

**Town Council Meeting  
DRAFT Minutes  
January 13, 2014**

**Item 1            Discussion with Senator Dick Woodbury and Representatives Mary Pennell Nelson and Mark Dion regarding various state and local matters including but not limited to proposed State legislation and local budget impacts.**

The Council met with Senator Woodbury and Representative Nelson beginning at 5:30pm.

**Roll Call**

All Councilors were present and answering roll call.

Senator Dick Woodbury spoke about some of the budget issues facing the State during this session of the Legislature, including municipal revenue sharing.

Representative Mary Nelson spoke about her pride in representing the Town of Falmouth. She spoke in more detail about revenue sharing and her service on the Education Committee. She said a bill has been introduced to allow the state to accept federal funding to expand Medicaid.

**Item 2            Public Hearing and Order for Special Amusement Permits for Dockside Grill to allow acoustic live music.**

Chair Pierce opened the public hearing.

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

**Item 3            Presentation on efforts to conserve the northern half of Clapboard Island and make it available for public use.**

Susan Gilpin of Heron Point Road gave a presentation on the Town's opportunity to help acquire 15 acres of Clapboard Island by donating \$300,000 towards its purchase. She gave a brief history of the island, which has been in private hands for 115 years. There are no roads or power lines; only a path. The northeastern half of the island has been on the market since 2011. The Land Management and Acquisition Committee gave this property an open space rating of 75, a number comparable with other parcels acquired by the Town. A coalition of groups is working with the newly formed Friends of Clapboard Island group on acquiring the property, including the Maine Coast Heritage Trust and the Falmouth Land Trust.

Aaron Svedlow of Pine Grove Way is a wildlife biologist, the past president of the Maine Chapter of the Wildlife Society and a member of the Falmouth Conservation Commission as well as the ad-hoc Zoning Committee. He drafted a report on the ecology of the island. He discussed the natural features of the island including the plant and animal life. This is one of the most undisturbed islands in Casco Bay.

Keith Fletcher, project manager of Maine Coast Heritage Trust, said the organization was founded 40 years ago and has protected 300 islands in Maine. He said the Trust would be responsible for acquiring and stewarding the preserve. They would work with abutters, the Land Trust, the harbormaster, and users to develop a management plan. They have the north end of the island under contract for \$1.4 million; they would also have a stewardship fund to maintain the preserve. The cottage on the parcel would be divided off and sold to help finance the purchase. There is a small parcel with a dock at Madokawando Landing that would be conveyed with the house with an easement on it to prevent development. David Davin and Mark Small of Portside Realty Group have offered to market the property and are not charging a fee.

Jed Harris of the Falmouth Land Trust said the Trust has been supporting this effort from the start. This is a unique opportunity to acquire this parcel. The town's voters approved \$5 million for open space; so far they have only used \$2 million. \$300,000-\$500,000 would go a long way to helping them purchase this property.

Councilor Goldberg went on a tour of the property last June. He asked if they had considered developing the lot on the mainland to help them finance the property.

Ms. Gilpin said they never really wanted to change that lot. They think leaving it as-is is the best option.

Councilor Orestis asked if they can do this without the Town money. Ms. Gilpin said no, unless someone comes forward with a large donation. They don't have another plan for that portion of the money.

Councilor Anderson asked what would happen if this sale doesn't go through.

Ms. Gilpin said the property was for sale for a year before they even found out about it. The owners were marketing it further south. If they don't buy it, it will go back on the market. The other end of island is also for sale for \$6.5 million and nearby House Island is on the market for over \$4 million. \$1.4 million is a good price for half an island.

Chair Pierce asked how they anticipate raising the \$500,000 and how they came by that number.

Ms. Gilpin said MCHT offered them the services of a professional fundraiser.

Ron Joyce, who was retained by MCHT as a fundraising consultant, said the Friends have raised \$200,000 so far; they have identified about 225 prospects and will branch out to the greater community later. They have received several gifts of \$25,000 or more, but they really need the Town to assist them in this effort. A few years ago the Pew Charitable Trust provided the MCHT with a challenge grant. The MCHT has designated that the first \$500,000 of cash gifts for this project will be eligible for Pew matching support up to \$100,000.

