

**Town Council Meeting  
DRAFT Minutes  
August 26, 2013**

The meeting was called to order at 6:02 pm.

**Roll Call**

All Councilors were present and answering roll call.

**Item 1                      Order to go into Executive Session pursuant to the Laws of Maine to discuss legal rights and responsibilities with the Town Attorney, pursuant to 1 M.R.S.A. § 405 (6) (E) and consider the disposition of real estate rights for a parcel, pursuant to 1 M.R.S.A. § 405 (6) (C).**

Councilor Farber moved to enter executive session; Councilor Mahoney seconded. Motion carried 7-0.

The Council returned from executive session at 7:00 pm.

**Pledge of Allegiance**

Chair Pierce led those present in the Pledge of Allegiance.

Councilor Farber moved to suspend the rules and move public forum to third on the agenda; Councilor Mahoney seconded. Motion carried 7-0.

**Item 2                      Order to present the Boston Post Cane to the oldest female citizen in Falmouth.**

David Merrill gave a presentation on the history of the Boston Post Cane. The cane was part of a promotion to increase circulation of the Boston Post. Canes were presented to 700 communities in the Northeast. The first recipient of the cane in Falmouth was Ira Winn, who was known as a lighthouse pioneer and was active in design and construction of lighthouses for the federal government. The actual cane is displayed at the Town Hall.

Councilor Farber moved the order to present the Boston Post Cane to Florence McCann; Councilor Anderson seconded. Motion carried 7-0.

**Item 3                      Public Forum**

Mike Doyle of Shady Lane spoke about the lobster pound operating next to his house. He asked about a federal civil right suit filed against the Town. He asked how much the Town spent defending that lawsuit.

**Item 4 (a)                      Order to approve the minutes of the July 22, 2013, Town Council Workshop Meeting.**

**Item 4 (b)                      Order to approve the minutes of the July 22, 2013, Town Council Meeting.**

Councilor King moved to approve the Consent Agenda, Councilor Farber seconded. Motion carried 7-0.

**Item 5                              Report from Council Committees and liaisons regarding updates on assignments.**

Councilor Farber said the Finance Committee will meet on September 23 at 5:30pm. This is an organizational meeting and the whole Council is invited. She met with a subcommittee of the Library Board to discuss a memorandum of understanding to define the roles and responsibilities of the Council and Library Board. She spoke about the preliminary designs being considered for the Library. The Board has narrowed it down to three designs that will be presented at a public meeting on September 10 from 6-8 pm at the Library.

Councilor Goldberg reported that the work on the middle school is progressing quickly; the heating conversion project is mostly done, the roof is done, and one of the two window walls is complete. The school will be open on September 3.

Councilor Mahoney said LMAC met today; they approved the construction of a new trail on Blackstrap Hill for biking. They will come to the Council on October 28 with a presentation.

Councilor Anderson said CDC hired a consultant for the Route 1 project and they have started their work; the goal is for construction bids to be ready by the end of 2013. The CDC did a site walk of Route 1 recently. On September 18 at 7pm there will be a public meeting at the Library to discuss the Route 1 project; there will be another public meeting on October 17.

**Item 6                              Report from the Appointments Committee and order relative to filling various vacancies on Boards and Committees.**

Councilor Farber recommended moving William Benzing from an alternate to a regular member of the Planning Board, and for Brad Gilbert to be reappointed to Library Board.

Councilor Farber moved the appointments as read; Councilor King seconded. Motion carried 7-0.

**Item 7                              Public Hearing regarding an amendment to the Code of Ordinances relative to the Council Liaison to the Long Range Planning Advisory Committee (LPAC).**

Chair Pierce opened the public hearing; no public comment.

An order was scheduled for September 9.

**Item 8                                      Ordinance to amend the Zoning and Site Plan Review Ordinance to allow staff approval of minor site improvements to commercial properties.**

Chair Pierce explained that the goal of this amendment is to shift some of the responsibilities for approving smaller site improvements to staff instead of the Planning Board.

Councilor Goldberg moved the ordinance; Councilor Farber seconded

Councilor Farber moved to amend the amendment at section 9.1.2.f to increase the threshold of total impervious surface from 2000 to 4000 sq. ft. in a 10 year period. Councilor Mahoney seconded.

Community Development Director Amanda Stearns explained that when the amendment was first drafted they instituted thresholds based on what other communities are doing; since then they have done more research and found communities with higher thresholds. Also, the recent amendments to the Route 1 district mandate no negative impact on water quality in the VC districts. This allows the Town to invoke low impact development practices with regards to stormwater. That change means the staff feel comfortable reviewing projects with this higher level of impervious surface.

The amendment carried 7-0.

Ms. Stearns pointed out that there is a sunset provision on this amendment; it will expire in three years.

Amended ordinance carried 7-0.

