

**Town Council Meeting  
Minutes  
May 29, 2013**

The meeting was called to order at 7:03 pm.

**Roll Call**

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

Councilor Farber arrived late.

Councilor Orestis was absent.

**Pledge of Allegiance**

Chair Varney led those present in the Pledge of Allegiance.

**Public Forum**

Mike Doyle, candidate for School Board, spoke about a recent FOAA request he submitted for information about student reading speed. He felt a speed reading course is important for all students. He wondered about the impact of the Affordable Health Care Act on the School Department.

**Item 1 (a)                      Order to approve the minutes of the April 8, 2013, Town Council  
(Consent Agenda)          Meeting.**

**Item 1 (b)                      Order to approve the minutes of the April 10, 2013, Town Council  
(Consent Agenda)          Meeting.**

**Item 1 (c)                      Order to approve the minutes of the April 22, 2013, Town Council  
(Consent Agenda)          Meeting.**

Councilor Farber arrived at the meeting.

Councilor Rodden moved the consent agenda; Councilor Pierce seconded. Motion carried 6-0.

Councilor Rodden moved to waive Council rules to allow an item to be added to the end of the agenda, in order to consider the disposal of surplus town property. Councilor Pierce seconded. Motion carried 6-0.

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

Councilor Farber said the finance committee will meet on June 17 at 4:30 for an update on revenue sharing and a review of the wastewater and mechanics enterprise fund budgets.

Councilor Rodden said the Southern Maine Area Regional Transit group (SMART) is looking at consolidating the 7 transit districts in the Greater Portland area; they have determined that there should be a feasibility study and that the first phase of consolidation should be implemented. The first phase would consolidate METRO, South Portland and the ZOOM bus with the goal of saving money and improving service. She also reported that last week the Chamber of Commerce and the CDC participated in a forum

about the financing of the Route 1 project; that forum was taped and is being broadcast on the Town's cable TV channel. She urged people to watch it.

Chair Varney reported that she and Bob Shafto attended a meeting of the Maine's Community Forest Program, where they accepted the Frank Knight Award for Excellence in Community Forestry on behalf of the Town. The plaque, made with wood taken from Herbie, will be hung in Town Hall.

Councilor Farber reported that there was a pre-bid meeting for the RFP for a preliminary design for the library project. About 30 firms participated. They are hoping for a decision on a firm in June. The Library Board is planning to come to the Council on June 17 with a proposal for the Town's role in the Library's preliminary design process.

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

Councilor Pierce said the committee recommends Janice Delima to the FEIC.

Councilor Payne moved to appoint Janice Delima to the FEIC; Councilor Farber seconded. Motion carried 6-0.

Councilor Pierce reported that the Appointments Committee is taking applications for the Ad-hoc Zoning Committee and the new LMAC; they are hoping for a vote to appoint members to those committees in July.

**Item 4 Public hearing and order relative to renewal of victualer licenses.**

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

Councilor Pierce moved the order; Councilor Farber seconded. Motion carried 6-0.

**Item 5 An update from the Conservation Commission on the invasives project, and a report from the Open Space Ombudsman on efforts to expand the Suckfish Brook Conservation Area.**

The Invasive species sub-committee of the Conservation Commission made a presentation on their efforts to combat the spread of invasive terrestrial plant species in Falmouth. These plants were once widely used as ornamental plants, but when not controlled they squeeze out native plants, grow up and strangle trees, and contribute to an increased risk of Lyme disease. The Committee has partnered with Lucas Tree; Allan, Sterling, and Lothrop; Skillins Greenhouse; the Flower Shop and Gnome Landscaping, among others. They are planning workshops over the winter to help homeowners identify and eliminate invasive plants.

Bob Shafto, Open Space Ombudsman, spoke about the efforts to control invasive plants on the Town's conservation lands. Three volunteers on the Conservation Corps are licensed pesticide applicators and have been working to eliminate invasive plants, particularly at River Point. They have received a grant to work on the East Branch conservation area along the Presumpscot. He explained that this work is funded by a combination of Town funds and fundraising efforts. He said this effort is going to take years before they can get on top of the invasive problem.

Councilor Payne thought this was intended to be a demonstration project; he wondered if it has a finish line.

Mr. Shafto said a lot of the initial cost was start-up funds for demonstration materials and applicator equipment; he felt the education of residents may take a few years. He also felt that some of their partners may pick up some of the education materials in the future.

Councilor Mahoney felt the work on the conservation lands would become part of the work of the new LMAC. He asked about the possibility of a public workshop by the master applicators.

Mr. Shafto said they have held one, and are planning another.

Mr. Shafto made a presentation on the proposed expansion of the Suckfish Brook conservation area. The Town has a right of way across land in Westbrook to allow for a trail to the peat bog. The Town has received a grant for new trails and part of that will be used for this area. The owner of the land in Westbrook is willing to sell but the Town is \$22,000 short of the amount needed to buy it. He also reported that National Trails Day is Saturday and a hike is planned for the Suckfish Brook area.

**Item 6    Order to approve a supplemental appropriation in the amount of \$30,000 from unassigned fund balance for unanticipated expenditures associated with the operations of the former Lunt and Plummer-Motz Schools.**

Chair Varney opened a public comment period; there was no public comment.

Councilor Payne asked about the disposal of the modular buildings.

Town Manager Nathan Poore said Town staff, Oceanview and the Town's Realtor each tried for a year to find buyers for them. In the end the Town found a company willing to take them but had to pay a small amount to have them removed.

Councilor Rodden pointed out that they were in terrible shape and had some mold. Councilor Pierce said that, while modular might seem cost-effective in the short term, she thought building additions onto the buildings might have been a better choice.

Councilor Pierce thought this overage would not come up again next year, since they have now sold two of these buildings to Oceanview.

Mr. Poore agreed in part, but said all three buildings are served by the same boiler, which is very old and temperamental. They may have to look into a replacement boiler in the near future.

Councilor Payne asked about the agreement with Oceanview regarding this shared heating system.

Mr. Poore said there is no agreement in place, but they are working on developing one soon.

Councilor Pierce moved the order; Councilor Payne seconded. Motion carried 6-0.

**Item 7    Ordinance to amend the Code of Ordinances relative to parking restrictions on Mariner Lane.**

Councilor Pierce moved the ordinance; Councilor Farber seconded. Motion carried 6-0.

**Item 8    An update on the Town Council Work Plan.**

Mr. Poore discussed the proposed conflict of interest policy; the Council could adopt the proposed policy and attach it to their Council rules or incorporate something into the Charter.

Councilor Rodden felt this was a good government rule and it was needed. The issue of property owned by individual Councilors has come up in the past. She felt an up-front disclosure of what property a Councilor owns was important. She liked that the sample policy provided from the Town of Rockport also includes any member of a quasi-judicial board. She spoke in favor of a policy that would allow the Council to force a member to recuse him or herself if that member refuses to abstain.

Councilor Farber asked if the point was just property ownership or financial interest.

Councilor Rodden said it concerned financial interest. You don't want the public to think the Council is making a decision to benefit an individual Councilor. This concerns both land ownership and contracts. When a member joins the Ecomaine board, that person has to complete a disclosure statement including business affiliations; it ensures that there is no financial gain from any business contract they sign. This would show that they have integrity and that they are above board.

Councilor Mahoney felt it would be useful to show that they are being impartial when making decision, but didn't feel it was something they could go into in detail tonight. Councilor Pierce agreed. She was happy to see it carry over into next year's work plan.

Mr. Poore presented an analysis by the Finance Department on available tax credit programs, and how the Town is utilizing them. Overall, the Town is doing a good job using the programs that are available.

The Council discussed the senior citizen tax deferral program, including overhead costs, the impact of deferring taxes on the Town's finances, how flexible the program is and whether it could be altered to suit the Town.

Councilor Pierce wanted to make sure the programs the Town already has available are shared with residents. She wanted to make sure people are taking full advantage of what is available to them.

Councilor Farber moved an order to authorize the Town Manager to dispose of two surplus fire apparatus; Councilor Pierce seconded.

Mr. Poore explained that this follows the purchase of a new fire truck that the Council authorized in April.

Motion carried 6-0.

## **Adjourn**

Councilor Payne moved to adjourn; Councilor Rodden seconded. Motion carried 6-0.

Meeting adjourned at 8:40 pm.

Respectfully submitted,

Melissa Tryon  
Recording Secretary