

TOWN COUNCIL
TOWN OF FALMOUTH, MAINE

October 24, 2011

ORDER CONCERNING PROCESSING OF RESPONSES TO THE “CALL FOR OFFERS” SEEKING PROPOSALS FOR THE PURCHASE, REDEVELOPMENT AND FUTURE USE OF THE PLUMMER MOTZ AND LUNT SCHOOL SITE

WHEREAS, the Town of Falmouth issued a Call for Offers seeking proposals for the purchase, redevelopment and future use of the Plummer-Motz and Lunt School Site;

WHEREAS, responses to the Call for Offers are due November 29, 2011;

WHEREAS, the Town Council finds that it is prudent to establish the initial procedures for processing the responses to the Call for Offers before November 29, 2011;

WHEREAS, the Town Council recognizes that there is public interest in the disposition and future use of the School Site and that public comment on this should and will be allowed at some point in the decision making process;

WHEREAS, the Town Council finds that premature disclosure of information in the responses to the Call for Offers and of the Town’s reactions to those responses would prejudice the competitive and bargaining position of the Town as it decides on the disposition of the School Site;

WHEREAS, Maine’s Freedom of Access Act, in 1 M.R.S.A. §405(6)(C), authorizes executive sessions in these circumstances.

NOW THEREFORE, be it ORDERED by the Town Council of the Town of Falmouth, Maine in Town Council assembled:

1. Written responses to the Call for Offers shall be accepted by the Town Manager and/or his designee and shall be opened by the Town Manager/designee on or about November 29, 2011. The Town Manager/designee shall keep the responses confidential at this point other than sharing them with the Town’s broker/agent and legal counsel.
2. The Town Manager/designee, in consultation with the Town’s broker/agent, shall prepare a report to be reviewed and discussed by the Town Council in executive session. The report shall contain a list of the responses received and for each response: the name of the person/entity submitting the response; the use, or uses, of the site proposed in each offer, with the locations of the uses on the site identified; the proposed purchase/lease price and terms; proposed conditions to purchase/lease/development; and such other information regarding the response that the Town Manager/designee considers important and relevant. The report shall contain an appendix with a copy of each response. The report shall also contain the Town Manager’s/designee’s synopsis and analysis of all the

responses and the Town Manager's suggestions for the proposed scope of Town Council review. The Town Manager/designee shall keep the report confidential at this point other than sharing it with the Town Council, the broker/agent and legal counsel.

3. The Town Council shall, in executive session, provide the Town Manager/designee with direction concerning which responses should be rejected and which should be pursued and what negotiating positions the Council wishes the Town to take with respect to the responses the Council decides should be pursued by the Town Manager/designee and the broker/agent.
4. The Town Manager/designee will keep the Town Council informed of the status of negotiations on disposition of the School Site and will inform the Town Council when he believes public disclosure of some or all of the information concerning the responses to the Call for Offer and/or negotiations will not prejudice the Town.