

**Town Council Meeting
DRAFT Minutes
June 21, 2010**

Roll Call

All Councilors were present and answering roll call.

Public Forum

Pauline Frankenfield, 138 Blackstrap Road, thought there should be a sign or something on the curve on Blackstrap where there was a fatal accident earlier this week. She has lived there three years and there have been three accidents.

Merle Nelson, of 14 Menikoe Point Road, congratulated the Councilors on their election and thanked all the Councilors for their service. She felt that 6 weeks before the election is a long time to have signs on public property. She suggested 2-3 weeks.

Mike Doyle of Shady Lane had several suggestions for how the Councilors should conduct themselves in the new Council year. He spoke about police presence at Council meetings. He stated that he would no longer be pursuing a recall of Councilor Breen.

Item 1 Report from Council Committees and liaisons regarding updates on assignments.

Councilor Chase stated that the Trails Committee has posted a trail sign on the bridge over the Piscataqua on Falmouth Road. He wanted that trail closed indefinitely because he felt they should not encourage people to come out that gate. As traffic approaches that corner, it can be very dangerous. There is zero sight clearance.

Councilor Payne suggested that this issue and the issue Mrs. Frankenfield spoke about be referred to Public Safety.

At Councilor Breen's request, Councilor Chase described the trail and its location.

Councilor Breen said the METRO coalition is getting closer to a regional economic proposal.

Councilor Pierce said the BVR passed almost 4-1, and the BVR will continue for the next 3 years. The school decreased the budget for last year and accommodated a large curtailment as well. She spoke about the construction going on at the school campus. The school administrative offices will be closed on Fridays for the summer.

Councilor Rodden asked about the police officer at the corner of Woodville and Falmouth. Councilor Pierce thought that might be a town issue, and would have to look into it.

Item 2 Report from the Appointments Committee and order relative to filling various vacancies on Boards and Committees.

Councilor Pierce reported that appointments had no nominations tonight, but said that Faith Varney's election to the Council leaves a vacancy on PACPAC.

Councilor Payne reported that the Ultimate Frisbee team won the state championships.

Item 3 Public Hearing and order to renew food service/victualers licenses for: American Legion Post 164, Bernie's Place & Pizza Pub, Bernie's Foreside/Mister Bagel, Black Cherry Provisions, Church of St. Mary the Virgin, Circle K #7067, Cork & Barrel, Dunkin Donuts (Gray Rd), Dunkin Donuts (Route 1), European Bakery Inc, Falmouth By The Sea, Falmouth House of Pizza, Family Ice Center, Falmouth Little League, Falmouth Sea Grill, Falmouth School Food Service, Falmouth 10 Cinema, Foreside Community Church, Holy Martyrs Parish, Handy Boat Service, Inc, Hannaford Food & Drug #222, Harmon's Lunch, Kaleidoscope Pie Company, Leavitt & Sons, Lotus Chinese Restaurant, Maine Lobster & Seafood Co., Maine Roasters Coffee, McDonald's, Mothers Mountain, Nina's Variety, Nouria Energy/Falmouth Car Wash, Nouria Energy/Lil Mart, Personal Touch Catering, Portland Country Club/Pool Café, Portland Country Club, Portland Yacht Club, Professional Catering Services, Inc, Restwend LLC/Wendy's, Ricettas, Rite Aid #3278, Shaw's Supermarket #7651, Stonyfield Café, Subway, Super Scoops, The Cookie Gallery, The Foreside Tavern & Side Bar, The Woodlands Club/Short Stop, The Woodlands Club/Restaurant, Town Landing Market, Tyler Technologies/Grab a Byte Café, Waldo's General Store, Wal-Mart Store #2659, West Falmouth Baptist Church.

Councilor Payne opened the public hearing. There was no public comment.

Councilor Pierce moved to renew the licenses as read; Councilor Breen seconded. Motion carried 7-0.

Item 4 Public Hearing on an amendment to the Code of Ordinances relative to Street Acceptance.

Councilor Payne opened the public hearing.

