

Town Council Meeting Minutes December 10, 2012

The meeting was called to order at 6:00 pm.

Roll Call

Councilors Farber, Pierce, Rodden, Varney, Mahoney and Orestis were present and answering roll call.

Pledge of Allegiance

Councilor Payne arrived at the meeting.

Chair Varney led those present in the Pledge of Allegiance.

Item 1 Discussion and input regarding the School Department Drug, Alcohol and Tobacco Policies.

Chris Murray of the School Board explained that they were looking for feedback from the Council on the policies the Board has drafted. They had four questions to ask the Council. They began this process two years ago with a task force made up of school staff, town police, community members, parents and Board members. They are looking at drafting a new policy based on input from students, parents, teachers, coaches, school administrators, Town Councilors and officials, and community members.

The Council discussed the policies and raised their questions and concerns.

Mr. Murray said the focus groups will be finished by next week. In January, the task force will have drafted language and will present it to the policy committee. A workshop is slated for February for further feedback from the community. It hasn't been determined whether it would be implemented in this school year or next year.

Public Forum

Bruce Stillings of Blackstrap Road spoke about the Library and potential options to provide more space. He felt the options of expanding on the existing site outweigh any benefits of moving to Plummer-Motz.

Lisa Preney of Middle Road said voters voted to keep the Library where it is today. They can have the Village Green and the Community Center without moving the Library. The Plummer building was declared unfit for the Library by a structural engineer on 12/13/10. She supported the Library staying where it is.

Ted Vail spoke in opposition to any move by the Library. He wondered why they are even talking about it, since three years ago the residents of Falmouth voted against moving it. He felt additional square feet can be realized at the current site. The Plummer school is a multi-story building and needs a lot of repair.

Mike Doyle of Shady Lane expressed appreciation for Chief Rice in the organization of the Wreaths across America procession. He spoke about a recent FOA request.

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

Councilor Farber said FEIC had great feedback on the GPEDC protocol and have delivered that input to staff.

Councilor Rodden thanked everyone who participated in the toy drive this past weekend. There is another opportunity on Wednesday from 10:30 to 11:30 am at Plummer. The METRO bus will take the toys and deliver them to the Channel 13 Joy of Sharing Program. The CDC will meet 12/11/12 at Starbucks at 11:30 am to walk Route 1 and examine the infrastructure to determine their recommendation to the public at a referendum in June. On 12/13 at 8:00 am the committee will meet with the public at the Library regarding stormwater runoff in the Webes Creek watershed. The CDC will also begin to discuss comprehensive zoning changes for the Route 1 area; Councilor Rodden asked the councilors to review the May 30 memo and speak to committee members about any issues they have. On 12/18 at 8:00 am the committee will meet at Town Hall to discuss infrastructure.

Councilor Mahoney said the public meeting last Saturday about forest management was well done. Last Saturday's memorial service for Kevin Grover was very well done.

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

Public comment period opened; no public comment.

Councilor Pierce moved the order to appoint the slate; Councilor Payne seconded. Motion carried 7-0.

Appointment

Planning Board: Regular Member: Robert "Jay" Chace

Appointments -3 Year Terms (January 1, 2013 – December 31, 2015):

- Economic Improvement Committee: Patricia Kirby
- Human Service Committee: Nancy Lightbody
- Board Of Zoning Appeals Alternate Member:: Roland Beaudoin

Re-Appointments -3 Year Terms (January 1, 2013 – December 31, 2015)

- Board of Assessment Review and Sewer Appeals: Mark Porada
- Conservation Commission: Steve Decrosta, Nancy Lightbody
- Economic Improvement Committee: Phil Bixby
- Harbor Committee: Bill Oliver, Jay Hallett
- Long-Range Planning Advisory Committee: Sam Rudman, Sandra Lipsey
- Open Space – Sub Committee: Mel Dickenson, John Adelman, Caleb Hemphill

- Planning Board: Becca Casey
- Recycling & Energy Advisory Committee: Jeffrey Gramlich, Claudia King, Jed Wright
- Shellfish Conservation Commission: Steve Decrosta
- Board of Zoning Appeals: Stan Given

Item 4 Public Hearing and order for a new liquor license for Bueno Loco Restuarante, located at 240 U.S. Route 1.

Public comment period opened; no public comment.

Sharon Stark of Middle Road said the restaurant will feature Mexican food with a Mayan twist, which is healthier than more traditional Tex-Mex cuisine. They are looking for a liquor license so that they can have a bar. They will have a cafeteria-type service for lunch, and seated service at dinner.

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

Item 5 Public Hearing and Order for a new food service/victualer's license for Bueno Loco, LLC.

