

**Town Council Meeting
DRAFT Minutes
May 24, 2010**

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

Roll Call

All Councilors were present and answering roll call.

**Item 1 Resolution recognizing the Falmouth Middle School Jazz Band
“Iron Twinkies” for winning the 2010 Maine State Jazz Band
Championship for Division I.**

Councilor Pierce read the resolution.

Councilor Chase moved the resolution; Councilor Libby seconded. Motion carried 7-0.

Item 2 Resolution recognizing Chadwick Prichard.

Councilor Rodden read the resolution.

Councilor Rodden moved the resolution; Councilor Pierce seconded. Motion carried 7-0.

**Item 3 Resolution in support of the planning and development of a
contiguous trail from Sebago Lake to Casco Bay.**

Roger Berle of 11 Oasis Landing, representing the Sebago to the Sea Coalition, read the resolution.

Councilor Pierce moved the resolution; Councilor Rodden seconded.

Mr. Berle answered several questions from Councilors and members of the public.

Motion carried 7-0.

Item 4 Order to approve proposed amendments to the Council Rules.

Councilor Payne withdrew his proposed version from consideration.

Councilor Rodden moved to approve the proposed amendment as submitted by Town Attorney Bill Plouffe on May 19; Councilor Libby seconded.

Public comment period opened.

Mike Doyle spoke about recent events at Council meetings, his comments in letters to the Councilors and comments made by Councilors toward members of the public.

Public comment period closed.

Fred Chase spoke about his time on the Council and asked people to be in contact with him and speak out at meetings. He felt that there will always be people who violate rules and they need to deal with those people. They don't need to change the rules to do so.

Councilor Payne took a hard look at the rules they have today. He felt that they have the tools already there for the Chair to conduct the meetings as they see fit. He doesn't want to limit free speech. They have an expectation as neighbors to treat each other with respect. There are other remedies in place to deal with threatening behavior.

Councilor Libby agreed with Councilors Chase and Payne.

The Councilors discussed other options to deal with threatening behavior. They discussed these options with Police Chief Ed Tolan.

Councilor Armitage was concerned the proposed rules changes go too far; he felt there were some adjustments they could make to further clarify some things.

Councilor Pierce felt the rules imply but don't quite lay out that the Chair has the right to cut off debate, and she wondered about more tweaking around that.

Councilor Rodden felt there were times where the speech that has gone on at Council meetings has gone too far. Other communities, the state legislature and even the Forecaster have rules on how people speak to each other. She is in support of the resolution.

Chair Breen felt the rules are clear in the authority of the Chair. She wondered what you do when the Chair is under attack and using that authority only leads to an escalation of the behavior. In this case she felt the rules were inadequate. She said this language puts it on paper what people can't do, instead of the Chair's authority saying what people can and can't do.

Councilor Libby moved the question.

Motion failed 7-0.

Item 5 Public Forum.

Alan Donald of 413 Blackstrap Road thanked all the Councilors for their public service to the Town and praised their work.

Barbara Dibiase of 221 Middle Road invited the Councilors to the Library on Thursday, May 27 to see the movie "Chemical Reaction" about the effects of pesticides.

Michael Doyle spoke about the letter he sent to Councilor Rodden and said it was not a threat to her or to her family, but a warning. He said she was not qualified to sit on the Council and gave his reasons for this opinion.

Rod Duckworth of 16 Cavendish Road spoke about the Maine Heritage Museum at 60 Woods Road. They are doing a summer program this year, with docents speaking about the history of the Town and how it has evolved as well as the history of the house itself. The programs will run every Saturday from June 19 to September 18. Heritage Days will be on the 11th.

Faith Varney of 69 Falmouth Road expressed her thanks to the Councilors for doing an excellent job.

Chair Breen closed the public forum.

Item 6 (a) Order to approve the minutes of the April 12, 2010, Town (Consent Agenda) Council Special Meeting.

Item 6 (b) Order to approve the minutes of the April 26, 2010, Town (Consent Agenda) Council meeting.

Item 6 (c) Order to sign the corrected Municipal Official Election Warrant. (Consent Agenda) M.R.S.A.30-A 2528.

Councilor Armitage moved to adopt the Consent agenda; Councilor Libby seconded. Motion carried 7-0.

Item 7 Report from Council Committees and liaisons regarding updates on assignments.

Councilor Pierce reminded people that the Budget Validation Referendum is on June 8.

Councilor Chase apologized to the Harbor Committee and to Steve Archambault for an email that he sent to them.

Chair Breen reported that the Facilities Committee will report to the Council at the June meeting. The GPCOG annual meeting is on May 26 at 11:30am. Falmouth will be recognized by GPCOG for recent efforts on video production and video archiving.

Councilor Payne had no reports.

Councilor Armitage reported that the One Falmouth Committee is meeting on June 1 at 8:30 am.

Councilor Rodden reported that Community Development Committee will meet on June 1 from 5:00 pm to 7:00 pm to work on the Natural Resources amendment, not the Route One project as previously planned.

Councilor Libby had no report.

Chair Breen added that the Municipal Banquet is on June 24 at the Falmouth Country Club.

Item 8 Report from the Appointments Committee and order relative to filling various vacancies on Boards and Committees.

Councilor Pierce read the list of nominees to the Voter Registration Appeals Board. Clerk nominee: William Merten; Democratic Party nominee: John Brautigam; alternate Pam Fenrich; Republican Party nominee: Sandra Davis, alternate William Gardiner.

Councilor Pierce moved to appoint the slate of nominees as read; Councilor Rodden seconded. Motion carried 7-0.

Councilor Pierce moved to appoint Caleb Hemphill to the Falmouth Trails Advisory Committee and the Open Space Committee. Councilor Libby seconded. Motion carried 7-0.

Item 9 Public hearing regarding a proposed street light reduction program and order to approve the list of proposed lights scheduled for removal.

Nathan Poore, Town Manager, explained why they are proposing reducing the number of street lights, and how they determined which lights to remove. He discussed some of the comments they have received to date.

Chair Breen clarified that the Council are not at a final decision yet. They will listen to public comment and then staff will take another crack at it.

Chair Breen opened the public hearing.

There was much public comment. Many members of the public spoke about specific street lights; some spoke about the plan in general.

The Councilors discussed some specific street lights, and the process in general. Nathan Poore said they would review those lights raised by the public and would bring it back to the Council at the June meeting.

Item 10 Resolution to accept and approve with or without conditions, the Energy and Climate Protection Plan, dated February 8, 2010, and prepared by the Falmouth Green Ribbon Commission.

Councilor Armitage has revised the summary table that assigned tasks to standing committees. He felt the Council should identify what items they did or didn't want to take action on.

The Councilors discussed how best to move forward. They agreed to hear from a member of the committee.

Claudia King, 160 Woodville Road, discussed how the Commission reached their recommendations. Some of them are ready to implement, some of them need more work. She felt that this is a really good climate action plan and she encouraged the Council to accept it.

Councilor Rodden asked if the Commission could prioritize the recommendations.

Ms. King felt it was a two way street, and the Commission, staff and the Council should work together on prioritizing.

Jed Wright, Vice Chair of the Commission, pointed out that there was some prioritization referenced in the plan.

Chair Breen suggested a work session with two councilors and two committee members to go through and prioritize the recommendations. Councilors Pierce and Payne offered to represent the Council. Nathan Poore and Randy Davis from the staff will attend as well.

No action was taken on the resolution.

Item 11 Order to authorize a supplemental appropriation from undesignated fund balance for unanticipated high expenditures in General Assistance.

Councilor Armitage moved to adopt the order; Councilor Libby seconded.

Nathan Poore discussed the dramatic increase in clients served by General Assistance in the last few years.

Motion carried 7-0.

Item 12 Order to adopt the Natural Resources amendment to the Zoning and Site Plan Review Ordinance, the Subdivision Ordinance and the Planning Fee Schedule.

Councilor Rodden said the CDC has not yet met to address the concerns of the Planning Board.

Councilor Rodden moved to table the item. Councilor Libby seconded. Motion carried 6-0 (Payne absent).

Item 13 Request and introduction from Councilor Fred Chase regarding a proposed amendment to the Zoning and Site Plan Review Ordinance to alter the required Open Space for Resource Conservation Developments and the amount required for net residential area.

The consensus of the Council was to reschedule this item to a later date.

Item 14 Order to appoint Warden, Ward Clerk, Deputy Registrar, and Election Clerks for the June 8 Election.

Councilor Armitage moved to approve the order, Councilor Pierce seconded. Motion carried 7-0.

Item 15 Order to go into Executive Session pursuant to the Laws of Maine to discuss the nomination of the annual Citizen of the Year Award, pursuant 1 M.R.S.A. § 405.

Councilor Libby moved to enter Executive Session; Councilor Pierce seconded. Motion carried 7-0.

The Council did not return from executive session.

Meeting adjourned.

Respectfully submitted,

Melissa Tryon
Administrative Assistant