

**FALMOUTH TOWN COUNCIL  
REGULAR MEETING  
FALMOUTH TOWN HALL  
Monday, October 22, 2007  
7:00 pm**

**ROLL  
CALL**

Present and answering roll call: Councilors Rodden, Wrobleski, Breen, Armitage, Payne & Libby.

Arriving at 7:07 PM Councilor Goggin

**PUBLIC  
FORUM  
ITEM 1**

There was no public comment

**CONSENT AGENDA**

- A) Order to approve the minutes of the special meeting of September 18, 2007.**
- B) Order to approve the minutes of the regular meeting of September 24, 2007.**
- C) Order to appoint Warden and Ward Clerks for November 6, 2007 Special municipal/State/County referendum election.**
- D) Order to approve state/county warrant for the upcoming November 6, 2007 election.**
- E) Order to appoint Bernstein, Shur, Sawyer, Nelson as the Town Attorney for matters concerning regional school consolidation.**

On motion (Armitage), duly seconded by (Wrobleski), it was VOTED (6 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:**

"To approve the consent agenda."

November 6, 2007

Election: State Referendum/Special County/Special Municipal  
Referendum

Wardens & Ward Clerks Schedule

AM Warden:  
AM Ward Clerk:

Robert Stakel  
Ryan Anderson

PM Warden:  
PM Ward Clerk:

Ryan Anderson  
Colleen Donovan

## MUNICIPAL ELECTION WARRANT

**Town of Falmouth  
Cumberland, ss.**

To: Edward J. Tolan, the Chief of Police of the said Town of  
Falmouth,  
County of Cumberland

Greetings:

In the name of the State of Maine, you are hereby required and directed to notify and warn the voters of the Town of Falmouth in said county, qualified by law to vote in town affairs, of the election described in this Warrant.

To the voters of: **said Town of Falmouth:**

You are hereby notified that an election will be held at the Falmouth High School, 74 Woodville Road on Tuesday, November 6, 2007, for the purpose of determining the following question:

### Question 1

Shall the Order entitled "Order Appropriating \$5,000,000, Including Proceeds of the Issuance of up to \$2,000,000 in General Obligation Bonds, for the Preservation of Open Space, Including, but not limited to Undeveloped Land, Farmland, Orchards, Hayfields, Woodlands, and Wetlands, to serve a variety of functions such as Wildlife Habitat, Riparian Corridors, Buffer Zones, Ecological Protections, Agriculture, Woodlot Management and Harvesting, Passive Recreation, Trails, and Scenic Enjoyment, through Acquisition of Real Estate and Interest in Real Estate by the Town and by Selected Non-Profit Organizations" be adopted?

The Town Council recommends that Question 1 be approved.

#### TREASURER'S CERTIFICATE

The undersigned Treasurer of the Town of Falmouth hereby certifies that:

1. As of the referendum date, the total amount of bonds of the Town of Falmouth outstanding and unpaid is \$27,411,713, of which \$19,997,500 is principal and \$7,414,213 is interest.
2. The total amount of bonds of the Town of Falmouth

authorized, but unissued, is \$0.

3. The total principal amount of general obligation bonds to be issued by the Town of Falmouth if the voters approve Question 1 is \$2,000,000. The estimated interest costs are \$1,050,000, which would result in a total cost of principal and interest at maturity of \$3,050,000.

The total debt service cost will vary depending on the prevailing interest rates at the time the bonds are issued. The above estimated costs for the bonds are based upon level principal payments, an estimated average interest rate of 5% and a term of 20 years.

The validity of these obligations and of the voters' ratification of these obligations may not be affected by any errors in the estimates made pursuant to the above statement. If the actual amount of the total debt service for the bond issues varies from the estimates, the ratification by the electors is nevertheless conclusive and the validity of the obligations is not affected by reason of the variance.

\_\_\_\_\_  
Treasurer,  
Town of Falmouth

## Question 2

Shall the Order entitled "Order Appropriating \$2,950,000 to Repair and Improve Johnson Road, Middle Road and Ledgewood Drive, Including an Estimated \$601,000 from the Maine Department of Transportation ("MDOT") Urban Rural Initiative Program and MDOT Capital Funding, with the Balance to be Derived from Town Funds, Including the Town's Capital Improvement Program and Tax Increment Financing Reserve Accounts" be adopted?

The Town Council recommends that Question 2 be approved.

\_\_\_\_\_  
Treasurer,  
Town of Falmouth

**The polls shall be open at 7:00 a.m. and close at 8:00 p.m.**

The registrar will hold office hours while the polls are open to correct any error in, or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election. A voter who is not enrolled in a political party may not vote in a primary election.

Given under our hands and the seal of the Town of Falmouth, this 18<sup>th</sup> day of September, 2007.

**TOWN COUNCIL OF THE SAID TOWN OF  
FALMOUTH, MAINE**

**Chair Cathy Breen, Councilors: Will  
Armitage, Dave Libby, Bonny Rodden, Ann  
Goggin, Joe Wroblewski, Tony Payne**

(Majority of Municipal Officers of the Town  
of Falmouth)

A True Copy. Attest : *Kathleen W. Babeu* Kathleen Babeu,  
Clerk, Town of Falmouth

**RETURN OF THE WARRANT**

Falmouth, Maine

Pursuant to the within warrant to me directed, I have notified and warned the voters of the Town of Falmouth, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at the

Town Landing Market, Falmouth Town Hall, Falmouth Memorial Library, Harmon's  
Lunch, Waldo's, Nina's Variety, Shaws, Gorham Savings Bank, Falmouth High  
School & Hannaford.

being public and conspicuous places in said Town, on the 19<sup>th</sup> day of September, 2007 being at least seven (7) days before the said Municipal Election.

September 19, 2007

\_\_\_\_\_  
Police Chief

\_\_\_\_\_  
Edward J. Tolan, Falmouth

**ITEM 2****Report from Council Committees and liaisons regarding updates on assignments.**

**Councilor Breen** stated that part of the work plan the council has put together has been delegated to an ad hoc governance committee which will review council rules. A Charter Commission will be formed shortly. Members of the Governance Committee are Councilors Wrobleski, Breen, & Libby.

**Councilor Libby** reported that there are changes with the Cable TV set-up in the council chambers. The Harbor/Waterfront Committee has recommended three short and simple amendments for introduction this evening. The Harbor/Waterfront Committee is still waiting for the consensus report and will be bringing forth more comprehensive changes the beginning of year

**Councilor Armitage** reported that the Finance Committee met with the School Board on October 1<sup>st</sup> and there was a lot of conversation about consolidation and a lot of questions left unanswered. The next meeting will be in November.

**Councilor Wrobleski** reported that the Community Development Committee interviewed consultants to help us look at our natural resource ordinance and a firm was selected. October 23<sup>rd</sup> is a meeting of the School Building Committee at Lunt School to further discuss the construction of a new elementary school in Falmouth. At the last meeting it was reported that the state decided that Falmouth is still one of the communities for funding and that we will have to do a more extensive analysis of the regions needs and building needs on top of what has been. A school consolidation meeting is scheduled for October 24<sup>th</sup> and the Planning Committee is trying to meet the December 1<sup>st</sup> deadline.

**Councilor Rodden** reported that the Open Space Committee is moving along with criteria for open space and is looking at the River Point Site with a site walk scheduled for November 3<sup>rd</sup>. The Recycling Committee is looking at having recycling at the school and Public Works Director, Skip Varney is helping the committee work on this. She commented at the MMA convention that all elected officials will have to have an hour of training on the sunshine law.

**Councilor Goggin** stepped down as chair of the Ordinance Committee and recommends Councilor Tony Payne as the new "Chair."

