 215 Foreside Road.**

Chair Pierce opened a public comment period; no public comment.

Councilor Anderson moved the order; Councilor Farber seconded. Motion carried 7-0.

**Item 6                                      Public Hearing on amendments to the Zoning and Site Plan Review Ordinance to allow staff approval of minor site improvements to commercial properties.**

Chair Pierce opened a public comment period; no public comment.

An order was scheduled for August 12.

**Item 7                                      Public Hearing on an amendment to the Code of Ordinances relative to Nuisance Dogs.**

Chair Pierce opened a public comment period; no public comment.

An order was scheduled for August 12.

**Item 8                                      An Order to approve the FY14 Sewer Department and Fleet Maintenance Department Enterprise Budgets.**

Town Manager Nathan Poore said this is the first year the Council has been asked to approve these budgets. In the past the fleet budget has passed indirectly with the overall budget and every five years the Council approved the sewer fees, thereby passing the Sewer budget by default.

Chair Pierce opened a public comment period; no public comment.

Councilor Farber moved the order; Councilor Goldberg seconded. Motion carried 7-0.

**Item 9                                      Order to authorize the Town Manager to dispose of a Wheeler Dump Truck in accordance with Section 16-43 of the Code of Ordinances regarding the sale of surplus property.**

Mr. Poore explained that any disposal of Town property greater than \$20,000 in value, including if it will be disposed by trade, needs Council approval.

Chair Pierce opened a public comment period; no public comment.

Councilor King moved the order; Councilor Orestis seconded.

Councilor Mahoney commended staff for making the best of the equipment they have before they come back for new equipment.

Councilor Orestis wondered if there was any quality difference between the lowest cost truck and the next higher cost truck. Mr. Poore said they are getting the best truck for the best price.

Motion carried 7-0.

**Item 10                                      Order to adopt new and revised financial management policies.**

Mr. Poore said getting these policies done was spurred by the credit rating work, but Finance Director Robert Boschen has wanted to do these for a while. The staff has been following many of these in practice already, but it is good to get them formalized by the legislative body.

Councilor Anderson asked about the fund balance policy, which requires 2 months operating expenses plus \$1 million to be held as “unavailable fund balance”.

Mr. Poore said when GASB came out a couple years ago it included guidance as to how the Town should be managing its capital reserves. When it was brought to the Council they determined that they should retain an additional \$1 million in case there were errors with the capital improvement plan. He thought the Council needed to revisit that, as well as the unassigned fund balance.

Councilor Anderson was concerned about approving a policy and then amending it soon after.

Chair Pierce said this was time sensitive due to the credit rating. The policy could be amended at the next meeting. She agreed that it felt strange to pass something that they planned to revisit.

Councilor Orestis felt it made sense to work toward the goal of having the highest credit rating; he thought they should weigh the value of keeping the \$1 million towards a higher credit rating versus applying it to other things.

Councilor Farber said they need some discussion on the fund balance, but she wouldn't want to hold up this approval pending that conversation, which she felt could take some time.

Councilor Anderson moved the order; Councilor Mahoney seconded.

Motion carried 7-0.

Councilor Farber moved to amend the agenda and take Item 13 out of order; Councilor Mahoney seconded. Motion carried 7-0.

**Item 13                                      Ordinance to amend Section 5.22.3 of the Zoning and Site Plan Review Ordinance regarding Accessory Cottages.**

Chair Pierce explained that the current ordinance limits accessory cottages to 40% of the primary dwelling. The proposed ordinance removes that restriction, allowing an accessory cottage to be 850 square feet or 100% of the single family dwelling, whichever is less.

Councilor Farber moved to adopt the ordinance; Councilor Goldberg seconded.

Motion carried 7-0.

Councilor Farber moved to amend the agenda to take Item 11 last; Councilor Mahoney seconded. Motion carried 7-0.

**Item 12                                      Ordinance to amend the Zoning and Site Plan Review Ordinance Section 6, regarding Nonconforming Residential Structures on conforming or non-conforming lots.**

Chair Pierce explained that this proposed ordinance comes from staff, to address some inequities

Community Development Director Amanda Stearns gave a brief presentation detailing the proposed amendments.

Councilor Farber moved to adopt the ordinance; Councilor Orestis seconded. Motion carried 7-0.

**Item 14                                      Introduction of an amendment to the Code of Ordinances relative to the Council Liaison to the Long Range Planning Advisory Committee (LPAC).**

Chair Pierce said in the past the liaison to LPAC had to be a member of the CDC. This amendment would change that so any Councilor could serve as that liaison.

A public hearing was scheduled for August 26.

**Item 11                                      Order to accept the private sewer system serving portions of the Woodlands Villas condominium association as public sewer with conditions.**

Chair Pierce explained that members of the Villas Condo Association have requested that the Town take over their private sewer. The Villas and the Woodlands are not the same entity; they have their own associations.

Councilor Anderson stated that he lives in the Woodlands; that is a separate development with a separate homeowners association from the Villas. Therefore he did not feel that he needed to recuse himself on this item.

Chair Pierce opened a public comment period; no public comment.

Councilor Mahoney wanted to be cautious about the Town accepting title and ownership of private infrastructure that the developer at the time chose to keep private. He wanted to discourage both private roads and sewers. While it may save money in the short-term, in the long term these things typically come to the Town anyway. He supported the Town taking title to this system.

Councilor Goldberg thought if they don't control or operate the system they don't have the ability to inspect it. If there was a major problem that required cleanup and the private association couldn't come up with the funds, he felt the Town would step in. He thought if the system was brought up to code they should look closely at it.

Councilor Orestis asked how much upgrade would be required to turn this over.

Mr. Poore said there was about \$30,000 worth of upgrades necessary. The Town would have direct input into those upgrades before taking it over.

Councilor Anderson said there are pump stations that are being monitored by members of the neighborhood, not trained engineers like the Town stations. They are not monitored as often as the Town system either.

Councilor Farber wanted to have some more conversation regarding private vs. public sewers. She wasn't concerned about private roads as much. There isn't as much impact if the roads degrade.

Chair Pierce felt this was the right thing to do with this system.

Councilor Mahoney moved the order; Councilor Goldberg seconded. Motion carried 7-0.

Councilor Anderson pointed out that this is not a policy decision, but a case-by-case decision.

## **Adjourn**

Councilor Mahoney moved to adjourn; Councilor Anderson seconded. Motion carried 7-0.

Meeting adjourned 7:54 pm.

Respectfully submitted,

Melissa Tryon  
Recording Secretary