Susan Love of 5 Mountain Road said that while working for the US Census, she discovered that there is a conflict on whether Rock-a-Way Road has hyphens or not in its name. She felt this was a problem.

Councilor Payne closed the public hearing.

An order will be scheduled for the next available meeting.

Item 5 Public input on a proposed street connectivity policy presented by the Ordinance Committee.

There was no public comment. An order will be scheduled for the next available meeting.

Councilor Breen stated that the proposed ordinance and policy do not say that the Town will no longer be accepting dead-end streets. She asked if that was correct.

Amanda Stearns, Community Development Director, explained that the proposed ordinance does address street connectivity but not to the extent that the policy does.

Item 6 Presentation from staff regarding a proposed street light reduction program and order to approve the list of proposed lights scheduled for removal which have not received public opposition.

Town Manager Nathan Poore explained that after the last public hearing, he, Police Chief Ed Tolan and Budget Analyst Randy Davis toured the Town again and reviewed all the lights, including at curves and dead-end streets. Currently 74 lights are scheduled for elimination (identified as orange dots on the elimination map), and staff recommends another public hearing to discuss those lights that residents at the last public hearing wanted to keep but that still do not meet the retention criteria developed by staff (represented as red dots on the elimination map). Turning off those 74 lights will save the Town \$10,000, half of the \$20,000 goal.

Councilor Breen moved to follow the staff recommendation to remove the orange dot lights, and to schedule another public hearing to consider the yellow dot lights; Councilor Rodden seconded.

Councilor Chase asked if the fixtures would be removed or if they could just turn off the light as a "trial run". Poore said that removing the light bulb is a possibility. He would not recommend that for the orange dot lights; they are saving money on the lease of the fixture itself, not just the electricity. There is no cost to remove it, but to replace it would require a 15 year commitment.

Councilors Armitage, Rodden and Varney were concerned about the staff's proposal. Councilor Rodden said she would like another public hearing for all the lights; Councilor Varney agreed. Councilor Chase was not in favor turning off street lights at all.

Motion failed 3-4 (Councilors Chase, Armitage, Varney, Rodden opposed).

Councilor Armitage suggested another public hearing for both sets of lights on the elimination list.

Councilor Rodden moved to hold a public hearing for both the red and orange dot lights. Councilor Pierce seconded. Motion carried 5-2 (Councilors Chase, Breen opposed).

Item 7 The Council is asked to give "concept approval" to send the recommendations of the Community Facilities Planning Committee to the November 2010 Referendum Election and start the required preparation for that. Formal Council approval of referendum language is required and will be scheduled at a later date.

Councilor Breen explained that language for the referendum in November needs to be approved in August. There is work that will need to be done to develop that language. She wanted the Council to authorize the staff to take the necessary steps between now and August.

Councilor Breen moved to authorize Councilors Pierce and Breen to proceed with town staff in refining the committee's proposal and doing the necessary cost estimates and meetings with bond and legal counsel between now and August in preparation for an August vote. Councilor Pierce seconded.

Chair Payne opened a period of public comment.

Jill Bryant of 1 Terison Drive encouraged the Council to give concept approval so that it can go to a vote in the fall.

Steve Tenney, 150 Woodville Road, is a member of the Facilities Committee as well as the PACPAC. If the Town chooses to sell the Lunt and Plummer-Motz school buildings, the ability to centralize Town functions in a sensible location will be eliminated. He hoped the Council would accept the recommendations.

David Embry, 311 Foreside Road, offered his strong support for the community center concept. This is a once in a lifetime opportunity to create a center for the Town.

Public comment period closed.

Councilor Rodden supported having a referendum on this issue. She felt the only way to determine if the Town buildings would sell would be to put them on the market and to set a date to reevaluate the plan if they don't sell by that time. She agreed with Mr. Tenney that it is too important a site to give up to private developers.

Councilor Varney was concerned with borrowing the money, with the school building that is currently being built. She was in favor of a referendum.

Councilor Pierce was in favor of sending it to referendum and was in favor of the concept.

Councilor Armitage was in favor of the concept but was also concerned with the money. He thought maybe they could tweak some of the numbers between now and August to get the number down.

Councilor Breen was in favor of the concept. She said it is the opportunity of a lifetime. She discussed in detail the benefits of the plan.

Councilor Chase thought they should get a design/build from OceanView and have them say how much they would pay for the lot. He didn't feel going to referendum was important and thought that if this proposal goes to referendum it would lose.

Councilor Payne felt that these are wants not needs. He felt that allowing more space for town government would lead to expansion of town government. He did not favor moving forward on this project. He liked Councilor Chase's proposal.

Councilor Breen said approval of this motion gives them time to move down different avenues, including conversations with Ocean View.

Councilor Breen moved the question.

Motion passed 4-2 (Payne, Chase opposed; Varney abstained).

Councilor Chase moved to request the Town Manager and staff solicit proposals from Ocean View and others in the form of a design/build to purchase and develop the facilities on the entire parcel. Councilor Varney seconded.

In response to Councilor Armitage's question, Councilor Chase clarified that this would be a design/build for strictly private development.

The Council debated the motion, including whether this request should be included on the ballot or the committee's recommendation should go to referendum on its own, and what other uses of the property have been considered. Councilor Payne clarified, and Councilor Chase agreed, that the design/build should be submitted by a private developer, and could include a mix of uses. Nathan Poore discussed the design/build process said that there wasn't time to prepare a full design/build for the ballot. They could put a non-binding question on the ballot as a competing measure.

Councilor Payne had hoped to see multiple options from the Committee instead of a plan.

Councilor Pierce said the committee followed the direction of the public, as expressed in online surveys and two public hearings, to retain the property as civic use. If the bond question fails, then they should consider other options.

Councilor Armitage thought they needed to follow this through sequentially. He didn't want a competing measure.

Councilor Rodden didn't think there was time before the referendum to develop this other option. She agreed that it should be dealt with sequentially.

Councilor Payne moved the question.

Councilor Chase's amendment failed 3-4 (Breen, Armitage, Pierce and Rodden opposed).

**Item 8 Order on amendments to the Zoning and Site Plan Review
Ordinance to amend the storage standards of recreational vehicles
and boats.**

Amanda Stearns, Community Development Director, explained the history of the amendment and the difference between the two versions of the proposed amendment.

Councilor Chase would like to restrict this to the Farm and Forest district, instead of applying it town wide.

Nathan Poore said that would be a substantive change and would require another public hearing.

Councilor Armitage moved to approve the order; Councilor Chase seconded.

Councilor Armitage moved to amend the order, to increase the size of boats in storage from 24 feet to 30 feet. Councilor Pierce seconded. Motion carried 4-3 (Chase, Breen, Rodden opposed).

Councilor Chase moved to amend the proposed amendment so that the RV section would apply to the Farm and Forest District only. Councilor Pierce seconded.

Motion carried 5-2 (Breen, Rodden opposed).

At Amanda Stearns request, the Councilors agreed that the original motion included the compositional edits made by staff since the last public hearing.

A public hearing will be scheduled for the next available agenda.

Item 9 Introduction for an amendment to parking restrictions along Woodville Road.

Councilor Pierce introduced the amendment.

A public hearing will be scheduled for the next available agenda.

Item 10 Discussion about future Council agendas including a Council retreat, Council orientation and whether to hold a regular meeting on June 28, 2010.

Councilor Armitage moved to waive Section 1 of the Council Rules and change the date of the regular June meeting to June 21. Councilor Pierce seconded. Motion carried 7-0.

Item 11 Order to go into Executive Session pursuant to the Laws of Maine to discuss negotiation parameters associated with labor contracts between the town and two unions - Teamsters Local 340 and Maine Association of Police, pursuant 1 M.R.S.A. § 405 (6) (D).

Item 12 Order to go into Executive Session pursuant to the Laws of Maine to discuss the possible sale of town owned land, pursuant 1 M.R.S.A. § 405 (6) (C).

Councilor Armitage moved to enter Executive Session. Councilor Rodden seconded. Motion carried 7-0.

Meeting adjourned.

Respectfully submitted,

Melissa Tryon
Administrative Assistant