

# **Town Council Meeting**

## **February 22, 2010**

### **Minutes**

The meeting was called to order at 7:00

#### **Roll Call**

Councilors present and answering roll call: Councilors Libby, Rodden, Armitage, Payne, Breen, Chase, and Pierce.

#### **Public Forum**

Chair Breen opened the public forum.

Michael Doyle, 3 Shady Lane, requested the Council reprimand Chair Breen for a violation of Council Rules section 18.

Vice Chair Payne asked if a Council member would like to move the request. There was no motion.

John Graustein, 57 Waites Landing, spoke of the budget shortfall for this year and next. He requested the School Department and Council have a joint meeting on the budgets for public input before the budget is passed. Mr. Graustein provided the Council with his analysis and proposed budget.

Mark Richard, Brookside Drive, spoke of the curtails he has made in his business as well as home budgets. He encouraged tough decisions to be made on the school budget.

Julie MacDonald, 4 Andrews Avenue, asked for transparency in the school budget and for it to be looked at with a critical eye.

Bill Gardiner, 48 Underwood Road, reminded the Council of their obligations to be involved in the School Budget process and for greater and earlier involvement.

Chair Breen closed the public hearing.

**Item 1 (a)                      Order to approve the minutes of the November 23, 2009 Town  
(Consent Agenda)        Council Meeting.**

**Item 1 (b)                      Order to approve the minutes of the January 11, 2010 Town  
(Consent Agenda)        Council Special Meeting and Workshop.**

**Item 1 (c)                      Order to approve the minutes of the January 25, 2010 Town  
(Consent Agenda)        Council Meeting.**

Councilor Pierce moved to approve the consent agenda; Councilor Armitage seconded.

Councilor Rodden requested to move item 1 (a) for separate discussion.

Motion passed 7-0.

Councilor Rodden moved to add a link to the State, in order to access the Mass Transit Report in the November 23 minutes.

Councilor Rodden moved to make it a matter of policy to add links to all reports included in the agendas in the future minutes.

After much discussion it was decided although it was conceptually an excellent idea to help preserve the reports and better inform the public it would be very difficult to accomplish. Councilor Rodden requested it be discussed further on the work plan

The question was called by Councilor Pierce. Motion failed 0-7.

Councilor Libby motioned to approve the consent agenda item 1 (a); Councilor Libby seconded. Motion passed 7-0.

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

Councilor Pierce announced she is the liaison to the School Board and the chair of the finance committee. This year the School Board decided to have four workshops speaking directly to the issues facing the budgets. These workshops were open to the public and were held in December, January and February, with one more coming up. Councilor Pierce informed the public that the information, documents and on-line comments from these meetings are located on the school web site. Last year, on March 25, 2009, there was a combination budget discussion meeting with the school and council for the public to attend and have public input. Councilor Pierce encouraged everyone to attend the school budget discussion on March 13 in the high school music room. Councilor Pierce said she understands the difficulty in such a high performing school having only 3% administrative costs and she has full confidence in the School Board. She also reported that the Library is having its annual Beauty and the Books fundraiser and silent auction.

Councilor Payne reported the Ordinance Committee will be looking into what other towns are doing about street acceptance and meeting shortly. Councilor Payne declared he has incredible confidence in the School Board and the work they are doing.

Councilor Armitage encouraged the public to direct their comments to the School Board at School Board meetings where there is representation from the teachers union.

Councilor Rodden acknowledged the Recycling Committee's Chair Steve Hendry and Interim Parks and Public Works Director Jay Reynolds for writing an outstanding memo to address the questions on solid waste that were asked by people taking the recent budget survey. This report can be found on the Town's website, both on the Finance Department's page and the Recycling Committee's page.

Chair Breen reported on the Facility Committee: the needs and space analysis has been completed. The appraisal process has not been completed yet. A public forum will be held on Monday, April 5 at Plummer-Motz.

Councilor Libby stated he is impressed with Barbara Powers and has confidence in the School Board and expects a good public process.

**Item 3**

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

Councilor Pierce thanked the LPAC+ Committee members for attending the meeting tonight. Chair Breen encouraged the public to read the individual reports by the Committees. Town Manager Nathan Poore stated the reports will be posted to the website on the individual Board and Committee pages as well as the Council page.

**Item 4**

**Presentation of the Harbor Committee annual report to the Town Council.**

Chair Steve Archambault gave the Harbor Report and asked for more of a long range management plan from the Council in the future.

2009 Accomplishments:

- Total number of moorings for 2009 -1,141 (72 fewer than 2008).
- Monthly meetings.
- Held informational meeting in February with mooring holders concerning consultant's report and the development of a long range timeline to implement consultant's recommendations.
- Review of Falmouth Coastal Waters Ordinance with recommended changes.
- Worked with Harbor Master addressing issues as needed.
- Added 4 new dinghies to municipal fleet.
- Instituted an Online Mooring program that allows customers to renew moorings online. This program has generally been received well with a couple of "glitches" identified in the process, which were quickly addressed by the company to improve ease of use.

Summary of Ongoing Duties

- Harbor Committee monthly meetings.
- Continue to review the Coastal Waters Ordinance and suggest changes as needed.

Goals for 2010 are to review progress of long range plan and timeline and to work with Harbor Master to address anchorage issues as needed.

Parking: On January 11, 2010, the Town Council requested that the Town staff design low impact, on-street parking near Underwood Park. This task has been accomplished. Construction will start and finish prior to the 2010 boating season.

Long Range Harbor Plan: a summary of the 2008 Harbor Master Plan was written by Town staff and submitted to the Town Council on May 26, 2009. The Council did not take any action on the summary or the 2008 Harbor Master Plan. The Committee and staff will use the summary and Master Plan for guidance as it manages the Harbor in the near and long term future. They understand that there will be implementation steps or policy considerations that will require the Council's approval and will submit all substantive policy recommendations to the Town Council when applicable.

Requested Ordinance Changes: the Harbor Committee requests that the Town Council review the two proposed changes to the Coastal Waters Ordinance. The first is a request to allow the harbor master to begin taking people from the mooring moratorium list and assigning a mooring location within the harbor. The second is a request to add language

to the Coastal Waters Ordinance prohibiting dinghies, canoes, kayaks and other small craft from being placed on a mooring. This is a navigational hazard. Both of the ordinances were reviewed and drafted by town attorney Bill Plouffe.

**Item 5                      Introduction by Councilor Chase of an amendment to the Coastal Waters Ordinance, Chapter 9 Article IV Section 9-94(h).**

The Council asked for more clarification in the language. A Public Hearing will be scheduled.

**Item 6                      Introduction by Councilor Chase of an amendment to the Coastal Waters Ordinance, Chapter 9 Article IV Section 9-94 .c.3.**

The Council asked for more clarification in the language. A Public Hearing will be scheduled

**Item 7                      Presentation of the LPAC annual report to the Town Council.**

This report was not presented.

**Item 8                      Discussion about the status of the current Comprehensive Plan 2000 and options for updating the current plan.**

The Council approved of Option A: a traditional Comprehensive Plan approach from the State Planning Office with the following components:

1. Vision statement.
2. Analyses, condition and trend data.
3. Policies and strategies.
4. Regional coordination program.
5. Future Land Use plan
6. Implementation section
7. Future periodic evaluation

Staff can prepare the required analyses, condition and trend data, while LPAC+ can focus on the Vision, updating the Policies for all topic areas, and preparing a new Implementation Plan addressing all topics. It is likely that much of the Comprehensive Plan 2000 can readily be incorporated in an update. The Council asked Director of Long Range Planning Theo Holtwijk to come back to the Council with a one page report of recommendations.

**Item 9                      Continuation of the Green Ribbon Commission presentation to the Town Council regarding the third and final section of the Energy and Climate Protection report, such section is titled Transportation and Land Use.**

Ann Goggin presented the following recommendations:

The Council should include in its charge to the Comprehensive Plan Committee the following:

- The Comp Plan should address connection between land use & transportation and energy and climate change.
- Adopt the Smart Code in place of the traditional zoning, and use the transect methodology of the Smart Code in planning for future land development, densities, and uses in town.
- Recommend to the Committee that it investigate the “eco-density” charter of Vancouver and introduce the concept to the community.
- Embed “smart growth” policies and recommendations in the Comprehensive Plan.
- Take projected climate change impacts into account in updating the Comp Plan.

The Council should provide leadership to engender a culture within town of minimizing travel distances, and should adopt appropriate changes to ordinances. Examples of actions include:

- Permit small scale, locally oriented commercial and civic uses in residential districts (corner stores, coffee shops, churches, cemeteries, garden centers). Permit and encourage home-based businesses. Encourage local agriculture.
- Make walkability a criterion for locating community buildings (schools, town hall, library). Provide for smaller lot sizes. Require all developments to connect to a trail system that can be used for transportation not just recreation.
- Shorten length of dead end roads and require through roads, and particularly pedestrian connections. Delete the provision in the ordinance which allows the Planning Board to make an exception for street connections. Educate residents about the benefits and importance of connected streets.
- Change how we plan streets to a “platting system” such as is done in Colorado.
- Provide for “pocket parks”.

#### Recommendations:

The Town should put in place the infrastructure that provides for transportation for all modes of transit; it should adopt a “Complete Streets” policy.

Town should encourage a train stop in town for the line that is planned for Freeport/Brunswick.

Make roads safe for all forms of transit. Example: Prohibit vehicles from parking or passing in/on shoulders which are designated bike lanes. Clearly sign bike lanes. Give police mandate to ticket and enforce, and give police towing authority for violators. Police should educate the public about sharing the road with other modes (horses, bikes, people, etc).