Councilor Farber asked if the stewardship expenses are bundled in the final amount; Mr. Fletcher said they are.

Councilor Farber asked about the timeline. Ms. Gilpin said the drop-dead date is August 15.

Councilor Farber appreciated that this is a grass-roots, citizen-driven effort. She cautioned them that there are a lot of demands on the unassigned fund balance right now.

Ms. Gilpin argued that this project is unique and time-limited.

Councilor Mahoney asked if the Land Trust would hold an easement. Mr. Fletcher said MCHT would own and manage the property as a preserve.

Councilor Mahoney asked if the Land Trust or the Town would hold an easement; Mr. Fletcher said they would be open to that. The Land Trust would hold an easement on the Madokawando Landing parcel.

Councilor Mahoney said they should be clear with what would be allowed in regards to public access. He agreed with Councilor Farber's comments, but thought there should be some clarity around how the land bond funds have been used.

Councilor King agreed that it is a special property, and she encouraged them to develop a way to provide fair access to the island.

Councilor Anderson asked about the connection between the property and the mainland lot.

Ms. Gilpin said it's historic. When Mr. Huston bought the island in 1898, he purchased the lot on Madokawando because it included rights to use the dock at the landing.

Councilor Anderson asked if the finances would be easier if that lot was not included.

Ms. Gilpin thought the people who live at Madokawando would like the grove to remain as it is; it also has a lot of conservation value. While they could be considered separately, she felt it wouldn't gain them anything.

Councilor Orestis asked the appraisal value of that lot.

Mr. Fletcher said it is their opinion that it is developable. They are asking for a letter from the Town on its status. The appraiser said there would be a great deal of hoops to jump through to develop it, so its value is reduced. They felt they would lose a bunch of donors at Madokawando if they do not preserve it along with the island. It is an important piece of the character of that area.

Councilor Goldberg said the sale of the home has to wait until after closing; Ms. Gilpin agreed they have to close first, but they could buy it and then sell the home on the same day.

Councilor Goldberg asked how they finance the project if they don't sell that property by July 1.

Mr. Harris said the house would go on the market this winter, with a letter contingent on MCHT's purchase. They have received several inquiries on the house and they are confident they can sell it.

Councilor Goldberg asked about restrictions on that home lot. Mr. Harris said there will be some restrictions on the home but it will not have full conservation protection on the lot.

Councilor Farber asked for clarification on the ownership. Mr. Fletcher said MCHT would own the island; the house lot and the Madokawando lot would go to the buyer with an easement to the Land Trust.

Councilor Farber said it would be private property with a conservation easement on it. Mr. Fletcher said that was correct.

Councilor Farber asked about the appraisal on the Madokawando land. Mr. Fletcher said they are marketing the property and don't want to publicize the appraisal.

Councilor Farber asked if there is any benefit to the Town owning the mainland lot, with rights granted to the owner of the house to use the dock to access the island. Ms. Gilpin said they would research that.

Chair Pierce asked what their deadline is for a decision from the Town. She thought the Finance Committee should take this request from here.

Ms. Gilpin said they needed to hear by mid-March.

**Item 4                      Discussion about the 2014 Fuel Assistance Program and order to authorize an appropriation of \$10,000 for the Falmouth Fuel Fund.**

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

Chair Pierce said they have authorized \$10,000 for the last 4-5 years; this runs in conjunction with a fundraising campaign. People have contributed \$60,000 since the program began in 2008.

Councilor Farber fully supported the appropriation and suggested that the Human Services Committee be engaged to work on the fundraising campaign.

Councilor Mahoney suggested that they solicit Summit Natural Gas for a contribution to this fund.

Councilor King asked how people can contribute to the fund; Chair Pierce said checks can be made out to "Town of Falmouth" with "Fuel Fund" in the memo field and mailed or brought to the Town Hall.

Councilor Orestis hoped that there would be education for residents to be aware that this fund is available.

