

**Town Council Special Meeting and Workshop  
November 10, 2008  
DRAFT MINUTES**

**Roll Call**

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

Absent: Councilor Wrobleski.

**Item 1     Order to certify the election results for the Municipal election on October 7, 2008.**

Councilor Libby moved to approve the order; Councilor Pierce seconded. Motion carried 6-0.

**Item 1 (a) Order to certify the election results for the Municipal election on November 4, 2008.**

Councilor Pierce moved to approve the order; Councilor Libby seconded. Motion carried 6-0.

Councilor Breen thanked Interim Town Clerk Ellen Planer and entire town staff for their extraordinary efforts with both elections.

**Item 2     Resolution in recognition of Yardie's retirement, outstanding service and accomplishments in the Town and region. (Yardie is the Falmouth Police Department's Canine unit.)**

Councilor Libby moved to adopt the resolution; Councilor Breen seconded. Motion carried 6-0.

Councilor Armitage read the resolution into the record. Chief Tolan spoke about Yardie.

**Item 3     Resolution in recognition of the 2008 Falmouth Junior Varsity Gold Youth football team and its recent accomplishments.**

Councilor Pierce moved to adopt the resolution; Councilor Libby seconded. Motion carried 6-0.

Councilor Armitage read the resolution into the record.

**Item 4            Public hearing for a conditional zoning district for 234 Middle Road to accommodate limited retail use due to the unique properties of the building and lot.**

Councilor Armitage opened the public hearing

Steve Bowman testified that he had the building under contract and wants to put in a small retail/destination retail store, not a variety store. He would like to know what he can do at the location. Community Development Director Amanda Stearns spoke about the amendment which would permit expansion for non-residential uses at the site. This zone allows for a variety of new uses, all of which will require a conditional use permit from the Board of Zoning Appeals. Mrs. Stearns briefly highlighted the type of uses that would be permitted and some of the requirements that would have to be met.

Councilor Rodden asked Mrs. Stearns what would be allowed in front of the building.

Mrs. Stearns clarified that there would be no outdoor displays for advertising purposes in the front or back of the building. The paved portion in front of the building is actually owned by the Maine Department of Transportation, and the Town will work with the DOT about this matter. Narrowing the curb will be the applicant's responsibility, but determining how that will happen will be a bit of a challenge.

Chris Richards owns 234 Middle Road. He would like to thank the Council. He understands this is a long process, and thanks Amanda Stearns and Nathan Poore for meeting with him.

Councilor Armitage closed the public hearing.

Councilor Payne asked about enacting the new Ordinance and MDOT's involvement with the curb cut; he wondered about any town obligation.

Mrs. Stearns said she didn't believe there would be any town obligation; the town regulates curb cuts in the Urban Compact. She discussed further the issues of parking on the site, and suggested an amendment to the proposed ordinance allowing parking on the gravel portion of the site.

Councilor Armitage asked the best method of accomplishing this. Both Nathan Poore and Mrs. Stearns recommended moving forward with an order on the current amendment for a vote on November 24, and then issuing a separate amendment to address the parking issues. The Council agreed to that approach.

**Item 5            Public Hearing for an amendment to the Code of Ordinances to adopt the 2008 Electrical Code.**

There was no public comment for this item.

**Item 6            Public hearing for amendments to the Zoning and Site Plan Review Ordinance and the Code of Ordinances to provide an appeal process to the Board of Zoning Appeals relative to Mislocated Single-Family Dwellings and further to authorize the Town Council to grant a Consent Agreement for such mislocated dwellings.**

There was no public comment for this item.

**Item 7            Public Hearing regarding an amendment to Section 4-77 of the Code of Ordinances relative to removing the moratorium on outdoor wood boilers and adopting new regulations permitting their use.**

Councilor Armitage opened the public hearing.

Paul Gaudette has operated his wood boiler for several years. He likes the ordinance and hopes the Council will adopt it. He hasn't heard any complaints from neighbors.

The public hearing was closed.

**Item 8            Public hearing regarding an amendment to Chapter 17, Traffic and Motor Vehicles, section 17-92, sub section D, of the Town Ordinances.**

Councilor Armitage opened the public hearing.

