

**Town Council Meeting**  
**January 25, 2010**  
**DRAFT Minutes**

The meeting was called to order at 7:00 pm.

**Roll Call**

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

Councilor Libby and Councilor Armitage were absent.

**Public Forum**

Chair Breen opened the Public Forum. There was no public comment.  
Chair Breen closed the Public Forum.

**Item 1 (a)                      Order to approve the minutes of the November 9, 2009, Town Council Special Meeting and Workshop.**

**Item 1 (b)                      Order to approve the minutes of the November 23, 2009 Town Council Meeting.**

**Item 1 (c)                      Order to approve the minutes of the December 14, 2009 Town Council Meeting.**

Councilor Pierce moved to approve the Consent Agenda; Councilor Chase seconded.  
Motion carried 6-0.

Councilor Rodden asked to remove item 1 (b) from the consent agenda and instructed the Town Clerk to amend item #6 by adding the eight recommendations from the Green Ribbon Commission.  
Motion carried 5-0.

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

Councilor Rodden reported Metro will be proposing a fare hike and a slight increase in the Falmouth subsidy of \$4,120 because of receiving less money from the Federal Government and the State. There will be a public hearing on the fare increase proposal on February 10, from 6:00-7:00 pm at Central Fire Station on Bucknam Road.

Councilor Payne commented he attended an extremely efficient Legislative Policy Committee meeting last week where there were about 150 bills to consider and about 25% recommendations were made on.

Councilor Pierce stated the Library would be holding their annual Beauty and the Beast fundraiser starting on March 1 and ending with a reception on March 25. Pierce encouraged the public to go to the library and check out the local artists in the silent auction. The School Board is still working on the budget. The next meeting concerns Pay to Play and is scheduled for February 1, at Falmouth High in the music room. The Finance Committee has launched a Budget Survey. Councilor Piece said the response has been very strong. The survey closes on February 2.

Councilor Chase reported there has been a lot of trail work in Falmouth with FTAC and the Open Space Committee. Some of the work has been a user friendly map of the trail, clearing of trails, snowshoe hikes and new boundaries marked. FTAC has appointed a new chair Fred Masciangelo. The Open Space Committee has received a \$72,700 mitigation grant to protect vernal pools. The Harbor Committee will be taking some people off of the mooring list.

Chair Breen reported the Communities Facilities Planning Committee will be meeting at 7:00 pm on January 28 upstairs in the large meeting room. The Committee has been putting together some interesting numbers for potential renovation of the elementary school site. The Committee will be presenting recommendations to the Town Council on solving facility needs in various ways.

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

Councilor Pierce moved to appoint Rebecca Casey to regular member and William Brogan to associate member of the Planning Board, and Donald Russell to Zoning Board of Appeals as an associate member; Councilor Rodden seconded. Motion carried 5-0.

**Item 4                      Order to accept Arborside Drive, Wisteria Circle and Ledge Rock Circle in Foreside Arbors as public streets.**

Amanda Stearns, Community Development Director explained that the following three conditions were met:

- Submittal of recordable as-builts
- Submittal of a defect guarantee in the amount of \$10,000
- Submittal of payment for out-of-pocket expenses

Chair Breen read the following order:

**WHEREAS**, Arber Development, Inc. is the owner in fee of certain roads in the Foreside Arbors subdivision located off Johnson Road in the Town of Falmouth;

**WHEREAS**, Arber Development has proposed that those roads be accepted by the Town as public streets pursuant to the Falmouth Code of Ordinances Section 14-54, et seq.;

**WHEREAS**, the proposed acceptance has been reviewed and recommended by Town staff as required by ordinance;

**WHEREAS**, Arber Development has posted a performance guarantee pursuant to Ordinance Section 14-58 that is satisfactory to the Town and has otherwise complied with the requirements of the Falmouth Code of Ordinances, Chapter 14, Article II, Division 2; and

**WHEREAS**, the Town Council finds that acceptance of the proposed streets is in the public interest and complies with Ordinance Section 14-56(1).