Public comment period opened; no public comment.

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

Item 6 Order to adopt a forest management plan for Town owned property.

Public comment period opened.

Scott Wernig of Woods Road was concerned about logging on Woods Road. He wondered where he could get details on the proposed logging, where the skidders would come in, what streams/brooks they would cross, etc. He was concerned with impacts to his property. This property is very delicate.

Daniel Hildreth of Thornhurst Road thanked the Council for narrowing the plan to three properties. He spoke about Pine Grove; he didn't think falling trees were a major public health threat. He recommended that they hire an arborist rather than a forester, and instruct that person to remove the obvious threats. He spoke about the condition of Pine Grove. He thought there must be many towns that own late succession forests. This is an unusual stand and he asked them not to let it be destroyed.

Horace Hildreth of Thornhurst Road sympathized with the notion of correcting dangerous situations but thought it would be a mistake for the town to view Pine Grove as a commercial lot. He felt the danger of falling trees was extremely low.

Ann Goggin of Foreside Road had an arborist evaluate the forest behind her house, which is similar to the town forests. She was told that certain types of wildlife live in these types of forests. She felt they should be careful; Pine Grove is a unique stand of trees. She encouraged them to use an arborist.

Lisa Nash of Blackstrap Road was concerned that not enough information is available to the public. She wasn't clear why this was being done, or how selections were being made regarding which areas would be cut.

Dan White of Underwood Road agreed with the previous speakers. He thought it would be a tragedy to cut down all the trees.

Public comment period closed.

Town Manager Nathan Poore felt there had been some misunderstanding about the extent of work in Pine Grove. He thought the next step might be having an arborist, and perhaps a forester as well, mark the trees that have to go due to safety and those that might have to go and then have people walk the property. The plan is to remove the least amount of trees necessary. He didn't think there was as much concern about the intended work in Community Park. The Town wants to do the work on Blackstrap Hill Forest this winter.

Bob Shafto, Open Space Ombudsman, said the Town is required to manage the Woods Road parcel as a wood lot. This parcel is used as an offset to replace a deer yard destroyed by the Woodlands subdivision. The DEP requires that it be forested every 10 years. A deer yard requires browse and sufficient canopy to prevent the snow from accumulating. The Town owns the property but the golf club had the management responsibility. The Town thought they should take over management responsibility. The best way to do this is to do the minimal amount of work needed to maintain the deer yard while maintaining the old growth forest. The goal is to have representation of all the ranges of forest, from early successional to late successional growth; different types of wildlife need these different types of forests. The golf club is two years overdue on the maintenance of the deer yard. In 1810 there were no forests in Falmouth, only shade trees or pasture trees. All the forests grew back at the same time, and so they tend to be the same age, and crowded. They are talking about a "worst-first" harvest, removing those trees that are unhealthy and dying. One of the problems in Pine Grove is that there are no understory pine trees, and so there will not be any large trees for future generations.

Councilor Orestis asked about the reference to commercial harvesting; he wondered if the economics are a byproduct of the harvesting and not the primary driver.

Mr. Shafto said it is scale; when he says commercial harvesting he is talking about hiring someone to do the harvesting. Any money the Town receives from selling the wood is a side benefit. Their goal is to manage the habitat both for wildlife and the health of the forest.

Councilor Orestis wondered how the population of the whitetail rabbits would arrive in the habitat if they create it.

Mr. Shafto has seen the rabbits in Falmouth, though there aren't very many of them. Both Blackstrap and Community Park are excellent for the rabbits and birds because they have fields for food and brush to hide in.

Councilor Rodden asked about public outreach for these plans.

Mr. Shafto said they haven't contacted anyone yet because they don't have definitive plans. He spoke about his ideas for contacting the public and the work they have done to publicize the plans to date.

Councilor Mahoney praised the work on open space to date. He didn't want them to go too far in the name of safety. He agreed that Pine Grove needs some work, especially in terms of the trails. He would take Pine Grove and the other parks off the list and manage them the same way as the other parks are managed.

Councilor Farber thought they should go ahead and take care of any real safety concerns in Pine Grove. If at that point the Land Management Team (LMT) or Parks Department wants to have a discussion about the next tier of tree removal, they could. Selling wood products out of that property is not a goal.

Councilor Payne asked if the Town has any liability if someone using town property is hurt.

Mr. Poore said the Town is protected, except in the case of gross negligence.

Councilor Payne said there is a difference between actively used park land, and open space habitat. Active land management may be appropriate in park land, but it seems like they are forcing the issue in creating habitat that may happen naturally on its own. He was in favor of tabling the order tonight to let them make distinctions between active management or passive management of open space and park land.