On motion (Goggin), duly seconded by (Libby), it was VOTED (6 Ayes:1 abstention: Payne) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:**

"To appoint Tony Payne as Chair of the Ordinance Committee."

**ITEM 3****Report from the Appointments Committee and order relative to filling various vacancies on Boards and Committees.**

**Councilor Libby** resigned from the Community Development Committee.

On motion (Libby), duly seconded by (Wrobleski), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:**

"To appoint Tony Payne to the Community Development Committee."

On motion (Libby), duly seconded by (Wrobleski), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:**

"To approve the ad hoc committee for the Metro Transit Task Force to study the future of the Falmouth Flyer to include:

Town Manager, Nathan Poore, Director of Community Development:  
Amanda Stearns, Falmouth Town Councilor: Bonny Rodden, Chair of Friends of the Flyer or her designee: Lisa Agnew, President of the Falmouth Chamber of Commerce or his designee: Charles Smith, Superintendent of Schools or his designee: George Entwistel, Chair of the Falmouth School Board or her designee: Bebbie Cerf, Topper West or his designee."

On motion (Goggin), duly seconded by (Libby), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:**

"To approve the Metro Transit Task Force Committee." The purpose of this task force is to meet with the members of the Greater Portland Transit District to recommend services that Falmouth could pay for on a fee for service basis. An ultimate goal would be that Falmouth would resolve the question of whether to join Metro eventually or join the district.

On motion (Payne), duly seconded by (Wrobleski), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:**

"To amend: greater Portland under a one year pilot program."  
Motion withdrew by Councilor Payne.

On motion (Rodden), duly seconded by (Payne), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:**

To use the word "consider" instead of ultimate goal."

**ITEM 4      Public Hearing and order relative to proposed 1<sup>st</sup> amendment: TIF relating to development of the Northbrook Lot 1 Office Park located at 12 Northbrook Drive in Falmouth, Maine, identified as the lots indicated on Falmouth Tax Map U59, Lots 008-001, 009-00B & 010-A1.**

**Chair Breen** opened the public hearing.

There was no public comment.

**Chair Breen** closed the public hearing.

On motion (Payne), duly seconded by (Libby), it was VOTED ( Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:**

"To move the order the town manager just presented to us and the rest of the order on file."

On motion (Goggin), duly seconded by (Rodden), it was VOTED (6 Ayes: 1 opposed: Armitage) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:**

"To strike the second "Where As"

On motion (Payne), duly seconded by (Libby), it was VOTED ( Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:**

"To pass original motion as amended."

**ITEM 5      Public Hearing and order relative to amendments to the Planning Board Rules of Procedures.**

**Chair Breen** opened the public hearing.

Director of Community Development, **Amanda Stearns** briefly stated that this deals with housekeeping amendments, tabling status, deadlines, etc.

**Chair Breen** closed the public hearing.

On motion (Libby), duly seconded by (Goggin), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:**

"To approve the order relative to amendments to the Planning Board Rules of Procedure." The language will follow at the end of the minutes.

**ITEM 6            Public Hearing and order relative to adoption of new maximum levels for General Assistance.**

Town Manager, Nathan Poore explained that this is an ordinance amendment and per MMA's legal opinion state law trumps the charter, however MMA changed their minds and believes this should go through our charter process, therefore, he recommends bringing forward an amendment to the ordinance which will change how the tables are adopted in the future and to put a 60 or 90 day grace period to use the updated numbers from the state. No action is necessary at this time.

On motion (Wroblewski), duly seconded by (Libby), it was VOTED (4 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:**

"To table this item."

**ITEM 7            Public Hearing relative to the land bond referendum question for the November ballot.**

**Chair Breen** opened the public hearing.

**Richard Olson** spoke in favor the land bond referendum, and said this would give us so much flexibility for the future. He hopes that we recognize that this is good economically for the town.