**NOW THEREFORE, be it ordered by the Town Council of the Town of Falmouth, Maine in Town Council assembled that:**

The Town of Falmouth, pursuant to 23 M.R.S.A. §3025 and the Falmouth Code of Ordinances, Chapter 14, Article II, Division 2, accepts as public streets Arborside Drive, Wisteria Circle and Ledge Rock Circle as shown on a plan entitled "Subdivision Plan of Foreside Arbors, Johnson Road, Falmouth, Maine for Arber Development, Inc." dated December 23, 2002, revised through May 23, 2003, and recorded at the Cumberland County Registry of Deeds in Plan Book 203, Page 326 and on another plan entitled "Plan of Foreside Arbors, Phase 2, Johnson Road, Falmouth, Maine for Arber Development, Inc.," dated April 18, 2005, revised through February 2, 2006, and recorded at the Cumberland County Registry of Deeds in Plan Book 206, Page 248 and as further described in Exhibit A to the Warranty Deed from Arber Development, Inc. to the Town of Falmouth attached hereto.

Councilor Pierce motioned to accept the order as read by Chair Breen; Councilor Payne seconded. Order Passed 5-0

**Item 5                      Presentation of the Natural Resources Report by the Long-range Planning Committee and hearing for public input.**

Chair Breen explained this is the first public hearing for general comments and suggestions from the public and the Council for the Committee to consider. If there are no changes then the CDC will bring it for a formal introduction. Councilor Pierce agreed with Breen that this was an important point to consider the feedback for possible amendments before the item was formally introduced. Chair Breen recognized the number of hours and hard work put in by Amanda Stearns and the LPAC Committee. LPAC's outgoing chair Hugh Smith and member Kurt Klebe made a presentation and answered many questions from the Public.

**Item 6                      Discussion about the status of the current Comprehensive Plan 2000 and options for updating the current Plan**

This item was tabled and rescheduled to one of the February 2010 Town Council meetings

**Item 7                      Resolution to accept a grant from the State of Maine for the acquisition of Open Space properties.**

Councilor Payne motioned to accept a Resolution regarding Land for Maine's Future Grant

“**WHEREAS**, the Town of Falmouth, Maine seeks partial reimbursement of the purchase price of the following properties in Falmouth, Maine already acquired by it in furtherance of its open space program and in consideration of the Conservation Easements on said properties granted by the Town to the Land for Maine’s Future Program:

- Town Forest Winn & Field Roads 21.00 acres R03-007
- Harriman Field Rd 29.90 acres R03-076-00B
- Paddock Way Winn Rd 10.00 acres No lot #, abuts R03-002
- Community Park Winn Rd 20.00 acres R03-002, Northern portion
- Stiles & Stiles Winn Rd 20.70 acres R06-012
- Stiles & Terison Winn Rd 16.44 acres R06-014
- Old Rte 202 Winn Rd 3.79 acres R06-010
- Dr. Philmoore Winn Rd 10.17 acres R06-015

**WHEREAS**, a portion of the project funding will be funded by a grant from the State of Maine Land for Maine’s Future Program, which such grant will require restrictions on the use of the property as a condition of the grant.

**NOW THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Falmouth, Maine, in Town Council assembled, as follows:

1. That the Town of Falmouth, Maine, acting by and through its Town Manager, is authorized to accept a grant from the State of Maine for the acquisition of the above properties and to encumber the property with permanent restrictions on its use as outlined in a Project Agreement with the Maine Department of Conservation.
2. That the Town Manager is hereby authorized to sign any document he believes to be reasonably necessary or convenient to the completion of any of the transactions described above.”

Councilor Pierce seconded. Motion carried 5-0

**Item 8                      Order to approve a six-month extension for the Time Warner Cable Franchise Agreement and to authorize the Town Manager to execute the agreement.**

Councilor Payne motioned to approve the order; Councilor Pierce seconded. Motion carried 5-0.

**Adjourn**

Councilor Rodden moved to adjourn; Councilor Chase seconded. Motion carried 5-0.

Meeting adjourned at 9:20 pm.

Respectfully submitted,

Ellen Planer  
Town Clerk