Mr. Poore pointed out that the table attached to the Council's agenda clearly outlines which properties are scheduled for clearing out, which they are not planning to touch, and the one property, Pine Grove, that will have more work.

Councilor Orestis said when you realize that the work in Pine Grove constitutes 43% of the timber, it becomes quite alarming.

Mr. Shafto said that doesn't mean that they are going to cut 13 out of the 30 acres. If you take the high ground in Pine Grove, it is 13 acres. The trees to be removed are in that area, but that doesn't mean they are going to take 43% of the trees. That just means that this is the part of the property where trees are going to be removed.

Councilor Pierce supported work in Pine Grove to clear and maintain the trails only. She was concerned that removing some of the trees would lead to the wind blowing down other trees.

Councilor Rodden thought there was more detail available on these properties than what they have been given.

Mr. Shafto said all the properties have a detailed forest management plan, written by a forester, which includes a detailed inventory and management suggestions.

Councilor Rodden would like to see those. She would also like to have some specific proposals for Pine Grove.

Mr. Shafto said those management plans can be placed online. Mr. Poore said they are large, technical, and more aggressive than what they would ever consider. The LMT has discussed when the Council should be involved in the process in regards to the management plans.

The Council discussed its role in regards to land management and the management plans.

Councilor Payne moved to table the item; Councilor Pierce seconded.

Motion carried 7-0.

Mr. Poore felt that they had enough direction from the Council to move ahead and do some safety improvements in Pine Grove.

Councilor Mahoney felt they should have a Council liaison on the LMT.

Item 7 Discussion about memorializing and/or naming Town owned property and facilities.

The Council supported the policy as currently drafted. A vote on this item will be held at the January 14 meeting.

Item 8 Progress report on options and opportunities for a Public-Private Partnership regarding the Plummer-Motz and Lunt School Property between Town of Falmouth, OceanView Retirement Community, and the Falmouth Memorial Library.

Matt Teare of Oceanview made a presentation on the history of the public/private partnership (PPP). The three elements of the partnership are the creation of a shared auditorium at Lunt, the creation of a Village Green, and the exploration of community based public use at Plummer-Motz. The auditorium will be owned 60% by Oceanview and 40% by the Town and can seat between 95-150 people depending on the seating setup; maintenance will be mainly by OceanView with nominal fees for the Town. The auditorium will be built along with the Lunt School renovation; their goal is to start construction this spring. The Village Green will be owned by the Town, with construction and routine maintenance by Oceanview. The green is split into two phases; the first phase, starting this spring, would cost \$100,000 and create a simple lawn area, the second phase would include additional landscaping and amenities and cost approximately \$50,000. The Town will retain ownership of Mason-Motz with the option to sell it to OceanView in the next 5 years for \$200,000. He discussed some of the options for use of the building and the costs associated with it. He spoke about the potential of moving the Library to Plummer and the benefits of doing so. OceanView would donate the space for a library. Plummer needs renovation, but so does the existing library. It is less costly to renovate an existing building than to build new. Each floor of Plummer is about 10,000 sq. ft.; to get the Library all on one floor they would propose a 5,000 sq. ft. addition. The current library is around 6500 sq. ft.; various reports have recommended sizes of 12,900 sq. ft. or 15,290 sq. ft. Plummer would provide 15,829 sq. ft. so it would meet or exceed most space recommendations. It would be primarily on one floor and would have the opportunity for expansion, as well as provide space for other community uses. They estimate that this project would cost approximately \$5 million. They did not do an analysis of increased operational costs with a larger Library. He discussed potential funding for the project, including allocation of OceanView purchase price, fundraising, sale of the existing library, and allocation of new taxes from the OceanView development. They met with Bob Demont of Demont Associates about the fundraising; Mr. Demont felt that \$3 million was a reasonable figure for a fundraising estimate. The PPP would be a major new amenity for all residents of Falmouth and provide the opportunity to preserve a historical community site. He felt it would drive additional business to Falmouth. Senior communities are significant economic drivers. They are looking to close on

the sale in January. They feel there is an opportunity here, but if they are not going to have a strong joint partnership, they need to know early on.

Councilor Rodden was concerned about the money; she felt the \$3 million fundraising target seemed very high. She wondered if OceanView would contribute \$1 million to the fundraising campaign.

Mr. Teare said they will be a significant participant in the fundraising campaign.

John Wasileski of OceanView said the consultant felt that if everyone is on the team, it would be a clear winner. OceanView is already contributing the \$500,000 value of the building as a donation. He felt the fundraising goal could be met if there was a firm partnership between OceanView, the town, the Library and the community. He supported the idea of a fundraising feasibility study. Such a study would identify the key donors and whether the effort would be successful.

