

# **Town Council Meeting Minutes January 28, 2013**

The meeting was called to order at 7:02 pm.

## **Roll Call**

All Councilors were present and answering roll call.

## **Pledge of Allegiance**

Chair Varney led those present in the Pledge of Allegiance.

## **Public Forum**

Mike Doyle of Shady Lane spoke about his concerns about security at the Falmouth schools. He felt current security was inadequate.

**Item 1 (a)                      Order to approve the minutes of the November 14, 2012, Town  
(Consent Agenda)        Council Meeting.**

**Item 1 (b)                      Order to approve the minutes of the November 26, 2012, Town  
(Consent Agenda)        Council Meeting.**

**Item 1 (c)                      Order to approve the minutes of the December 10, 2012, Town  
(Consent Agenda)        Council Meeting.**

Councilor Pierce moved the consent agenda; Councilor Rodden seconded. Motion carried 7-0.

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

Councilor Farber said the Council Finance Committee met with the School Board Finance Committee earlier this evening. They discussed the possible impact of state cuts on school and municipal funding, as well as capital improvements.

Councilor Rodden reported that the Human Services Committee requested \$15,500 for a number of organizations that provide assistance to Falmouth residents, including Opportunity Alliance and the Southern Maine Agency on Aging. This is the fifth year that the Committee has remained at that same level of funding even though the total requests were over \$18,000. Councilor Rodden felt the Town has a responsibility to fund these agencies at the full level of the requests. The CDC is working on both the infrastructure and zoning changes for Route 1. They will be hosting public meetings this week on the infrastructure project that will provide opportunities for feedback. A larger public forum will be held on Wednesday, Feb. 27 at Town Hall. A big question has been whether to put the power lines underground. Staff have reviewed funding for the project, and the committee is now recommending underground power.

Councilor Mahoney reported that the School Board is in the process of developing a budget for next year. The Open Space Committee is following up on forest management.

Councilor Orestis said the Veterans Memorial Committee has selected a site, and the designs are pretty much in place. The next step is selecting the monument. He felt everyone would be pleased with what the Committee has done.

Chair Varney said the Library Trustees are having a luncheon with past trustees on Feb. 8.

Town Manager Nathan Poore spoke about the natural gas expansion project. They received two RFP's last Friday; one from Summit and one from Maine Gas. The towns will meet tomorrow and should have more public information soon. They expect it will take until the end of Feb. for them to do analysis on the studies. He spoke positively about both proposals.

Councilor Mahoney requested that the Council meet prior to holding a joint meeting with the other Towns.

Councilor Payne wondered about the authority of the Council in this process.

Mr. Poore said any utility could come in at any time and take out permits for curb cuts, etc. The concern was about price differentials between neighboring towns. It is in the utilities' best interest to work with the towns.

Councilor Mahoney asked about the potential for TIF's to be included in the proposals.

Mr. Poore said he hadn't read them, but they had anticipated that TIF's might be included.

Councilor Mahoney said the Council would be instrumental if they were asking for a TIF.

Councilor Payne wondered what kind of a process is planned, since there are two different proposals. Mr. Poore said they would discuss that tomorrow.

Councilor Mahoney said that a long-term contract from a major customer will be needed to make this viable.

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

Councilor Pierce read the appointments committee report.

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

- APPOINTMENTS -3 Year Terms (January 1, 2013 – December 31, 2015)
  - Rudy Israel - Planning Board Alternate Member
  - Melanie Collins, Daniel Smith - Parks and Community Programs Advisory Committee
- Nathan Poore to serve on the PACTS Policy Committee (Amy Lamontagne and Theo Holtwijk as alternates)

**Item 4                                      Continuance of a Public Hearing held on January 14, 2013, 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.

Councilor Farber said they received a letter from one resident. She asked why they need the on-street parking.

Mr. Poore said it was a condition of the Planning Board's approval. The on-street parking was used to satisfy the parking needs of the whole site.

Councilor Farber wondered if, since they are lowering the parking requirements along Route 1, they don't lower the parking requirements here.

Amanda Stearns, Community Development Director, said the Planning Board has flexibility under the ordinance to determine appropriate levels of parking based on minimum standards. The on-street parking will serve the village green and the public uses, as well as help keep traffic speeds low.

Mr. Poore said they used the ITE standards for minimal parking requirements, not just the Town's ordinances.