Liz Bryan lives across from the four parking spaces in question on Andrews Ave. She has noticed serious traffic issues in the last few years; she has been there since 1967. She was concerned about trash issues, crime and issues associated with people from out of town who are using the spaces. She didn't want to deny anyone access to the island. She felt like "we're back to square one" with the parking spaces.

Julie McDonald, of Andrews Ave, has lived there for 55 years. She would like to go on record about horrendous traffic on the street. Since three schools have located on the island the problem is much worse. The state doesn't want people on Mackworth so they won't add parking spaces on the island. She objects to opening spaces to people outside Falmouth.

The public hearing was closed.

Councilor Rodden asked Chief Tolan to answer questions. Chief Tolan said enforcing the time limit would be difficult. He said they don't have traffic enforcement/parking control officers. They would have to send a patrol officer to chalk tires.

Councilor Pierce asked how long these four spaces have existed. Chief Tolan said they have been there for two years; they were put in at a Councilor's suggestion after an incident where the fire truck could not get down the street with cars parked on both sides on the street. Chief Tolan said he will enforce either way – with stickers or without.

Councilor Armitage thought the residents were in support of stickers for parking.

Several of the residents present indicated their support for stickers with no time limit.

**Item 9            Public hearing regarding 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.**

There was no public comment for this item.

**Item 10           Order to join Metro - Greater Portland Transit District, as a full municipal member, subject to an amendment in State law, pertaining to permanent membership options with terms and conditions \*acceptable\* to the Town of Falmouth, and furthermore, to authorize the Town Manager to execute any and all agreements associated with an interim or transitional membership period until amendments to State laws are enacted.**

Councilor Libby moved to approve the order; Councilor Pierce seconded.

Councilor Rodden gave an update about the number of Falmouth members on the Metro Board. Two members have been agreed upon. To become a member, the current law must be amended to include Falmouth but a bill probably won't pass until February or March. Councilor Rodden discussed division of the JARC funding, marketing, etc. If Falmouth joins Metro, it will be the first time in more than 20 years that another town has joined Metro.

Councilor Armitage asked what the town would expend this year and how is it budgeted if this is approved tonight. Nathan Poore explained that it would increase from \$86,000 to maybe \$140,000, depending on the proration. On July 1, that would increase to \$160,000.

Councilor Payne asked if bus replacement is included in the fee; Councilor Rodden said it is. Councilor Payne was concerned about waiting too long to implement a study and marketing plan.

The Council has no objection to pursuing Option 4 for the Metro bus route.

Motion carried 6-0.

**Item 11           Order to approve amendments to the fees and guarantees that the Town collects for review, inspection, and guarantee of development projects. Staff recommends an effective date of January 1, 2009.**

Councilor Libby moved to approve the order; Councilor Pierce seconded. Motion carried 6-0.

**Item 12      Order to authorize a supplemental appropriation, in the amount of \$125,000, for costs associated with the acquisition of open space, such funds be transferred from undesignated fund balance.**

Councilor Armitage asked Nathan Poore for a review. Mr. Poore explained about borrowing money from “ourselves” for \$125,000 to fund Open Space. Councilor Pierce asked if the Town would pay interest; the answer was no. Councilor Rodden asked about future land purchases. Mr. Poore explained that future supplemental appropriations will be considered.

Councilor Libby moved to approve the order; Councilor Pierce seconded. Motion carried 6-0.

**Item 13      Discussion about whether to use of a real estate agent to assist the (Workshop) town with open space acquisitions.**

The Council discussed using a real estate agent to negotiate open space acquisitions. The consensus of the Council was to get a legal opinion from the Attorney General on this issue.

**Item 14      An update to the Council on how the sudden drop in the recyclables (Workshop) market is affecting ecomaine and its member towns.**

**Other Business**

Councilor Breen announced that the Finance Committee will meet on November 20 from 9:00 – 11:30AM at Town Hall. The school budget workshop is Saturday, February 28.

**Adjourn**

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

Meeting adjourned at 9:07 pm.

Respectfully submitted,

Amy Lamontagne  
Asst. Town Manager

Melissa Tryon  
Administrative Assistant