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

**Item 5                    Update from the Recycling and Energy Advisory Committee on current projects.**

Kimberly Darling, Energy and Sustainability coordinator, gave an update on REAC's current events and projects. REAC is hosting an energy fair on January 25 from 10-2 at the high school. They have been working on a handout for people who are registering new cars to educate them on how to calculate their carbon footprint. REAC is also part of the initial year of a local program called Green Communities, organized by the chair of the Greater Portland Sustainability Council. Through subcommittee meetings the group has been pursuing coalition building to support initiatives including a town-wide energy competition and support for regional mass transit initiatives. She is compiling a central energy database to measure whether the Town has been meeting the goal of reducing its emissions by 2% per year. REAC has also been hosting educational events such as movie nights at the library.

Councilor Mahoney moved to take item 8 out of order; Councilor Farber seconded. Motion carried 7-0.

**Item 8                    Request by Councilor Pierce to reconsider the prioritization for Year 1 implementation of the Comprehensive Plan strategies.**

Chair Pierce said that recently she learned that last year the Town met its growth limits for the first time in 7 years. When they discussed implementing the recently approved comprehensive plan, they originally chose to focus on the growth areas. She asked the Council to send a charge to the CDC to prioritize the rural area land management components of the comprehensive plan and bring back recommendations to the Council for changes.

Councilor Farber wanted the CDC to identify what are the low-growth and high-growth areas in town. This would clarify what areas would be impacted.

Councilor Mahoney supported this suggestion. The sooner they move to implement the comprehensive plan and give guidance to the Planning Board and planning staff, the better.

Councilor King supported the idea of looking at low-growth and high-growth areas at the same time. If they want to preserve the character of town and use their resource wisely, they have to look at both areas. Of all the things in the comprehensive plan this one is a fundamental driver that leads them to the vision.

Councilor Orestis agreed with this approach.

Councilor Anderson pointed out that the comprehensive plan has 71 action items, some that require action by the Council and some that don't. They have talked about several items to work on, including an economic development plan, Route 100, and a vision for Route 1 North. He asked for clarification on whether CDC is being asked to prioritize the 71 action items giving special weight to the land use item, or for the Council to endorse the land use item as being the first priority.

Chair Pierce would like the Council to look at land use as the first priority. She felt where and how they allow development is the heartbeat of the plan. Once they define the lines of where they want to encourage development, she thought they would need to look at the zoning of those areas. The integrity of the plan comes from those elements. She felt all the action items have merit but because the pressure of development is clearly coming, she felt this was an important element to get going on sooner. If this component of the plan is not resolved and moved forward, she felt they would lose some of the integrity of the plan.

Councilor Farber said the Town has a cap of 65 building permits in a year; they met that last year and most of them were in the comprehensive plan's lower-growth areas. If they don't take a step back and look at this issue, her concern was that in future years they are going to see the greater portion of the allowed building permits in the low growth area and they will lose the opportunity for the plan to have an impact on those areas.

Councilor Goldberg felt that current circumstances can drive their priorities and he supported this.

Councilor Anderson said the comprehensive plan calls for a "significant majority of residential development to come in the high growth areas". They were looking at ways to encourage development in those areas. He said an equally important goal was to increase the percentage of tax revenue that comes from businesses; the way to do that is to increase commercial growth. He didn't have a problem working on this, but wanted to work on it in conjunction with those items that would encourage commercial growth: Route 100, Route 1 North and the economic development plan. The FEIC has already done some work on what that process might look like. He didn't know whether they could do all of those things this year but would like to give equal time to the commercial growth item.

Councilor Farber said they have asked LPAC to look at the ordinances and recommend how they can ease development in the high-growth areas. She thought a citizens committee was the first step for the Route 100 project; it would move to CDC after that. The first steps of the economic plan are with the FEIC.

Councilor Anderson was concerned about Route 100 and Route 1 North not being worked on this year. This is a ten year plan and will take some time to implement. He hoped they didn't de-prioritize economic development in favor of the land use item.

Councilor Mahoney agreed but wanted the land use item to move forward to CDC.

Chair Pierce suggested they move her proposal tonight, and consult with staff on forming the citizens committees for Route 100 and Route 1 North.

Councilor King felt some of the early work being suggested would be great foundation work for economic development; setting out the boundaries of the growth areas would be helpful.

Councilor Farber pointed out that what they are suggesting will create a demand on staff; she encouraged staff to come back to the Council with a plan on how to accomplish these goals, including sub-contracting out some other work. She thought a supplemental appropriation would be needed to help staff because of this.

