

**Town Council Meeting
October 27, 2008
DRAFT MINUTES**

Roll Call

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

Councilors Armitage and Wrobleski arrived late to the meeting.

Councilor Libby was absent.

Item 1 Presentation from the Maine Department of Transportation on long range improvements for I-295 and an update on expanded rail service in Southern Maine.

After a detailed presentation, there was a Q and A session with the Council.

Public Forum

There was no public comment.

Item 2 (Consent Agenda) Order to approve the September 22, 2008 Meeting Minutes

Councilor Breen moved to approve the minutes with one amendment. Councilor Pierce seconded. Motion carried 7-0.

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

Councilor Pierce had no report.

Councilor Wrobleski discussed the CDC's work with the Falmouth Corners property, which is on the agenda tonight. Also, they have discussed Route One Study and the Falmouth Shopping Center Charette. The CDC has suggested merging some of the issues of Route One with the proposed charette to get a richer dialogue. They are also suggesting that some of the issues of Route One would be better managed by a small committee including staff recommendations. They are planning on pursuing media connection on this charette.

Councilor Rodden reiterated Councilor's Wrobleski's comments regarding merging Route One issues with the proposed charette, in order to get more public input on these important issues. She said the Falmouth Green Expo had a good turnout, and she thanked Hannaford for the generous spread of food at the Expo.

Councilor Payne had no report.

Councilor Breen talked about her service on GPCOG; she will try to put that on the agenda in December. She talked about a breakfast meeting held with Committee/Board

chairs regarding a proposed ordinance streamlining terms for volunteers on Boards and Committees. The Town Manager has assigned a staff member to all Boards and Committees to assist with crafting and posting agendas/minutes on the website. She and Nathan Poore reported on a turkey dinner at the Congregational Church, which raised \$12,000 to date – half which will go to the food pantry, and half to the local fuel assistance fund. That money will be administered by PROP. Nathan Poore encouraged those who might need help to apply.

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

Councilor Payne gave the Appointments Committee report. The Appointments Committee recommends the selection of Paul Dobbins to the Harbor Committee.

Councilor Payne moved to accept Paul Dobbins as the nominee for the harbor Committee; Councilor Rodden seconded. Motion carried 5-0.

Councilor Payne presented the slate of election workers.

Councilor Rodden moved to approve the slate of election workers as presented. Councilor Pierce seconded. Motion carried 5-0.

Item 5 Presentation by the Cumberland County Soil & Water Conservation District on the Presumpscot River Watershed Initiative Grant project.

Matt Craig gave a presentation about the target watershed grant and some of the activities that have taken place in Falmouth.

Item 6 Public Hearing pertaining to school consolidation.

Councilor Armitage explained that this second public hearing is being held due to some confusion regarding the prior public hearing at the last Council meeting. That public hearing was held, but it was tabled until later in that meeting, leading some people to believe it had been tabled until today.

Karen Farber of 93 Foreside Road, a member of the school board, explained that the financial landscape has changed since the last Council meeting. The state has said the local school districts can only expect flat State funding for next year. She didn't feel that Falmouth could draft a stand-alone plan that would meet the requirements for cost savings under the law. She wanted to remind everyone that there is a lot of work still to be done, no matter how the vote turns out, and there are significant fiscal challenges ahead.

Charlie Hebson of 19 Carmichael Avenue said that, despite comments made at the School Board hearing, funding for the elementary school building will not be affected by consolidation. He felt the burden of proof rests with the proponents of consolidation. He is convinced that this plan is not the best for Falmouth. He didn't feel that the issue of

cost savings had been definitively answered. He felt that collaboration has not yet been tried. He still doesn't feel that consolidation makes sense for Falmouth.

Rachael Reed of 5 Hunters Way had two dilemmas with this plan – one academic and one financial. On the academic side, she has done research on the Internet about states like Maine with a different school structure. She spoke about several different states with various school structures. Her conclusion was that when towns get together and try to share these systems, they become more political and bureaucratic, and may spend more time trying to deal with the complexities and being distracted from their mission of educating the children. She also felt there was too little time to put together a plan properly. She said they should be taking years to do this, not months. If consolidation is our future, she felt the town needed a better plan. She thanked the school board for all their hard work.

David Peterson of 57 Foreside Road would support any suggestion that would result in a quality education for our students at a lower cost. This plan is too much about political considerations and too little about cost savings. There are actually known costs associated with this, normalizing the pay of SAD 51 teachers to Falmouth teachers for example. He felt that Falmouth would bear the cost of that.

Rusty Bennett of 8 Red Rock Road will vote no on the consolidation plan. His main problem with the plan is the absence of sufficient financial information to make a prudent decision. 15 months into the process, there is no compelling argument that real net cost savings are achievable, and in fact there is compelling evidence that this plan could be costly to Falmouth. He spoke about a lack of concrete financial information provided to the voters.

Beth Goodrich said that she has read the 34 alternate plans approved by the state and she finds it inconceivable that they could deny Falmouth and SAD 51 alternate plans based on what has already been approved.

Holly Winger of 12 Bayshore Drive had been told that school choice was not an option and yet the Superintendent of SAD 51 was touting school choice as a benefit. She felt that not having a clear, defined line on school choice at this late date means they can't support this today. She thought the town could afford paying the penalty for a year until they understand what they are getting into.

John Anderson of 27 Lunt Road, a Falmouth graduate, spoke about his feelings regarding school consolidation. He felt that education is the most important thing.

Patty Webber of 7 Astor Lane felt the legislation is ill-written. She said this plan offers no demonstrated savings, and will actually cost Falmouth money.

Fred Leighton of 5 Bayside Lane talked about the three issues of the penalty, population and savings. Over 40 communities have gotten approval not to reorganize and will not pay a penalty. He spoke about a projected decrease in population, which he doesn't believe will come about here in Falmouth. Regarding savings, the state has said both that there would be savings and then a few months later that there were no guarantees that there would be savings. He didn't want Falmouth to be a guinea pig on this issue.

Pam McTigue of 12 Fox Run Road wondered how a regional school unit as geographically big as what is proposed could possibly be more cost effective than Falmouth already is. She has waited for a year for an answer to that question, and she

still doesn't know. She felt they are being asked to vote for a blank check without knowing what it will cost. She wouldn't have moved here if it was part of a large school district, and she feels that consolidation would lead people with children to choose to live somewhere else.

Bob Vail of Cumberland Center has heard people say they've moved to Cumberland for the school system as well. Communities are built around people, and the school is only a part of it. If this passes it will not be a detriment to the community; everyone wants the best for all the children. He thought there were opportunities to make this a great school system.

Cathy Breen of 15 Falmouth Ridges Drive spoke about her service as a Councilor and how that has changed her perspective on consolidation. She traveled to Nova Scotia as part of GPCOG to find out how Nova Scotia does regional development, since Nova Scotia is very similar to Maine. In 1994 they amalgamated by order of the premier, and they told her that it was frightening and hard and messy, but it was the right thing to do and things have been better as a result. She feels that the town can't keep going like it is, with the school budget as large as it is and growing. She sees Falmouth as part of a large whole, and felt that we need to change how we administer our schools. She thought they couldn't find better partners to fit Falmouth than Cumberland and North Yarmouth.

Jeanne Hult stated that she is supporting school consolidation. The people of Cumberland have as much concern with their school as Falmouth does and she is not at all threatened by the prospect of partnering with them. She encouraged people to be open-minded about school consolidation.

Edie Pryzant of 18 Eureka Road said there is time to plan; this is not an imminent crisis. There is validity in the concern about impact to taxpayers and these concerns are echoed all over the state. She said if consolidation is approved it cannot be rescinded, even if the law is repealed by referendum next year.

Item 7 Public hearing and presentation from the Ad Hoc Committee on Mass Transportation per a charge directed by the Town Council earlier this year

Councilor Rodden presented a brief history of Falmouth's participation in Metro on a contractual level. Metro has said that Falmouth should join Metro as a full member or service will be discontinued. The Mass Transit Committee did a survey of Falmouth residents to evaluate the use of the bus, and whether it should continue. The results showed a strong support to keep the bus. They discussed how to maximize their use of the one bus that they want to pay for, and have therefore changed the route slightly. Joining Metro will mean paying \$112,000 plus \$28,000 to buy two used buses – one for the route and one for backup. Negotiations with the Metro Board continue, including how many members Falmouth has on the Metro Board, and how much JARC funding Falmouth would receive. A vote on this item will be held at the November 10, 2008 Council meeting.

Dan Knowles of 2 Oasis Landing works at Monument Square and uses the Metro everyday. He wanted to take the bus to change the way he thought. He is concerned with the amount of oil the United States uses. He likes the idea of the route change that is

proposed and the JARC funding. He wondered if the committee has considered park and ride.

Lauren Silversen of 6 Hammond Rd, takes the bus everyday to work in downtown Portland. She would hate to see it go away.

Irene Gilika of 11 Chester Ave feels there is a segment of the population that cannot afford a car and needs the bus. She uses it and doesn't know what she would do without it.

Maddy Agnew of 4 Avon Road says the bus is helpful for her if her mother doesn't want to drive her to the movies or shopping.

Joel Rogers of 366 Woodville Road is the administrator of Falmouth by the Sea and has many employees that commute, and many who are entry level. Having the bus drive by will help them attract people to fill those entry-level positions. They could also use the bus to take residents on different activities in Portland. They are willing to adjust their work shifts to align with the bus schedule.

Meg Hurdman of 8 Carroll St. was concerned that having a city bus would lead to more city problems, littering, petty crime, etc. She wondered about the cost/benefit analysis of gas savings versus how many people are actually riding the bus.

Claudia King of 160 Woodville Rd. thought the Metro report was a great piece of work. She was excited by what she saw. She thought this will increase ridership and ownership by people of the town.

John Radebaugh, from OceanView, has worked with economically disadvantaged people all his life, and he felt that public transportation provides a means for those people to be independent. He felt the automobile is archaic and causes a lot of difficulty: accidents and contamination of the air.

Item 8 Public Hearing regarding language relative to a new Ordinance concerning the terms of members of Boards, Commissions, and Committees.

There was no public comment.

Nathan Poore brought to the Council's attention that there were revisions to the proposed ordinance that were posted this evening. These were not substantive changes. He answered several questions by Councilors.

The Council discussed whether the modifications made since the introduction were substantive and would require another public hearing. They discussed the option of re-introducing the item tonight, and scheduling another public hearing, but this would require waiving the rule that agenda items be received at Town Hall no later than noon on Thursday.

Councilor Breen moved to waive the rule that introductions must be received at Town Hall no later than noon on Thursday and to re-introduce the item with the changes that have been made. Councilor Rodden seconded. Motion carried 6-0.

A public hearing will be held at the November 22 meeting.

Item 9 Public Hearing regarding recommendations from the Community Development Department for amendments to the fees and guarantees that the Town collects for review, inspection, and guarantee of development projects.

There was no public comment.

Item 10 Order to approve the amendment to the Zoning and Site Plan Review Ordinance to allow the keeping of poultry in all residential districts.

Councilor Wroblewski and Breen reported that a memo was received by LPAC at their public hearing.

Councilor Breen pointed out one change to the amendment, which restricts properties to having one chicken coop per household in the RA and RC districts. These changes do not affect those districts where poultry was already allowed.

Councilor Rodden said she has received an email from a resident who was concerned with the manure issue.

Councilor Breen explained that the State of Maine requirements are now incorporated into the ordinance for clarity.

Councilor Breen moved to approve the order, Councilor Payne seconded. Motion carried 6-0.

Item 11 Order to consider a request from AT&T for a conditional rezoning under the Chapter 8, Article X of the Code of Ordinances for change of use from a Tier II tower to a Tier III tower on ML 356 US Rte.1 Map U53 Lot 004.

Councilor Wroblewski moved to approve the order; Councilor Breen seconded. Motion carried 6-0.

Item 12 Introduction of an amendment to Chapter 9, Article IV (Coastal Waters Ordinance).

Steve Archambault, Harbor Committee Chair, explained that the majority of changes are just wording. Also included is a request to eliminate storage of personal dinghies, and to expand the municipal fleet of dinghies. Harbormaster Cady has suggested a fleet of between 8-10 dinghies.

Nathan Poore clarified that commercial fishermen and those persons with handicaps will still be allowed to receive dinghy permits.

Steve Archambault further clarified that people would still be allowed to haul in a dinghy, just not store it in the Harbor. Most of the suggested amendments are dependent on the removal of the dinghies but he discussed some of the other requested amendments.

Councilor Payne requested that all current dinghy permit holders receive notice of the public hearing. The Council asked that all mooring holders receive a notice.

A public hearing will be held at the November 24 meeting.

Councilor Rodden moved to take Item 16 out of order. Councilor Wroblewski seconded. Motion carried 6-0.

Item 16 Introduction of a contract zoning district for 234 Middle Road to accommodate limited retail use due to the unique properties of the building and lot.

Councilor Wroblewski introduced the item. The CDC wanted to expand the allowable uses for the building, but didn't want to allow dramatic change in use and appearance.

The Council discussed some of the particulars of the site.

A public hearing was scheduled for the meeting on November 10, 2008.

Item 13 Introduction of an amendment to Chapter 6, Article 6, Section 6.68, Appendices A-C of the Falmouth Town Ordinance that will change maximum levels of income and expenses for General Assistance program.

A public hearing was scheduled for November 10, 2008.

Item 14 Introduction of an amendment to Chapter 17, Traffic and Motor Vehicles, section 17-92, sub section D, of the Town Ordinances.

Councilor Rodden asked that notice be sent to the residents of Andrews Ave.

Item 15 Introduction of amendments to the Zoning and Site Plan Review Ordinance and the Code of Ordinances to provide for appeal to the Board of Zoning Appeals for Mislocated Single-Family Dwellings and further to authorize the Town Council to grant a Consent Agreement for such mislocated dwellings.

A public hearing was scheduled for November 10, 2008.

Item 17 Order to go into Executive Session pursuant to the Laws of Maine to discuss the possible acquisition of land, pursuant 1 M.R.S.A. § 405 (6) (C).

Councilor Breen moved to go into executive session. Councilor Rodden seconded. Motion carried 6-0.

The Council returned from executive session.

Councilor Breen moved to authorize the Town Manager to execute a purchase and sale agreement to purchase land owned by Sheila T. Beasley and identified as Tax Map U16-011 for an amount not to exceed \$50,000 with conditions and other considerations as may be deemed in the best interest of the town. Councilor Pierce seconded.

Nathan Poore explained that this parcel abuts Underwood Park. This would expand the park's acreage. It does not abut Route 88.

Motion carried 6-0.

Adjourn

Councilor Breen moved to adjourn the meeting. Councilor Rodden seconded. Motion carried 6-0.

Respectfully submitted,

Ellen Planer
Interim Town Clerk