

**Town Council Meeting
July 28, 2008
DRAFT MINUTES**

Roll Call

Present and answering roll call: Councilors Breen, Payne, Rodden, Wroblewski, Armitage, Pierce and Libby.

Item 1: Executive Session

Councilor Libby moved to go into Executive Session and Councilor Wroblewski seconded the motion. Motion carried 6-0 (Councilor Armitage was not present).

Order to go into Executive Session pursuant to the Laws of Maine for the following matters:

- A. Personnel matter pursuant to 1 M.R.S.A. § 405 (6) (A).
- B. To discuss the potential economic development associated with Addison Capital - Lucas Tree and a credit enhancement agreement amendment to the Rt 1 TIF, pursuant to 1 M.R.S.A. § 405 (6) (C). (It is likely that the Council will take action on the final draft of the updated Credit Enhancement Agreement immediately after the Executive Session.)
- C. To discuss an economic development project, pursuant to 1 M.R.S.A. § 405 (6) (C).
- D. To discuss the possible acquisition of open space land, pursuant 1 M.R.S.A. § 405 (6) (C).

Councilor Payne moved to return from Executive Session; Councilor Breen seconded. Motion carried 7-0.

Councilor Payne moved to approve the Addison Capital Credit Enhancement/TIF Agreement with the Town. Councilor Breen seconded the motion. Motion carried 7-0.

Public Forum

There was no public comment. Chair Armitage took the opportunity to address a newspaper story about the proposed Cedarwood Development in Cumberland. He explained that the Town of Falmouth was approached by Cedarwood and the town decided not to negotiate with them because the development was not consistent with the Route 1 Study and Comprehensive Development Plan.

Item 2: Consent Agenda

Item 2(a) Order to approve the minutes for the regular May meeting.

Item 2(b) Order to approve the minutes from the council organizational meeting of June 16, 2008.

Item 2(c) Order to approve the minutes for the regular council meeting of June 16, 2008.

Item 2(d) Order to approve the minutes of the special Council meeting of June 26, 2008.

Item 2(e) Order to appoint Councilor Teresa Pierce as the liaison to the School Department.

Item 2(f) Order to appoint Bryan Dench to act as the Town Attorney for employment and personnel matters when primary Town Attorney(s) have a conflict of interest.

Councilor Libby moved to approve the Consent Agenda items; Councilor Payne seconded. Motion carried 7-0.

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

Councilor Libby had no updates at this time.

Councilor Pierce discussed the Green Ribbon Commission's blog report held at Council Workshop. Although the group would like a blog, the town must obtain more information before linking it to the town website. She also reported that the Maze Craze at the elementary school is unsafe and will be taken down.

Councilor Wroblewski announced dates for several meetings: July 29 is the School Consolidation Transition, July 31 is a meeting with the CDC and Town Council, and the Charter Review Commission meets August 4. There was a brief discussion regarding the re-zoning of the Falmouth Corners area for a landowner who would like retail establishments in the area. Councilor Wroblewski thinks the Council should approve the contract zone for that parcel instead of changing everything. Councilor Rodden said the Council should help Mr. Richards first, but wondered about the rest of the neighborhood. Councilor Breen would like property filled and supports the re-zoning. Councilor Libby is in favor of immediate relief. He asked Amanda Stearns, Community Development Director, if she can be ready for the August meeting. Ms. Stearns reported that she has not constructed a conditional zoning agreement. Councilor Breen wanted to know if the new zone will be mixed use with apartments. Ms. Stearns explained that it will be a minimum of three months to get this done. The contract zone was sent to Amanda Stearns and CDC for a draft. Councilor Breen would like a recommendation from the CDC.

Councilor Rodden reported that the Mass Transit Committee received a good response to its survey and will report to the Council in October. The Recycling Committee is out in force with questions about silver bullets, how to manage them in the future, etc.

Councilor Payne had no updates at this time.

Councilor Breen announced the Governance Committee has finished its work plan and will discuss new items at the retreat. She will be joining GPCOG on an Aug. 14 trip to Nova Scotia to facilitate transportation/regional issues. The ad hoc Town Facilities Committee is on summer

hiatus. The Committee will meet in September so the public process can occur for the Plummer/Lunt site.

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

Councilor Payne announced that the Appointments Committee needs to fill a few open positions. Currently, there are openings on Workforce Housing, Conservation Commission, Harbor Committee and Recycling Committee. Interested persons should complete an online application through the town website. Any questions regarding Committee involvement should be directed to Amy at 781-5253, ext. 5318.

Councilor Payne moved to accept the resignation of John Winslow from the Harbor Committee, Councilor Wroblewski seconded. Motion carried 7-0.

Item 4b Order to vote for two candidates to the Maine Municipal Association's Legislative Policy Committee.

Chair Armitage announced the candidates: Anthony Payne, Steven Moriarty and William Schaffer. The Council voted to appoint Anthony Payne (6-0) and Steven Moriarty (6-0) to the Maine Municipal Association's Legislative Policy Committee.

Item 4c Order to appoint a Town Council Liaison to the Charter Commission.

Councilor Wroblewski provided an update on the Charter Review Commission. He thought it would make sense to have a liaison from the Council on the Commission. Councilor Libby wasn't sure that was a good idea. Councilor Rodden would like Councilor Wroblewski to participate – she saw no negatives. Councilor Payne agreed. Councilor Breen was conflicted and asked Peggy McGehee (former Councilor and current Commission member) for input. Ms. McGehee said it is helpful to have a current Councilor on the Commission and she appreciates Joe's involvement at the meetings. Councilor Libby asked Ms. McGehee if town staff attend the meetings and Ms. McGehee replied that the Town Manager and Assistant Town Manager are always there. Councilor Armitage believed there is enough representation from past Council members and current School members.

Councilor Rodden moved to appoint Councilor Wroblewski to the Charter Review Commission as a liaison from the Town Council. Councilor Payne seconded. Motion carried 5-2 (Breen, Armitage).

Item 5 Public hearing and order relative to a renewal food service establishment/victualer's license for The Woodlands Club and The Woodlands Snack Shack.

Councilor Libby moved to provide a renewal food service establishment/victualer's license for The Woodlands Club and The Woodlands Snack Shack. Councilor Breen seconded. Motion carried 7-0.

Item 6 Public Hearing and order relative to a new food service establishment/victualer's license for Circle K, #7061, 65 Gray Road, West Falmouth, ME.

Councilor Libby moved to provide a new food service establishment/victualer's license for Circle K. Councilor Breen seconded. Motion carried 7-0.

Item 7 Public Hearing and order relative to a new food service establishment/victualer's license for Personal Touch Catering/TD Banknorth and Kaleidoscope Pie Company.

Councilor Payne moved to provide a food service establishment/victualer's license for Personal Touch Catering/TD Banknorth and Kaleidoscope Pie Company. Councilor Breen seconded. Motion carried 7-0.

Item 8 Presentation from the School Department regarding the new elementary school construction project and order to schedule a special meeting for August 14, 2008, to approve an election warrant to seek voter approval of said project.

Karen Farber represented the school and requested a single question vote in October. The school has support from the State construction committee. Ms. Farber provided a review of the construction timeline and would like the Council to issue warrants in mid-August. The school could be ready for occupancy in fall 2011. The project would cost \$46 million with 87% funding from the state. A school meeting will be held on August 14th to discuss warrants. A straw poll is scheduled on August 6th to discuss concept and design. Ms. Farber's presentation was followed by a question and answer session with the Council. Town Manager Nathan Poore updated options for the timeline. He reported that a decision must be made tonight regarding whether the election should be held in October or November. Four council members supported holding an election in October. It was decided that October 7th would be the date. The special meeting was moved to August 19th. The School Board will meet on that day at 6:30 pm and the Council meeting will begin at 7:00 pm.

Item 9 Public Hearing and Order to enter into a Memorandum of Understanding with Tidewater, LLC, and the Tidewater Conservation Foundation regarding the use of areas referred to as TF1 and TF2 on the Tidewater Master Plan and an amendment to the current permitted uses to allow an agricultural learning center in TF1.

The Public hearing opened at 9:20 pm and closed at 9:40 pm.

Councilor Wroblewski raised a point of order, explaining that the Council rules were violated because the MOU was not received on time.

Councilor Armitage announced that he was ready to move forward with a decision. There was a discussion of a motion to appeal Councilor Wroblewski's ruling for Point of Order (Section 11).

He wanted the issue to be taken up at another business meeting when everything is in order. Councilor Payne wanted to know if the Council can suspend the rules. Councilor Wrobleski said it can be done if everyone agreed. Councilor Payne stated that if the information was received at the 11th hour, it needs time to be reviewed. Councilor Rodden has not read the document and will not vote on something unread.

Councilor Wrobleski moved to suspend the Tidewater item to August 25th, when everything is in order. Councilor Breen seconded. Motion carried 5-2 (Libby, Armitage).

Councilor Rodden wanted a special meeting before the end of July to discuss Tidewater. She suggested August 5th.

Councilor Rodden moved to hold a special meeting of the Council on August 5th to discuss Tidewater. Councilor Breen seconded. Motion carried 5-2 (Breen, Wrobleski).

Item 10 Report from Bob Shafto pertaining to the development of an event titled the Falmouth Green Expo.

Bob Shafto reported that there is no budget for the event. He would like some money to advertise, feed people, etc. Councilor Payne would like to see zero cost to the town. The Council would like a budget update closer to the event.

Councilor Payne moved to take Agenda Item 12 out of order; Councilor Rodden seconded. Motion carried 4-0 (Breen absent).

Item 12 Order to approve a supplemental appropriation from undesignated fund balance for the local home heating fuel assistance program.

Peggy McGehee spoke as a representative of Falmouth Congregational Church about fuel assistance. She distributed a letter from Paul Davis. The church would like to help. October 7th a roast turkey dinner will be held at the church from 5:00 - 6:30 pm. The town will allocate \$5,000 to the fund.

Councilor Payne moved to approve the allocation of funds; Councilor Breen seconded. Motion carried 7-0.

Item 11 Presentation by Theo Holtwijk, Director of Long-Range Planning, regarding finalizing the 2005 Route One Corridor Study.

Theo Holtwijk presented the Route One Corridor Study. He provided an overview and suggestions for improvements along Route 1. The Council will discuss his handouts at the retreat.

Item 13 Order to request the Conservation Commission to research current state laws, regulations and standards for outdoor wood boilers and to make recommendations to the Town Council regarding the Town's current ban on outdoor wood boilers.

The Council is seeking a recommendation from the Conservation Commission regarding the appropriateness of amending current local ordinance language. Councilor Libby would like the Conservation Commission to provide outreach to two citizens who were grandfathered in the process last year. The residents are Paul Gaudette and David Rudneck.

Councilor Payne moved to ask the Conservation Commission to research and provide findings no later than October. There was no second to the motion.

Councilor Libby moved to ask the Conservation Commission to provide findings at the September workshop. Councilor Breen seconded the motion. Motion carried 5-2 (Rodden, Wroblewski).

Item 14 Adjourn

Councilor Breen moved to adjourn the meeting; Councilor Libby seconded.

Meeting adjourned at 11:20 pm.