The consensus of the Council was to send the land use item to the CDC.

**Item 6                    Presentation from the Town Manager regarding options to provide Assessing services from Cumberland County Government.**

Town Manager Nathan Poore gave a presentation on regional assessing options for the Town. He spoke about the Town and County staff and other communities that have been included in this discussion. Yarmouth and Cumberland have already moved to a regional assessor, since they lost their joint assessor recently. Assessing services are shared in other communities; Westbrook and South Portland share an assessor, for example. He gave a brief history of the discussions so far. It is the right time to discuss regionalization since Anne Gregory, the Town's Assessor, will be retiring in June 2014. Regional delivery of services is stressed twice in the comprehensive plan. Cumberland County has presented a four town model to demonstrate projected costs and an equitable cost sharing formula. The recommended formula is a blended formula that includes a 10% baseline, 30% valuation, 30% parcels and 30% personal property.

Chair Pierce asked why valuation is the same percentage as the other two.

Mr. Poore said larger homes with more value are more complex homes to assess. There would be more effort to value the larger homes.

Councilor Anderson asked if this is the only cost sharing and if there were any other fees.

Mr. Poore said this would be by contract but would be subject to review. They tried to make it as flexible as possible for a community to withdraw. They ran several different models, and each was within \$10,000 of the others in terms of costs.

Councilor Anderson said this is a way to guess how the work would be divided between the towns; Mr. Poore said yes.

Councilor Anderson asked what happened if, after a year, 60% of the work was in Falmouth. Mr. Poore said the formula would remain the same until it was changed by vote of the members.

Councilor Anderson felt it would be good to have something they could count on for a number of years.

Councilor Mahoney asked what benefit the county gets from this arrangement.

Alex Kimball, County Finance Director, said this is why the county exists, to try to do stuff like this.

Mr. Poore said there is no overhead or indirect charge to this. Mr. Kimball said this is like the patrol services they offer; there is sometimes a 3% admin fee to cover management.

Mr. Poore compared the current 2014 Assessing budget to the projected budget for a regional assessor. This projection showed savings of \$56,205, or 29%, in the first year. He thought in year two the total savings would be around \$39,000.

Councilor Farber asked if they would see a reduction in the capital improvement plan for the town vehicles. Mr. Poore said the assessing office doesn't use the town vehicles very much; the assessing consultant uses her own car and charges the town a per diem for her travel.

Mr. Poore spoke about revaluations under the regional assessing plan. Revaluations are expected to happen every 6-7 years. Towns that outsource their revals spend \$350,000-500,000. Falmouth tries to do revals in-house but it requires extra staff and support; the last one cost an additional \$70,000 over two years. He thought he would take some of the cost savings from moving to the regional assessor and set up a reval reserve fund. The costs for the county to do a reval would be comparable to what the Town pays for an in-house reval, and would be in addition to the cost sharing costs.

Councilor Anderson thought they would be a few years away from a reval.

Anne Gregory, Town Assessor, explained what triggered the need for a reval. The increase in growth might kick off a reval sooner rather than later.

Chair Pierce asked how the town paid for the last reval in 2008. Mr. Poore said they budgeted \$30,000 extra in the first year and then came to the Council for a supplemental appropriation.

Ms. Gregory said that was because they extended the timeframe of the reval; the market was starting to tank while they were doing the work.

Mr. Poore discussed plans for forming and transitioning to the county model. Assessors would be county employees appointed by the Town Manager. He explained that by state statute and town charter, the Town Manager appoints the town assessor. A primary assessor would be assigned to each community, though both assessors would be available. The main office would be on Pearl Street in Portland.

Councilor Mahoney asked if the assessor would have scheduled office hours at the Town Hall. Mr. Poore said it is hard to assess the need but likely the assessor would be here once a week.

Gary James, Regional Assessor, has taken the oath of office for both Cumberland and Yarmouth. He said he has looked at different models and thought staffing would be available 2-3 full days in Falmouth.

Mr. Poore said availability would grow or shrink based on demand.

Councilor Mahoney asked for it to be very clear when assessing staff would be available.

Mr. James pointed out that if people wanted to meet with him, they could meet with him wherever he is, Yarmouth or Portland, as well as in Falmouth.