Kim Millick, president of the Library Board of Trustees, said what OceanView presented is very appealing. The Board has a hard time getting past the fact that the Town residents voted not to move the Library. The Board has had a lot of turnover and is trying to get up to speed. The option presented to them last week gave them an idea of what they might be able to do on-site. They need time to explore their options.

Councilor Mahoney said the most recent option had a daylight basement, a first floor addition, and a second floor. Ms. Millick confirmed that was correct.

Councilor Mahoney wondered how much more time the Library needs on this. Ms. Millick asked to have until June to deliver their final recommendation.

Councilor Pierce asked if they would have a feasibility study; Ms. Millick felt that was advisable.

Councilor Pierce supported a feasibility study. She said the vote is over and they need to move forward. Anything the Library does would demand the full attention and enthusiasm of the Board, the Council and the community. She thought it was important to keep all options on the table right now.

Councilor Farber agreed that the question on the ballot was in the past, and they have to address what is front of them now. She wanted a decision from the Board on what they want. She encouraged them to move forward as fast as they can.

Councilor Orestis agreed with Councilor Farber and encouraged them to make a decision as fast as they can; he didn't want to lose an opportunity because they couldn't move quickly enough.

Councilor Payne said the obligation of the Council is to vet the economic impact of the Library where it is located and what the impact would be of moving it to a new location. He thought the OceanView proposal is outstanding. He wanted to review it in the context of what is in the best interest of the Town.

Councilor Pierce wondered how they quantify that. She would also want to evaluate the economic opportunities of moving the Library to Plummer. Councilor Rodden agreed.

Councilor Payne felt that would be up to the developer. Councilor Pierce pointed out that the developer, OceanView, has argued that it would be a good economic driver for their development.

Councilor Payne said that didn't answer his question of what the enhancement to the Town would be. He felt the Town's interests need to be represented.

Councilor Mahoney was concerned with the timing. He didn't want to spend a lot of time reliving the prior vote and what it meant. This is a very different proposal. He agreed with Councilor Payne that they should evaluate what the opportunity here is, and what the cost is.

Councilor Farber asked Councilor Payne if he had an idea of what would answer his questions, whether that would entail hiring a consultant, and when that would happen. She asked about the Community Center and the timeframe for decisions on it.

Mr. Poore recommended that they focus on the Library first, and then deal with the Community Center. They should know where the Library is going to be before they do any site location work for the center.

Councilor Orestis asked if OceanView can wait for June.

Mr. Wasileski suggested a joint feasibility study in the spring. They don't want to see it creep into the fall. He felt having the Library on their site would make them competitive into the future.

Councilor Rodden said she would like to see the Library make a recommendation earlier than June. She wanted them to determine how much space they need and then look at Plummer to see if their needs could be met there. She felt the money question could be answered by the feasibility study, but pointed out that if they decide they don't want to be there, there was no need to do the study.

Councilor Pierce said they are going to need a feasibility study regardless.

Councilor Payne felt the feelings toward the existing Library are at the heart of this discussion. He wondered if they could have an advisory vote on the June ballot to ask the town voters if they want the Library to move.

Councilor Pierce wanted the Board to determine what is in the best interest of the Library, what the best long-term solution is for them. An open-ended referendum leaves too many factors for people to consider.

Councilor Mahoney didn't think an advisory question would be useful. Councilor Orestis said no one knows what is best for the Library better than the Library Board. Councilor Rodden agreed.

Item 9 Order to authorize the Town Manager to execute deeds on behalf of the Town Council relating to property at 31 Harding Avenue.

Public comment period opened; no public comment.

Councilor Pierce moved the order, Councilor Rodden seconded. Motion carried 7-0.

Item 10 Order to approve a Consent Agreement for a mis-located dwelling at 31 Harding Avenue.

Public comment period opened; no public comment.

Councilor Pierce moved the order, Councilor Farber seconded.

Mr. Poore pointed out that there are no penalties associated with this.

Motion carried 7-0.

Item 11 Introduction of an ordinance to amend Chapter 17, Traffic and Motor Vehicles, Art III, Sec. 17-92, (a), of the Town Ordinances, to modify the parking restrictions on Lunt Road.

Councilor Pierce introduced the amendment; this would allow on-street parking along Lunt Road in front of Lunt, Plummer and the Village Green, but only on that side of the road.

Councilor Farber asked how many spots there were; Councilor Pierce thought there were 25-27.

A public hearing was scheduled for January 14.

Adjourn

Councilor Farber moved to adjourn; Councilor Pierce seconded. Motion carried 7-0.

Meeting adjourned 10:07 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary