

**Town Council Special Meeting and Workshop**  
**DRAFT Minutes**  
**August 8, 2011**

**Roll Call**

Councilors Payne, Rodden, Pierce, Orestis and Armitage were present and answering roll call.

Councilors Chase and Varney were absent.

**Item 1           Order to present the Boston Post Cane to the oldest female citizen and the oldest male citizen in Falmouth.**

Chair Pierce read the resolutions to present the Boston Post Cane to the oldest Male and Female residents of the Town: Mr. Herbert Hamilton, age 100 and Ms. Ruth White age 105.

Mr. Hamilton was present to accept his recognition. Mrs. Stoddard accepted Ms. White's recognition on her behalf.

Councilor Payne moved to accept both orders; Councilor Armitage seconded. Motion carried 5-0.

**Item 2           Review of second draft "Call for Offers" regarding the future use and disposition of part or all of the Plummer-Motz and Lunt Schools property.**

Councilor Rodden thought a majority of the Council wanted a community center and felt the only way to do that was to require it in the RFP. She read her proposed language for the "Civic Considerations" section of the RFP, which required a community center on the site, and a playground adjacent to the community center.

Councilor Payne was concerned that the proposal that was on the ballot did not pass. He thought they should say to the development community that these are the things that we would like to see, but we are not mandating what is on the property. In his mind, this would restrain the creativity of the developer.

Councilor Orestis thought it was worth reviewing the ads from the "No on 1" campaign to determine why the proposal was defeated. In reading material from the campaign, he felt the "No on 1" campaign was advocating for community use of the space. He discussed his proposed language changes to the RFP.

Chair Pierce appreciated the work of Councilors Rodden and Orestis. She thought they had an opportunity to do a project that both puts land back on the tax rolls as well as includes some civic use.

Councilor Armitage agreed with Councilor Payne. He didn't want to see a requirement for civic use included in this. He thought they would get the best proposals back from an open and flexible process. He didn't think that a majority of the Council would agree to a requirement for civic use. He liked the scenario used in Brewer, in which the Council put forward some potential uses that they had considered and asked developers to either include those uses or give a reason for why they were not included.

The Council discussed changing the language to express their preference regarding the existing buildings. They also discussed whether the exteriors/interiors should be maintained. Councilor Payne said the testimony regarding Plummer showed engineering difficulties with the exterior walls. He cautioned the Council against restricting the developers in regards to the buildings.

Councilor Payne discussed the ads referenced by Councilor Orestis. He didn't think they could rely on those to determine what the vote outcome meant.

Councilor Rodden discussed the preservation of the buildings. The buildings have been determined to be "not historically significant". She felt the exteriors were more important, and was interested in preservation of the clock tower at least. The Council agreed with the preservation of the clock tower.

The Council discussed several changes to the draft of the RFP.

The Council discussed using a scoring system. Mr. Holtwijk discussed the selection criteria included in the draft. These bulleted criteria do not include a points system, but the Council could choose to include that if they wanted.

Councilor Payne asked if the staff had uncovered in their research of former vacated schools and their disposition what percentage went to civic use, and what percentage went to private market.

Mr. Holtwijk said he didn't know; they only researched RFP's.

Councilor Armitage was not interested in a scoring system; he didn't feel the RFP was specific enough. Councilor Rodden liked the scoring system, as it told developers what they wanted.

The Council will review the next draft of the RFP at the August 22 meeting, at which time they will vote on the final draft. A public hearing was scheduled for August 22 for this item.

### **Item 3            Order to adopt changes to the Falmouth Cable TV Mission Statement and Usage Policies.**

Public comment period opened.

Bob Hunt of Foreside Road felt the current usage policies are not broken and didn't need to be fixed. If the language that is being proposed had been in effect during the most recent campaign, there would not have been any presentations on Channel 2 by either the "Yes on 1" or "No on 1" campaigns. He thought people learned a lot from watching those presentations. He felt passing these changes would have an unintended chilling effect on political discourse in the Town.

Public comment period closed.

Councilor Rodden moved to accept the order. Councilor Orestis seconded.

Councilor Payne was concerned about Mr. Hunt's comments. According to his research, in Portland the only prohibition was for material to be in good taste during the family hour. He thought if they try to be too proscriptive, they might end up not serving the interests of informed debate.

Mr. Poore clarified that Falmouth's channel is different from Portland's. The Falmouth channel is only for education and government; it is not an open-ended, public-access channel. That format would open up a completely different set of rules.

Councilor Rodden expressed discomfort about voting on this item tonight, in light of the new information.

Councilor Rodden moved to table the item. Councilor Payne seconded. Motion carried 5-0.

Chair Pierce asked Councilors Rodden and Payne to give direction to staff regarding suggested changes to the language.

**Item 4 Introduction of amendments to the Code of Ordinances that will update the procedures and rules concerning the use of Parks and Public Lands.**

Chair Pierce introduced the item. A public hearing will be held at the September 12 meeting.

Councilor Payne asked about ATV impacts. Mr. Poore said ATV's have always been prohibited. Snowmobiles are allowed.

Chair Pierce asked why hunting is allowed in the more densely populated areas. Mr. Poore said duck hunting along the Presumpscot is the only hunting allowed in that area.

Later in the meeting Bob Shafto, Open Space Ombudsman, clarified that, by default, ATV's were allowed since there was no language prohibiting them. The language in this amendment is new language. There is a state law that says that no one may use an ATV on any property other than their own without written permission from the property owner. The Council discussed ATV access. Mr. Shafto stated that these vehicles cause a lot of damage; it would be different if there was a club that stepped up to take responsibility for repairing damage.

Councilor Armitage moved to waive Council rules and take Item 6 out of order; Councilor Payne seconded. Motion carried 5-0.

**Item 6 Discussion about future Council agendas.**

Chair Pierce said she would like to schedule Mr. Poore's annual evaluation on August 22.

Mr. Poore reviewed upcoming Council agenda items.

Councilor Pierce asked the Councilors to contact her with any suggestions for items for the September 9 retreat agenda.

Councilor Armitage mentioned that the FEIC wants to come before the Council in September with some proposals.

**Item 5 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 Rodden moved to enter executive session; Councilor Payne seconded. Motion carried 5-0. The Council did not return from executive session.

Respectfully submitted,

Melissa Tryon  
Recording secretary