**Item 9                                      Order to amend the Land Use Fee Schedule to add a fee for Minor Site Plan Review.**

Councilor Farber moved the order; Councilor Anderson seconded.

Public comment period opened; no public comment.

Ms. Stearns explained to Councilor Farber that this fee is based on the current land use fees the Town has. She suggested that the total fee schedule needs to be studied and updated; it has not changed in several years.

Motion carried 7-0.

**Item 10                                      Presentation of the recommended 2013 Comprehensive Plan by Sam Rudman, Chair of the Long-Range Planning Advisory Committee (LPAC).**

Sam Rudman introduced the other members of LPAC present. They have been working on this project for 3½ years.

Chair Pierce said the Council has tentatively scheduled a special meeting on the comprehensive plan for September 16.

Mr. Rudman gave a presentation on LPAC's work on the comprehensive plan. The Maine Growth Management Act of 1989 mandates a comprehensive plan, and he reviewed the required elements of the plan. The committee identified issues for the next decade, proposed policies to address them, and recommended actions to promote those policies. The State requires they consider public feedback; the committee conducted several surveys, one statistically significant, consulted with Town committees and

organizations, and held public forums. The mini survey they conducted showed a high level of satisfaction with the Town. There are 70 actions recommended in the draft plan, which is divided into three volumes. Volume 1 includes 3 topics: future land use, regional coordination, and capital investment. Volume 2 consists of the appendices, including a status report on the 2000 comp plan and the background data for the plan. Volume 3 includes 20 maps and the mapping sources.

The Council thanked the committee members for the hard work they have done on the plan over the last 3½ years.

Councilor Goldberg asked what the State response to the comp plan might be.

Mr. Rudman said the State can approve it, send it back for missing items or amendments, or reject it. Preliminary discussions with the State have not revealed any problems.

Theo Holtwijk, Director of Long-range Planning, said the Department of Agriculture, Conservation and Forestry reviews and accepts the plan. Various State departments will also review the plan and send comments to the Department. The Town can either make any changes requested by the State or appeal those requested changes. The Town was asked to make amendments to the 2000 plan when it was submitted; the Town made those changes as requested. The State is looking at the land use plan chapter the most.

Councilor Orestis was impressed with the amount of feedback they received from the community. He asked how much the Town has deviated from the 2000 comp plan.

Mr. Rudman said the 2000 plan was dealing with explosive residential growth. It recommended a master planning process, which was turned over by the Council in 2005. This plan suggests master planning and growth focus on Route 1 and Route 100 only. There is now a heightened concern on fiscal resources compared to 2000.

Councilor Anderson asked what the major areas of discussion were as the plan was created.

Mr. Rudman said the committee spent a lot of time on economic development and growth areas.

Councilor Anderson wondered what it meant to adopt the plan, especially if there are things in the plan that they don't agree with.

Mr. Rudman said the plan is a living breathing document, and is not written in stone. When the Council adopts the plan it is adopting a set of guidelines that are recommendations from the committee to govern where the Town is going for the next ten years. It should be reviewed in the context of what might happen in the next 5-10 years.

Councilor King thanked everyone who responded to the surveys and who gave input to the process.

Councilor Mahoney asked what the committee hoped the Council would do differently with this plan as opposed to what was done with the last plan. He asked how this becomes a practical, working document.

Mr. Rudman said in volume 2 there are graphs that set forth specific committees/responsible persons who should take ownership for each action listed in the plan. LPAC is eager to be assigned as much responsibility as the Council wishes, to make sure the plan moves forward.

Chair Pierce asked how much of the 2000 plan was reviewed and implemented.

Mr. Rudman said a majority of it was reviewed; not all of it was followed.

Mr. Holtwijk said about 2/3 was implemented. He felt implementing the plan should be added to the task of reviewing the Council workplan. He suggested maintaining regular communication with LPAC on

these recommendations; if they keep that dialogue alive they make sure LPAC is on the track the Council wants them to follow.

Councilor Mahoney asked how much interaction there is between CDC and LPAC; Chair Pierce said a member of CDC sits on LPAC.

**Item 11                      Review a draft of the Town Council annual work plan developed at the Town Council annual retreat on July 25, 2013.**

The Council discussed the draft work plan, which came out of discussions held at the Council's retreat.

Councilor Anderson wanted to see some discussion on the unassigned fund balance.

Chair Pierce discussed some of the items on the work plan, and how those dovetail with the fund balance.

Councilor Farber felt the finance committee could be the first place to discuss the proper level of the fund balance.

Chair Pierce asked about some of the holdover items from the last workplan. The Council wanted to see the items for tax relief, conflict of interest policy and removal of board/committee members move forward. The item on campaign signs was removed.

**Adjourn**

Councilor Farber moved to adjourn, Councilor Goldberg seconded. Motion carried 7-0.

Meeting adjourned 8:41 pm.

Respectfully submitted,

Melissa Tryon  
Recording Secretary