

Town Council Meeting Minutes September 23, 2013

The meeting was called to order at 7pm.

Roll Call

Councilors King, Mahoney, Orestis, Goldberg, Farber and Pierce were present and answering roll call.

Councilor Anderson was absent.

Pledge of Allegiance

Chair Pierce led those present in the Pledge of Allegiance.

Item 1 Public Forum

Melanie Collins of Middle Road wondered if it was possible to get the Plummer building back from Oceanview and move the Town Hall to that building. She thought the reason the referendum failed was because people didn't want to move the library. She felt they could save a lot of money on renovations on the current Town Hall by moving to Plummer. She was concerned about the agenda item regarding hunting. There are too many deer in Town and if they limited hunting too much, they could have more problems with the deer population.

Mike Doyle of Shady Lane spoke about a warning he received for illegal parking. He said that commercial vehicles stand in the fire lane at Shaw's. He alleged that the parking laws are only enforced against him.

Item 2 (a) Order to approve the minutes of the August 12, 2013, Town Council (Consent Agenda) Workshop Meeting.

Item 2 (b) Order to approve the minutes of the August 26, 2013, Town Council (Consent Agenda) Meeting.

Councilor Goldberg moved the Consent Agenda, Councilor King seconded.

Councilor Farber made a correction to the minutes.

Amended minutes carried 6-0.

Item 3 Report from Council Committees and liaisons regarding updates on assignments.

Councilor Farber said the Appointments Committee will meet this Thursday. The Library is holding a public session on October 30 from 6-8pm with Scott Simmons Architects to review preliminary designs. They have a presentation scheduled for the Council on November 13.

Councilor Mahoney said the LMAC will have a presentation at the Council on October 7.

Chair Pierce said the CDC held a public meeting about Route 1 last week. The Ad-hoc Zoning Committee will meet again on September 25 at 7pm.

Item 4 Report from the Appointments Committee and order relative to filling various vacancies on Boards and Committees.

There was no report from the Appointments Committee.

Item 5 Presentation by the Archangel Committee on an upcoming celebration.

Neale Duffett, co-chair of the Archangel Committee, said that 25 years ago Falmouth joined with several other communities in Greater Portland to form a sister city relationship with Archangel Russia, which is close to the Arctic Circle. It is one of the most vibrant and longest lasting of any sister city relations between American and Russian cities. A celebration of this relationship will be held on November 18 at 4pm at the Westbrook Middle School. They are hoping to have a good representation of people from all the cities as well as from Russia. He presented the Council with a copy of the original, signed treaty. The week of the celebration they will have several youths from Russia who are interested in private/public partnerships working on joint needs. He presented the Council with commemorative mugs.

Item 6 Order to prohibit hunting (firearms and archery) on certain Town owned properties.

Mr. Poore explained that the Town does not regulate hunting specifically; it regulates the discharge of firearms. He gave a presentation on the current firearms ordinance and the areas of Town where the discharge of firearms is not allowed. Bow hunting is not regulated other than where it has been prohibited by Council order on a property that the Town controls. In September 2011, the Council decided that they would allow hunting on open space properties, including Wilshore Farm and the Suckfish Brook area. It was decided that the eastern section of Town was too densely populated to allow firearms. The Council has the authority to restrict bow hunting on Town property, but has not acted on it in the past, likely due to the fact that bow hunting was not as popular as it is today. The 2011 Council order was not clear with regards to bow hunting; the order tonight seeks to clarify the Council's position on bow hunting on Town property.

Councilor Orestis brought the hunting issue to the Council more as a concern for safety, not to oppose hunting. He felt his concern was met with this order.

Councilor Mahoney asked if there had been any conversation with LMAC on this issue.

Mr. Poore said there was conversation in 2011, and some in passing last week. There is no official recommendation from them but he has spoken with some of them.

Councilor Mahoney didn't think it had to be sent to them but he wanted to make sure they were aware of it, since it impacts lands they manage.

Chair Pierce felt this was reaffirming what the Council did in 2011.

Mr. Poore agreed. This is confirming what has been acted on before and including bow hunting on Town-owned properties in densely populated areas, the school property, and around the fields at Community Park.

