

Town Council Meeting Minutes January 14, 2013

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

Roll Call

All Councilors were present and answering roll call.

Item 1 Public Hearing on 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.

Chair Varney opened the public hearing. There was no public comment.

The public hearing was continued to the next meeting, due to an error with the Council's agenda.

Item 2 Public hearing on an ordinance to adopt the maximum levels of income and expenses for the General Assistance program, Chapter 6, Article 6, Section 6.68, Appendices A-C of the Falmouth Town Ordinance.

Chair Varney opened the public hearing; there was no public comment.

An order was scheduled for January 28.

Item 3 Introduction of an ordinance to amend the Code of Ordinances that will move parks operations and maintenance from the Public Works Department to the Community Programs Department and to clearly assign the responsibility of open space management to the Community Programs Department.

Town Manager Nathan Poore gave a brief history of the acquisition of open space land since the implementation of the *Greening of Falmouth* report. The Parks Department was moved to Public Works when the previous director of Community Programs was reassigned to Public Works. A recent review of current operations led to the determination that the use and maintenance of parks and open space land should be under one department. Any costs associated with this change will be salary adjustments to compensate for increased responsibilities. He felt the fiscal impact would be about \$8,000.

Councilor Rodden asked if they were considering an actual budget for managing the open space land.

Mr. Poore said they have discussed long term management plans with the Land Trust. He thought this was the first step toward that. The ombudsman is still working on acquisitions, but has transitioned to working more with the volunteers and applying for grants.

Councilor Mahoney asked if they were agreeing to salary adjustments with this ordinance.

Mr. Poore said no, but any adjustments as a result of this change would likely take effect in this fiscal year.

Councilor Pierce supported this change.

Councilor Farber was unclear as to the role of the Land Management Team. She wondered how that group intersected with the PACPAC.

Mr. Poore said they have been discussing the overall organization of various committees, including LMT, FTAC, PACPAC and the Conservation Commission. He asked if the Council was interested in evaluating that. If so, he would add it to an upcoming agenda. The Council supported that suggestion.

Councilor Payne asked if the organizational structure would change as a result of this and what the impact would be to Public Works.

Mr. Poore said the structure would change; Parks would still touch Public Works in terms of engineering but it would allow them additional capacity. It would not lead to an opportunity to reduce staff at Public Works.

Councilor Payne was concerned about salary adjustments and adding staff until the state budget questions have been answered.

Councilor Mahoney didn't think this was going to free Public Works up to do more; it is going to move management responsibility from the Public Works Department to Community Programs.

Mr. Poore felt this was an important enough structural move that he wants to do this regardless of the budget impact. He would rather do this and find the \$8,000 elsewhere if that was the Council's concern. He further stated that this should not be seen as a reflection on the job that Public Works has done; they have done a stellar job. He complimented Jay Reynolds and his staff on their work with Parks.

A public hearing was scheduled for February 11.

Councilor Payne moved to change the order of the agenda, moving item 9 before item 8. Councilor Pierce seconded. Motion carried 7-0.

Item 4 Order to adopt a policy regarding the memorialization and/or naming of Town owned property and facilities.

Councilor Rodden moved the order; Councilor Payne seconded.

Councilor Farber thought there would be a procedure regarding who would approve a request for placing a plaque, in regards to design and construction.

Mr. Poore felt that section d was written to cover any request. Councilor Pierce felt that the Council would approve all aspects of the item. Councilor Mahoney felt that section c expressed that the Council would deem what was appropriate.

Motion carried 7-0.

Item 5 Order to authorize the Town Manager to accept a pedestrian easement near the intersection of Leighton Road and Gray Road, such easement is associated with the future development of an abutting parcel.

Councilor Rodden moved the order; Councilor Pierce seconded.

Councilor Farber asked if there was any downside to this.

Mr. Poore said there wasn't. The parcel in question is on the corner of Gray and Leighton and is one of the two remaining vacant parcels in West Falmouth Crossing. It received conditional approval of its site plan from the Planning Board. Due to the DOT changing the right of way in this location to compensate for a potential right turn lane, the sidewalk is partially in the right of way. This sidewalk will be an important pedestrian amenity. The Town looked at a PACTS grant for a potential sidewalk extension in this area a few years ago, but the Council at the time didn't want to put up the matching funds.

Community Development Director Amanda Stearns said there is a sidewalk in front of the Little Hands Daycare right now; the ordinance currently requires that site plans include sidewalks. This parcel will start to complete the West Falmouth Crossing sidewalk system.

Motion carried 7-0.

Item 6 Request from Councilor Farber to pursue a zoning amendment to exempt certain small non-residential site improvements from Site Plan Approval under Section 9 of the Zoning Ordinance.

Councilor Farber explained that this zoning amendment would allow small improvements to commercial and multi-residential buildings to receive staff level approval instead of having to go to the Planning Board. She felt that, if the Council is interested in this concept, they should ask the Planning Board to workshop it and give their opinion on this type of change before any work is done on ordinance language. From there, it could go to CDC for review.

Councilor Mahoney supported the idea of getting the Planning Board's feedback before working on it. He liked the idea behind the proposal.

Councilor Pierce supported the suggestion. She observed that the review authority would land with the Community Development Director and was concerned with the staff time that would take. While it was an important question, she pointed out that the Planning Department is busy with other time-sensitive tasks and this was not part of the Council's work plan for this year. There is a lot that is already on the Council's plate right now.

Councilor Rodden said this specific proposal was part of the CBI review of Community Development that was done in 2007. She felt they should send it to the Planning Board and then have it come back to the Council, rather than send it directly to the CDC. This way the Council can decide whether they want to pursue it. She was also concerned with the staff time on this, considering the burden on staff already with the Route 1 projects.

Mr. Poore said he and Ms. Stearns have looked at the workload and would prioritize projects.

Councilor Orestis looked at this as part of the Route 1 project; while it would benefit the whole business community, the majority of businesses that would benefit are along Route 1.

Ms. Stearns thought the timing was good on this issue and, if they agree to move forward as suggested, it could potentially be placed on the February Planning Board agenda.

Councilor Farber asked for clarification on where it should go after the Planning Board: CDC or Council.

The consensus of the Council was for it to return to the Council.

Item 7 Order to authorize the Town Manager to execute all necessary transactions to accommodate the transfer of a Maine Department of Environmental Protection deeryard management agreement to the Town of Falmouth from the Woodlands Club.

Mr. Poore gave a history of the item. In the 1980's, when the Woodlands Country Club was approved, they were required to purchase property to mitigate a deeryard that was being removed by the development. A management agreement was initiated that included a piece of Town property. The Woodlands has expressed interest in turning over the management agreement to the Town. Staff feel that it makes sense to take this; it keeps management of town land under one roof. The Town is experienced and capable of maintaining the land. There are some changes that staff would recommend to the agreement; allowing hunting and prohibiting ATV use, for example.

Councilor Mahoney felt this was a great idea. He noted that the agreement is for perpetuity, requiring the Town to do certain things every 10 years. It is a great piece of property and there are some potential connections that can be made with the parcel.

Bob Shafto, Open Space Ombudsman, said this is one of a number of properties that the Town has owned for a number of years that haven't been publicly accessible. This is the largest publicly owned parcel to which there is no public access. Their intent is to open the property up by installing trails, parking and a kiosk. To the east of this parcel, across some private parcels, there are three more town owned lots. All these properties would be connected; they have trail easements already from the private owners. The way to manage a deeryard is to cut trees, thereby allowing forage to grow. Having the Woodlands manage the tree cutting, while having the Town manage the trails and public access might create conflict. The agreement doesn't specify who receives money from the tree harvesting. They are the Town's trees, but the Woodlands Club is supposed to manage the harvesting.

Mr. Poore said they originally reached out to IF&W and DEP to lift the management restrictions and apply monies to acquire land elsewhere that was better suited to a deer yard. This is old growth forest and they may have to remove some of the trees to create a deer yard that doesn't now exist.

Councilor Rodden asked how they planned to conserve the old growth forest while creating/maintaining a deeryard.

Mr. Shafto said they intend to keep the 100 acres of late successional/mature growth forest. There are another 50 acres of hardwoods and mid-stage growth forest behind the transfer station. The biologist felt they could maintain the old growth section for cover, while managing the perimeter as browse for the deer.

Councilor Payne suggested they continue this discussion in executive session. Councilor Mahoney agreed they could add this to the executive session under item 8.

Item 9 Discussion about future Council agendas.

Per Council vote, item 9 was taken out of order.

Mr. Poore discussed the items currently scheduled for future Council agendas.

Item 8 Order to go into Executive Session pursuant to the Laws of Maine to discuss and consider the acquisition of real estate rights and the disposition of real estate rights for a parcel and easement, pursuant to 1 M.R.S.A. § 405 (6) (C).

Councilor Pierce moved to enter executive session; Councilor Payne seconded. Motion carried 7-0.

The Council adjourned at 8:50 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary