

**Town Council Special Meeting
DRAFT Minutes
October 12, 2011**

Roll Call

All Councilors were present and answering roll call.

Item 1 Discussion with the Town Attorney to seek guidance on how to comply with the Freedom of Access Act if the Town Council chooses to classify responses to the “Call for Offer” process associated with the redevelopment and future use of the Plummer Motz and Lunt Schools site as confidential for a specific time period.

Town Manager Nathan Poore explained that the Council should decide whether they want to consider an executive session process. He explained the various options available for the Council to consider.

The Council discussed the options for this process. Councilor Payne was curious as to how opening bids in public would hurt the Town’s interests. Mr. Poore said the Town might have a slight advantage with opening the bids in executive session if they were negotiating between two candidates and no one knew how close or far apart the competition was. If they use the executive session model, he didn’t see any option to bringing in public comment until the negotiations are final.

After some discussion, the Council was in favor of opening bids in executive session.

Chair Pierce moved to enter executive session pursuant to the laws of Maine to discuss the Town Council’s legal rights and duties with the Town Attorney pursuant to 1 M.R.S.A. Section 405 6.e.; Councilor Armitage seconded.

Motion carried 6-1 (Payne).

The Council returned from executive session. Chair Pierce reported that they learned from the Town Attorney that it is within their rights to open the bids in executive session. They will vote on an order to that effect at the next Council meeting.

Item 2 Introduction of amendments to the Code of Ordinances in regard to mooring assignments and waiting lists.

Councilor Varney was the sponsor for this amendment.

Councilor Rodden pointed out some grammatical errors in the ordinance language that should be fixed.

Councilor Armitage asked about the reason for the annual fee for remaining on the wait list.

Harbormaster Alan Twombly explained that many other towns charge an annual fee for the wait list. It will give a more accurate idea of how many people really want a mooring.

Councilor Rodden asked why it is important to know how many people want a mooring.

Officer Twombly said many of the conversations around moorings concern parking at Town Landing and how many people they can accommodate. They had almost 150 people on the wait list before they started taking people off last year. He thought it was frustrating to try and draft policy based on erroneous numbers. He felt it was fairer to the people who are on the wait list and truly want a mooring to draft policy that was based on them. He thought this would get them in the water faster.

A public hearing will be held on November 14.

Item 3 Introduction of a new ordinance for residency restrictions for sexual offenders.

Chief Ed Tolan explained that the ordinance proposed is the enforcement mechanism. The state passed this legislation that limits sex offenders from living within 750 feet of the places outlined in the language, but the Town must have an ordinance in place to enforce it. He stated that, contrary to the memo attached to this item, the Town does not have an ordinance in place relating to this issue. There was a typo in the memo.

Councilor Orestis asked for clarification that any sex offender currently living with 750 feet of a school would be grandfathered and not affected by this ordinance.

Chief Tolan said that was correct, but to his knowledge there are no persons that are registered living within that range.

Councilor Armitage asked for clarification about the classifications of crimes.

Chief Tolan explained that Class A, B, and C crimes are felonies; Class D and E are misdemeanors. In this instance it goes further to say that the offense must have been against someone under the age of 14. He said this would not relate to child pornography; in his opinion it would not.

Councilor Armitage asked about the \$500 charge; in the law it states that the Town is not allowed to charge a fee.

Chief Tolan said it is not a registration fee, but a penalty if someone violates the ordinance.

Councilor Payne observed that 750 feet is only 1/8th of a mile.

At a question from Councilor Orestis, Chief Tolan said there are two registered sex offenders that live in the town and one that works here. This ordinance only applies to residence, and not where someone works.

A public hearing will be held on November 14.

Item 4 The Town Council will discuss the Survey Conclusions Report prepared by the Long Range Planning Advisory Committee (LPAC+) and consider adopting a resolution authorizing the Committee to take its next step.

Councilor Rodden was concerned with the section regarding commercial development. She thought, based on how you read the responses, that people do recommend Falmouth as a place to do business, just not strongly.

Sandra Lipsey, Vice-chair of LPAC, was surprised when she read the data. The next step is to take this out and meet with stakeholders. They hope stakeholders meetings will include business people that can talk about this section.

Councilor Rodden would like the committee to pursue the ideas of smaller zoning districts that more closely relate to existing neighborhoods and policies that permit appropriate small-scale commercial development, such as corner stores, in residential districts. There was strong support for these two ideas and she would like to see them developed.

Ms. Lipsey said those are great comments; it is still early in the process.

Councilor Orestis asked if the committee's action plan would follow the prioritization outlined in the conclusion section of the report.

Ms. Lipsey said it is a key guide to their next steps. They are hoping the whole thing will be done in the fall of 2012; March 2012 is the next time they will be before the Council.

Councilor Payne asked the group to figure out how to test for the conflict between preserving the rural character of the Town and planning for future growth.

Councilor Payne moved the resolution; Councilor Varney seconded.

Councilor Armitage amended the resolution to change the word “supports” to “accepts”; Councilor Payne seconded. Motion carried 7-0.

Councilor Armitage asked if they should include language that the Council expects a report from the committee in March. The Council didn't feel it was necessary.

Councilor Payne called the question.

Amended motion carried 7-0.

Item 5 Discussion about future Council agendas.

Mr. Poore discussed items that are scheduled for upcoming Council agendas.

Councilor Rodden would like to have a discussion about the use of Plummer/Motz/Lunt while they are still considering proposals. She felt they should be using the gyms as much as possible – they need the revenue and are paying for the heat, and it doesn't look like they will close on something until spring.

Chair Pierce agreed; she would like an update on how they are using it now.

Mr. Poore said that Lucky D'Ascanio, Community Programs Director, is preparing a report. He will prepare something and bring it to the Council. In response to a question from Councilor Payne, he confirmed that the Town has now taken possession of the buildings.

Adjourn

Councilor Payne moved to adjourn; Councilor Rodden seconded. Motion carried 7-0.

Respectfully submitted,

Melissa Tryon
Recording Secretary