Mr. Poore said there would not be a loss of control; the Town would still appoint the assessor. An assessor is an agent of the State of Maine. The local Board of Assessment Review would remain. Assessments would be by individual community and not by region. All records will remain at Town Hall and all electronic records and the website will remain the same. The goal is that customer service will not diminish and assessment practices in terms of personal property taxes will remain the same. Valuations will continue to be based on the local area, and not a wider geographic base. The Town can withdraw from the arrangement if they so choose with a one-year notice. The Town will retain all records and software, so reinstating a Town assessor would not be difficult to do. The town managers of the communities currently participating report that it has been a success. Other communities are exploring this option, so the program has the potential to grow.

Mr. James spoke about his background and experience. He has been an appraiser for 22 years and holds certifications in several states. He said the models speak to economies of scale. He discussed how they might schedule revals among member communities.

The Council discussed next steps. An order will be scheduled soon.

#### **Item 7                    Update on the natural gas project and an Order to amend the Street Excavations Fee Schedule.**

Jay Reynolds, Public Works Director, spoke about the natural gas project set to begin this year. The street excavations ordinance allows the Council to set fees for street opening permits; currently the fee is \$25/square yard. A project of this size and magnitude will require a great deal of oversight, inspections, and testing to make sure the Town's infrastructure is being properly preserved, maintained and/or replaced correctly. The purpose of this fee is to provide resources for this oversight. He has been meeting

with town staff from Yarmouth and Cumberland to attempt to streamline and consolidate the permitting process for the utility. They developed a joint, fixed price-per-foot fee structure. This would not supersede the existing fee structure but would be specific to the natural gas project.

Councilor Mahoney asked if they have ever had a linear project like this.

Mr. Reynolds said he hasn't seen anything like it, and he doesn't know of any utility expansion of this size in Falmouth in a long time.

Councilor Mahoney said they are comfortable that this fee will cover their costs. Mr. Reynolds said he is; this will allow for additional resources. Mr. Poore said if this fee doesn't cover it in the first year, it can be revised.

Councilor Mahoney asked if they would have stringent requirements for repair of roads that are dug up.

Mr. Reynolds said the purpose of this fee is so the town has staff to ensure that the requirements are being met. The goal is to minimize the impacts as much as possible.

Councilor Mahoney asked if that is going to be on one side of the road. Mr. Poore said yes; their goal is to have horizontal bore and minimize the amount of pavement impact.

Councilor Farber asked if they would contract out some of the inspection work. Mr. Reynolds said the three towns have spoken about jointly hiring a consultant to inspect but no decisions have been made yet.

Councilor Anderson asked if Summit is aware of the fee; Mr. Reynolds said yes, they have seen this along with the permit requirements.

No one from the public was present to comment.

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

**Item 9                    Order to approve a supplemental appropriation of \$30,000 for the services associated with final design and bidding of a construction project related to the maintenance of the Town Hall.**

Chair Pierce gave a brief history of the project to date. This is to move the project forward to final design.

No one from the public was present to comment.

Councilor Goldberg moved the order, Councilor Farber seconded.

Councilor Anderson asked how long it would take. He was concerned about the health and safety issues. Mr. Poore said this money brings them a final design and a bid process; so far they have had conceptual design only. The next time he comes to the Council he will have bids for them to review. He expects to get to construction in late spring, early summer.

Motion carried 7-0.

**Item 10                    Order to authorize the Town Manager to execute a quit claim deed for parcel R04-028-017.**

No one from the public was present to comment.

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



**Item 11            Order to appoint a member to serve as a representative to the Library Board of Trustees' Finance Committee.**

Councilor Mahoney moved to appoint Councilor Farber as the representative until June 30, 2014; Councilor King seconded. Motion carried 7-0.

**Item 12            Order to appoint Claudia King as a member of the PACTS policy committee, and Karen Farber as the alternate member.**

No one was present for public comment.

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

**Item 13            Discussion about future Council agendas.**

No discussion was held.

**Adjourn**

Councilor King moved to adjourn; Councilor Goldberg seconded. Motion carried 7-0.

Meeting adjourned at 9:44 pm.

Respectfully submitted,

Melissa Tryon  
Recording Secretary