Councilor Farber asked what the action was by the previous Council.

Mr. Poore said they passed a housekeeping ordinance amendment in 2011, to clean up various items that dealt with Town properties. That action was also confirming past Council actions.

Councilor Farber wondered why they can do this with only an order, and not a public hearing.

Mr. Poore said section 14-122 (11) of the ordinance allows the Council to act by order to post Town property as “No Hunting”. This is impacting only Town-owned property, and not private property.

In response to Councilor Goldberg’s question, Mr. Poore clarified that the Council is asked whether they want to post hunting restrictions on certain Town-owned properties. The list included with the order is based on past Council decisions.

Councilor Goldberg asked about the experience in the Shaw’s parking lot that Council Orestis brought up. Mr. Poore said that could still happen; it is on private property.

Councilor Pierce said that the proposed order would prohibit hunting by both firearm and archery at: Falmouth School Property, Community Park, the portion of the McCrann and McLaughlin Preserve which is east of the east branch of the Piscataqua River, Presumpscot Falls Park, Pleasant Hill Preserve, Walton Park, Village Park, Legion Field, Pine Grove Preserve, Falmouth Nature Preserve, Mill Creek Preserve, Underwood Park, and the Town Landing. Hunting by firearms would be prohibited at Town Forest abutting Winn Road and Field Road; archery would still be allowed at that location.

Mr. Poore said the larger Town properties are hunted and see quite a bit of activity.

Councilor Mahoney said this isn’t adding any properties to the list of restricted properties; it is only clarifying those properties and adding a restriction on bow hunting to those properties. The original intent of the action in 2011 was to prohibit bow hunting. He was in favor of the order.

Councilor Farber asked if the Town Hall and Library properties are included in a “No Hunting” prohibition. Mr. Poore said they didn’t list any properties with facilities on them.

Councilor Farber asked the location of the portion of the McCrann and McLaughlin Preserve.

Mr. Poore indicated its location on the map; hunting is allowed on that property between the railroad tracks and the East Branch. He checked with the Executive Director of the Land Trust to confirm that they are okay with this.

Councilor Farber wondered why they mentioned firearms and bow hunting and not just hunting in general. She asked if trapping would be allowed if it wasn’t specifically called out.

Mr. Poore said if they want to prohibit trapping they can add that.

Chair Pierce asked if they wanted to add Town properties with facilities: Town Hall and the Police Station for example. Mr. Poore said they can do that.

Councilor Goldberg felt that trapping is very different.

Councilor Mahoney moved the order; Councilor Orestis seconded.

Councilor Farber moved to amend the order and say “hunting” is prohibited on these properties. Chair Pierce seconded.

Councilor Mahoney preferred limiting it to firearms and bow hunting, which is what they have traditionally regulated. He thought that change would require more conversation, and a public hearing, and he didn’t know if they needed it. He thought they could get some information on what permits people are getting and go from there. He was more concerned with projectiles than traps.

Councilor Farber withdrew her amendment. Chair Pierce agreed to the withdrawal.

Original order carried 6-0.

Item 7 Ordinance to amend the Code of Ordinances relative to the disposal of surplus property.

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

Item 8 Ordinance to amend the Code of Ordinances relative to solid waste disposal fees.

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

Item 9 Order to affirm the Pay-Per-Waste bag fee schedule.

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

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

Item 10 Order to amend the Ambulance Fee Schedule.

Chair Pierce said the last rate increase was in 2011. A change in billing practices means that Medicaid and insurance are starting to not cover supplies. Including supplies into the base rate will allow the Town to recoup the cost of those supplies.

Mr. Poore said the insurance companies will pay for supplies as long as they are included in the base rate.

Councilor Farber asked how the all-inclusive rates compare with other towns in the area. Mr. Poore said it follows Medicare rates; he didn't know how it compares.

Councilor Farber moved to take agenda item 11 out of order, while they wait for an answer to their question; Councilor Orestis seconded. Motion carried 6-0.

Item 11 Discussion about a proposed Memorandum of Understanding to replace the current Memorandum of Understanding between the Town and the Falmouth Memorial Library.