**Nancy Lightbody** supports and hopes this will get people to come out and vote.

**Chair Breen** closed the public hearing.

Mel Dickenson, Chair of the Open Space Implementation committee was introduced. A PowerPoint presentation was presented. The PowerPoint is included at the end of the minutes.

**ITEM 8            Public Hearing relative to road construction referendum: Ledgewood Drive, Middle Road & Johnson Road for the November ballot.**

**Chair Breen** opened the public hearing.

**Alan Donald** asked Public Works Director, Skip Varney if he will have community meetings before the projects are started.

**Skip Varney** responded "yes".

**Scott Richardson** from Ledgewood Drive expressed concern that the roads are rural roads and putting curbing on the roads may create a safety problem with cyclists especially if one has to get off the road and is trapped by the curb,

**Bonny Rodden** explained that no new taxes are needed for these



projects and would appreciate that those people who cover the issues will make it clear.

**Nathan Poore**, Town Manager explained that none of these projects are projects which took us by surprise it is time to vote on it and they happens to exceed 400,000.

**Chair Breen** closed the public hearing.

**ITEM 9      Order to provide for the establishment of a charter commission consistent to carry out chapter 111 of 30-A M.R.S.A. and Section 219 of the Falmouth Town Charter.**

On motion (Libby), duly seconded by (Armitage), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:**

"To provide for the establishment of a charter commission consistent to carry out chapter 111 of 30-A M.R.S.A. and Section 219 of the Falmouth Town Charter."

**ITEM 10      Order to adopt the 2007-2008 Council Annual Work Plan.**

On motion (Armitage), duly seconded by (Libby), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:**

"To adopt the 2007-2008 Council Annual Work Plan."

**ITEM 11      Order relative to budget adjustment:: authorize a supplemental appropriation using fund balance (capital budget to operating budget)**

**Nathan Poore**, Town Manager announced Amanda Stearns as the next permanent Community Development Director and in addition Theo Holtwijk has accepted a second position with the town upon approval of the appropriate order.

On motion (Libby), duly seconded by (Armitage), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED:**

**ORDER AUTHORIZING SUPPLEMENTAL APPROPRIATION AND TRANSFER BETWEEN BUDGET LINE-ITEMS TO COVER THE COSTS ASSOCIATED WITH THE PROPOSED INTERNAL REORGANIZATION OF THE COMMUNITY DEVELOPMENT DEPARTMENT**

Pursuant to the Falmouth Town Charter, the Falmouth Town Council hereby authorizes a supplemental appropriation not to exceed forty-eight thousand dollars (\$48,000) from the Town's undesignated fund balance for the purpose of covering costs associated with the Town Manager's proposed internal reorganization of the Community Development department. Furthermore, the Town Manager is authorized to transfer five thousand dollars (\$5,000) from the "General Government" line-item of the approved 2007-08 Town budget to the "Community Development" line-item for the same purpose.

Attest: Kathleen W. Babeu  
Town Clerk

**ITEM 12 Introduction relative to proposed conservation zoning amendments to Sections 3.13 & 5.18 of the Zoning & Site Plan Review Ordinance and Appendix 9 of the Subdivision Ordinance.**

**Joe Wrobleski** introduced this item.

**ITEM 13 Introduction relative to proposed amendments to Section 9-94 O (1) (f) & Section 9-95 f (1) of the Coastal Waters Ordinance.**

**Dave Libby** introduced the proposed amendments as adding the owner's name to the mooring ball, a reference to the year 2007 to be deleted and the process of dinghy applications to state the second Saturday in April of each year.

**ADJOURN**

On motion (Armitage), duly seconded by (Libby), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE IN TOWN COUNCIL ASSEMBLED**

"To adjourn the meeting at 9 PM."

Respectfully submitted,

Kathleen W. Babeu

Kathleen W. Babeu, CMC  
Falmouth Town Clerk

\*\*\*\* These minutes are not verbatim. For a CD, please contact the Town Clerk's office. \*\*\*\*