Falmouth Trails Committee should look at trails as a form of transportation and strive to put together a master trail plan which allows people to get to destinations via trail network

School parking areas should give preference for car pools; make parking for students a little less convenient; encourage carpooling and ridesharing. Set up a ride board for going places after school, and look at an on-line ride board.

Continue to support Metro. Investigate a town trolley in addition to or in place of Metro and school bus transportation.

Change land use ordinances to set maximum, not minimum, parking requirements. Plan for bus stops and shelters when designing roads and intersections.

Adopt a “no-idling” ordinance or policy, complete with associated signs and public education.

Adopt a policy that all intersections should be considered for a roundabout prior to consideration of installing a stop sign or traffic signal.

Look for opportunities to provide infrastructure for natural gas filling stations.

Formalize the current town policy of using energy efficient low-emission vehicles.

Vehicle owners should be given a print out showing the vehicle carbon emissions at the time they register/renew their vehicle registration.

Budget: immediate

That town staff take the discussion and recommendations of this report into consideration during any transportation planning.

Change the land use ordinance to provide for true tree canopy over paved parking areas (find a suitable ordinance from another community and adopt it).

Plant roadside trees, particularly along Route 1; create a “boulevard” with a tree canopy.

Prohibit clear cutting of lands in anticipation of development. 17 Excerpt from Falmouth Green Ribbon Commission on Energy and Climate Change Report 2/8/10

Become a “Tree City USA”.

All future state transportation bonding should be funded through an increase in the gas tax, which is voted on by the voters as part of the vote for the transportation bond.

**Item 10                      Order to encourage the Maine Department of Transportation to include a natural gas utility line in the design and construction of the Martins Point Bridge replacement project.**

Councilor Libby moved to effectively and efficiently increase our state and towns infrastructure, and increase residents and businesses access to clean and affordable energy alternatives the Town of Falmouth requests Maine Department of Transportation and UNITEL to collaborate with the Town to study the feasibility to extend the natural gas line service from Martins Point Bridge across to Falmouth North as part of the Martins Point Bridge Reconstruction Project..

Councilor Libby withdrew his motion.

Council Rodden moved to approve an Order to encourage the Maine Department of Transportation to include a natural gas utility line in the design and construction of the Martins Point bridge replacement project. Councilor Armitage seconded.

Motion carried 7-0

A letter from Nathan Poore representing the Council supporting a natural gas line will be composed and presented to DOT.

Chair Breen moved to amend the agenda to move item 11 to a future date and item 14 to the next agenda. Councilor Libby seconded. Motion carried 7-0.

**Item 12                      Order to go into Executive Session to discuss a hardship abatement of taxes pursuant to 36 M.R.S.A. 841(2) (E).**

**Item 13                      Order to go into Executive Session pursuant to the Laws of  
Maine to discuss the possible acquisition of land, pursuant to 1  
M.R.S.A. § 405 (6) (C).**

Councilor Payne moved to go into executive session to 1. discuss a hardship abatement of taxes pursuant to 36 M.R.S.A. 841(2) (E); and 2. pursuant to the Laws of Maine to discuss the possible acquisition of land, pursuant 1 M.R.S.A. § 405 (6) (C). Councilor Pierce seconded. Motion carried 7-0

Nathan Poore stated for the purpose of the cable broadcast that it is possible that the Council will take action after Executive Session, he recommended ending the cable broadcast and if there was any action it would be reported at the next meeting.

The Council returned from executive session.

Councilor Payne moved, pursuant to Title 36 M.R.S.A., Section 153(2), to authorize the Town Manager to execute a waiver of foreclosure of the tax lien mortgage filed against the property at 4 Kelley Road (described on the Assessor's maps as Map U01, Lot 210) on September 16, 2008, and recorded in the Cumberland County Registry of Deeds in Book 26338 Page 325. Said waiver shall be filed in the Cumberland County Registry of Deeds. Councilor Armitage seconded. Motion carried 7-0.

Councilor Payne moved to authorize a purchase and sale agreement for certain lot or parcel of land owned by Dictar Associates and Paul E. Tarbox located off Winn Road, containing sixteen acres, more or less, and described on the Assessor's maps as Map R06, Lot 013 and recorded in the Cumberland County Registry of Deeds Book 7396, Page 125. Councilor Armitage seconded. Motion carried 7-0.

**Item 14      Order to go into Executive Session pursuant to the Laws of  
Maine to discuss the Town Manager's annual performance  
evaluation, pursuant to 1 M.R.S.A. § 405 (6) (A).**

This item was moved to the next agenda.

## Adjourn

Councilor Payne moved to adjourn; Councilor Armitage seconded. Motion carried 7-0.

Meeting adjourned at 11:00 pm.

Respectfully submitted,

Ellen Planer, Town Clerk