Councilor Farber explained that last year, during budget discussions, there was interest in discussing the Memorandum of Understanding (MOU) with the Library to clarify the responsibilities of both parties, especially in terms of finances. They researched other communities with similar town/library agreements. The draft before them includes some items the Council was interested in, as well as some elements of a draft MOU from 2011. It is a general, overall update. She pointed out that this MOU includes allowing a Councilor to sit on the Library Board's Finance Committee; the Board providing the Town with a copy of its audit; and the creation of a joint Finance Committee, similar to what the Town and School Board do. She stressed that this is a draft and there are some areas that still need some work. She encouraged the Council to work on this separately from any expansion plans; it can be altered later to cover any changes in the relationship that might come as a result of the expansion, if that is necessary.

Councilor Goldberg pointed out that it isn't because the Town and Library don't trust each other; it's just good business. He felt the items discussed are more than reasonable.

Councilor King felt this was a smart way to proceed.

Chair Pierce asked about the Library capital expenditures. The Library has its own building fund and tries to anticipate expenses. The MOU states that if there is any unanticipated expenses that come up, the Town would automatically participate. She understood that the Town owns 50% of the building, but she wondered if that provision has always been in there.

Mark Porada, of the Library Board, said that paragraph is essentially new to this document. The prior MOU from 1995 didn't address this but historically this has been the practice. The Library sets aside funds every year into a capital expenditures account. This language is designed to formalize what is already happening, and to address the issue in the event of any unanticipated expenses in the future. With a Council member on the Finance Committee, there will be more communication both ways.

Chair Pierce pointed out that Town staff are uniquely qualified to help with long-range planning for capital infrastructure; they do it all the time. She felt this was an area where they can be helpful and have more of a role.

Councilor Farber and Chair Pierce discussed the process for this type of situation. Councilor Farber said they would look at that section in more detail.

Councilor King asked if the Town representative on the Board's Finance Committee was supposed to be a Councilor or a member of the Town staff.

Councilor Farber said the thinking was to allow flexibility for the Council. It could be any Councilor, or even a staff person. It could even be a former councilor. This is in addition to the three Council appointees on the Library Board. It isn't limited to being a Councilor.

Chair Pierce felt it should either be a staff member or a sitting Councilor. It should be more formal.

Councilor Orestis pointed out that the MOU states that the Library has sole discretion to determine how to raise funds and what to do with those funds. On the one hand, the Town has to contribute to unanticipated expenses, but they don't get to chime in on how money is spent.

Councilor Goldberg asked if this document impacts their plans moving forward with the expansion.

Councilor Farber didn't think so. If they didn't go forward with this, it wouldn't create a barrier to their expansion plans.

Councilor King pointed out that the language Councilor Orestis was concerned with references their by-laws. She thought she would have to see their by-laws to understand this language.

Chair Pierce asked about the next steps.

Councilor Farber said they hope to meet in the next week to continue to work on the language. They will come back to the Council at some point for another review.

The Councilors returned to Item 10.

Item 10 Order to amend the Ambulance Fee Schedule.

Mr. Poore spoke with Fire Chief Howard Rice. Chief Rice said by billing pools and laws we can't compare ourselves to others; it has to be based on what our costs are. He said we are fairly similar to other communities, and this is a trend that he is seeing in other communities.

Councilor Farber moved the order; Councilor Mahoney seconded.

Councilor King said the rate raises are substantial; she asked what will happen if the Town has an issue with collections.

Mr. Poore said eventually the patient can be billed directly by the Town's billing agency for whatever insurance doesn't cover. Eventually it gets paid, or rarely it can be written off.

Motion carried 6-0.

Councilor King moved to amend the agenda, taking item 13 out of order. Councilor Goldberg seconded. Motion carried 6-0.

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

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

Item 12 Order to go into Executive Session pursuant to the Laws of Maine to discuss and consider the possible disposition of land, pursuant to 1 M.R.S.A. § 405 (6) (C).

Councilor Goldberg moved the order; Councilor King seconded. Motion carried 6-0.

The Council entered executive session at 8:26 pm.

Adjourn

The Council did not return from executive session.

Respectfully submitted,

Melissa Tryon
Recording Secretary