An order was scheduled for February 11.

**Item 5                      Order to go into Executive Session pursuant to the Laws of Maine to discuss and consider a consent agreement for matters related to land use violation enforcement, pursuant to 1 M.R.S.A. § 405 (6) (E): consultations between a body or agency and its attorney.**

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

The Council returned from executive session.

Councilor Payne was previously recused from action on items related to TideSmart.

Councilor Mahoney moved to accept the consent agreement; Councilor Pierce seconded.

Councilor Pierce said staff and the Town Attorney have been working with TideSmart on correcting this issue.

Motion carried 6-0 (Payne recused).

**Item 6                      Presentation and report from staff and Councilors Orestis and Farber regarding economic development initiatives and current and anticipated zoning amendments as they relate to suggestions submitted by resident and FEDC President Jonathan Berry.**

Councilor Orestis explained that Mr. Berry submitted suggestions during the Council's work on zoning amendments related to tenant footprint limits on Route 1. They reviewed these suggestions in light of the entire business environment in Falmouth, not just Route 1. Falmouth has an active and vibrant business community.

Councilor Farber said it was a good opportunity to review the suggestions; the Council has already been working on many of these issues.

Councilor Orestis said the reports they reviewed are all on the Town's website for the public to read.

Councilor Rodden felt the report showed that the Council was already working on some of Mr. Berry's suggestions and planning to work on others. She thanked Mr. Berry for bringing these issues to light.

**Item 7                                      Order to approve a Municipal Release Deed and accept monetary compensation and easement rights in lieu of back taxes.**

Councilor Pierce moved the order for 7 Underwood Road, parcel U18-023; Councilor Mahoney seconded.

Chair Varney opened a public comment period. No public comment.

Mr. Poore said this dates back to the late 1990's. The property has fallen into a lengthy and complicated foreclosure process due to property ownership, cloudy title issues, and adverse possession rights. They have interest from a family member of the property owner to settle the back taxes and give the Town waterfront access rights.

Motion carried 7-0.

**Item 8                                      Order 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.**

Councilor Farber moved; Councilor Pierce seconded.

Chair Varney opened a public comment period. No public comment.

Motion carried 7-0.

**Item 9                                      Discussion about the 2013 Fuel Assistance Program and Order to authorize an appropriation of \$10,000 for the Fuel Assistance Program.**

Chair Varney said she knows people are struggling; the Town has had this program in the past and she felt they should start it again. She asked citizens to contribute to the fund

Councilor Farber asked if they had done a mailing in the past.

Councilor Pierce said they did, but it was targeted to a limited number of people. That process was kicked off by a large contribution from a particular citizen.

Councilor Payne thanked former State Representative Gary Reed for bringing this forward.

Councilor Rodden asked about the demand for fuel assistance compared to last year.

Ellen Planer, Town Clerk, said that last year the Town contributed \$10,000 and there was a total of \$19,000 in the fund. A total of 51 citizens donated. The program has existed since 2008; we have contributed over \$50,000 in that time. 49 families were served last year and each received an allotment comparable to 100 gallons of oil. There has been a small decrease in requests compared to this time last year, but there is a lot of winter left.

Mr. Poore said they would use Opportunity Alliance to manage the program. They would be looking at those families that were closest, but just over, the LIHEAP income threshold. It would be the first thirty or so families.

Councilor Pierce moved to approve the appropriation; Councilor Mahoney seconded.

Councilor Farber said Efficiency Maine made a presentation at the last REAC meeting. There may be ways to dovetail this with some of the programs through Efficiency Maine and the food program.

Councilor Pierce said there is a lot of confidentiality surrounding these types of programs so it is hard for the Town to put those together.

Councilor Payne asked residents to clean out their closets for any unused warm clothing and donate it; there are a lot of people that are cold. There is a tremendous need right now.

Motion carried 7-0.

Councilor Farber stated that if anyone wanted to donate to the fuel assistance program, they can make a check out to the "Town of Falmouth" with "Fuel Assistance" in the memo field and mail it to Town Hall.

### **Adjourn**

Councilor Farber moved to adjourn; Councilor Mahoney seconded.

Motion carried 7-0.

Meeting adjourned at 8:03 pm.

Respectfully submitted,

Melissa Tryon  
Recording Secretary