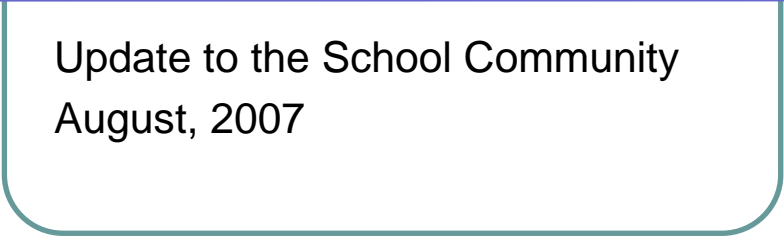


**FALMOUTH TOWN COUNCIL
REGULAR MEETING
FALMOUTH TOWN HALL
Monday, August 27, 2007
6:00 pm**

- ROLL CALL** Present and answering roll call: Councilors Payne, Libby, Armitage, Breen, Rodden & Wrobleski.
- Absent: Councilor Goggin.
- PUBLIC FORUM** No public comment.
- ITEM 1** **Report from the School Department/Board on School Consolidation**



School Consolidation



Update to the School Community
August, 2007

Overview

Final Consolidation Legislation

- No more than 80 regional school units
- Commissioner facilitates/guides process; final decision making reserved for local school boards and local voters
- Requires due diligence and good faith to achieve consolidation by July 1, 2008 (no penalties through July 1, 2009)
- Requires regional school units with at least 2,500 students (some exceptions that allow 1,200 students per school unit)

Overview (cont.)

Final Consolidation Legislation

- Requires reorganization of administrative functions, special education, transportation and buildings and maintenance (to protect education programs) in response to EPS reductions
- Some exceptions to consolidation requirements (Coastal islands, Native American education, "high performing" districts and doughnut holes (no willing/available partners)
- Requires local referendum votes to approve reorganization plans AND substantial financial penalties for units that vote not to consolidate

Phase I: Exploring Consolidation

Filing the "Notice of Intent"

- "Notice of Intent" simply identifies SAUs that are included in a proposed RSU
- Due to the Commissioner by August 31, 2007
- "Intent/spirit of the law is that ALL school units should be exploring consolidation/reorganization" (B. Smith)

Phase I: (cont.) Exploring Consolidation

Regarding Alternative Plans

- Cleanest exception: 2,500+ students
- "High Performing" criteria (efficiency and performance) will likely change (Commissioner to create rules)
- "Identified districts ('high performing') may qualify short-term and NOT long-term" (B. Smith)

Phase I: (cont.)

Exploring Consolidation

Leading up to the Filing (August 31, 2007)

- ❑ Explore possible partnerships
- ❑ Involve municipal officials and the public
- ❑ Key factors
 - a. Geographic proximity
 - b. Educational philosophy/programming
 - c. Cost sharing
 - d. EPS subsidy considerations
 - e. Cost savings/increases
 - f. Governance of new RSU (representation proportional – “one-person, one-vote principle”)
- ❑ Directed funding and local administration
- ❑ Contracts for school privileges and school choice

Phase I: (cont.)

Exploring Consolidation

Penalties for Non-Conforming School Units

Financial penalties will apply to any SAU “that fails to approve a reorganization plan on or before November 4, 2008 and to implement that plan by July 1, 2009”:

- ❑ Minimum state allocation reduced by 50%
- ❑ Per student rate (EPS) adjusted; disqualification for certain ‘transition adjustments’
- ❑ “Less favorable consideration” for approval & funding of school construction
- ❑ Higher mill rate (local share) expectation

Phase II: Due Diligence

Financial Analyses

- NESDEC
- Impact of EPS adjustments
- Falmouth/SAD 51 combined '281'
- Cost sharing
- Falmouth 'NO' vote & penalties

Operational Analyses

Education/Programmatic Analyses

Phase III: Reorganization Planning

Reorganization Planning Committee

- ❑ School Board to take the lead
- ❑ SAU Representatives
- ❑ Member municipality representatives
- ❑ Members of the general public
- ❑ School Boards of combining SAU's have 'final say' on plan
- ❑ Deadline for plan submission: December 1, 2007

Phase III (Continued): Reorganization Planning

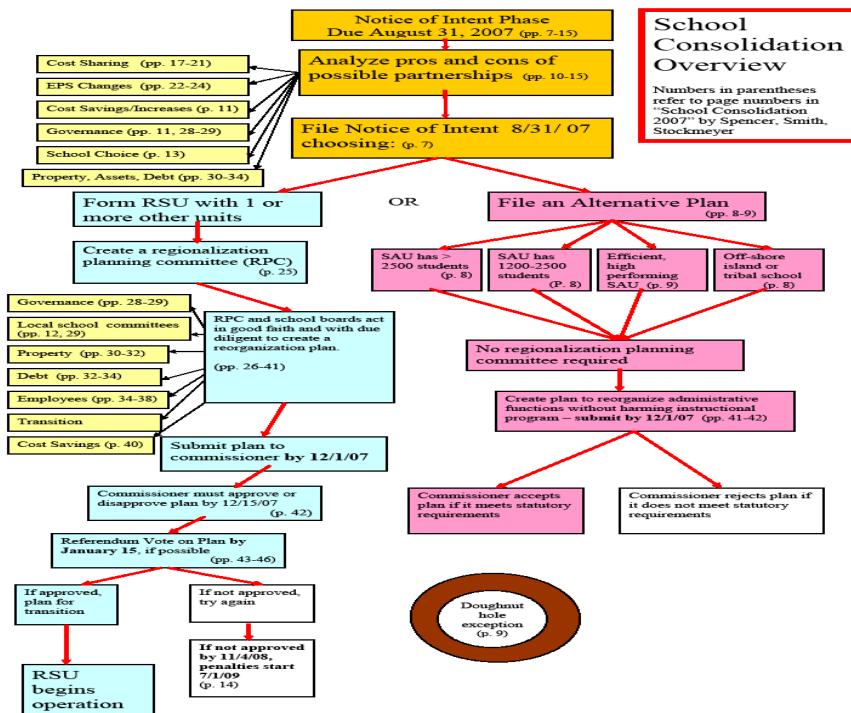
Reorganization Plan (Elements)

- ❑ SAU's to be included in RSU
- ❑ Size, composition & apportionment of governing body
- ❑ Method of voting
- ❑ Composition, powers & duties of any local school committees to be created
- ❑ Disposition of real and personal school property/school funds
- ❑ Disposition of school indebtedness and lease purchase obligations

Phase III (Continued): Reorganization Planning

Reorganization Plan (Elements)

- ❑ Assignment of personnel contracts, school collective bargaining agreements & other contractual obligations
- ❑ Disposition of existing school funds & financial obligations
- ❑ Transition plan addressing new budget development
- ❑ Documentation of public meetings to review plan
- ❑ Contingency plan (member(s) fail to approve plan)
- ❑ Estimation of cost savings/cost reduction plan
- ❑ Other such matters as determined necessary/important



Councilor Payne inquired about expected savings.

It was explained that the savings have been identified & this decreases the state aid we receive from the state & thinks we will have a good idea of the savings, not encouraging people to get excited about savings right off the bat. There are contracts in place that need to be paid out and or timed out; in the long run economy of scales will be realized. Does not see us adding layers, sees a similar structure.

Councilor Rodden asked when the referendum will occur.

It was explained that whenever those partners feel that the voters are well educated and informed about a new regional school district.

Councilor Breen stated that the town clerk is important to the referendum process and to keep involved within the municipalities. The referendum would have to take place the same day in the same towns.

Councilor Libby asked "when does Yarmouth have to commit?"

It was explained that they continue to talk about their options that the rest of us do not have. By Sept. 14th the commissioner will likely have said to move forward, however does not really know, more clarity expected around Sept. 14th.

On motion (Libby), duly seconded (Armitage), 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 waive the rules and move item four: Resolution to show appreciation for the donation of land from Dr. Maurice and Patricia Hothem such land is identified on the Falmouth Tax Maps as R06-L26 and located near Hadlock Road, Falmouth Country Club and the Cumberland town line."

**TOWN OF FALMOUTH
RESOLUTION RECOGNIZING
DONATION OF LAND
FROM DR. MAURICE & PATRICIA HOTHEN**

- WHEREAS,** Dr. Maurice and Patricia Hothem generously donated 5 acres of land to the town of Falmouth; and
- WHEREAS,** the land is a natural wooded area, with a portion of a snow mobile trail; and
- WHEREAS,** the land abuts 212 acres of town owned land & preserved land in the town of Cumberland; and
- WHEREAS,** the Town is proud to accept the land offered and donated from Dr. Maurice and Patricia Hothem; and
- WHEREAS,** the Town wishes to recognize the Hothem's for their generous contribution to the town of Falmouth.

NOW THEREFORE BE IT RESOLVED by the Falmouth Town Council assembled this 27th day of August, 2007 that Dr. Maurice Hothem and Patricia Hothem are herewith recognized and thanked by this Council on behalf of the citizens of Falmouth.

Approved this 27th day of August, 2007.

Cathy Breen, Chair Falmouth Town Council

Kathleen W. Baber
Town Clerk

ITEM 2 Report on the current status of the Falmouth on the Green (FOG) wastewater collection system and consideration of an interim resolution proposed by FOG.

Town Manager, **Nathan Poore** explained that they had been meeting for years to deal with excess infiltration coming from septic tanks.

Joe Bousquet, President of the FOG Homeowners Association and Jim O'Donnell from Dirigo and Larry Clough, legal council were present. They stated that they are disappointed that spring 2008 is the timeframe that the town is looking for.

Mr. O'Donnell explained that the leach field failed because of too much water infiltration. He would like to understand what is the standard? He mentioned that this information they still do not have today. Other items described in the managers memo that FOG is looking for is a firm commitment by the town. Mr. Bousquet expressed frustration that homeowners have expressed to him.

Discussion continued relative to what is a reasonable amount of

wastewater generated by FOG and how the town will look towards the spring months to determine the amount of infiltration. They are not sure of the exact numbers at this time. It was explained that on the town's end, there are currently pump stations which overflow. This is an unacceptable standard. The leach field station is the worst station and that these are real problems. During the April storms FOG set off a few of the alarms. The town is concerned with taking on another problem.

Discussion continued relative to collecting engineering data and to get a better handle on what is going on.

ITEM 3 Report from the Parks & Public Works Director regarding recent MDOT inspections of local bridges.

Town Manager, **Nathan Poore** explained that we do not have an official report and tried to get a copy of the most recent inspection of the Route 100 bridge over the Presumpscott. Nothing unusual has been seen according to previous Public Works Director, Tony Hayes and with speaking to the Maine Department of Transportation (MDOT). There will be a lot of bridge activity in the next few years. Nathan will forward information from MDOT when received.

ITEM 4 Resolution to show appreciation for the donation of land from Dr. Maurice and Patricia Hothem such land is identified on the Falmouth Tax Maps as R06-L26 and located near Hadlock Road, Falmouth Country Club and the Cumberland town line.

This item was presented earlier.

ITEM 5 CONSENT AGENDA
A) Order to approve the minutes of the special meeting of July 17, 2007.
B) Order to approve the minutes from the regular meeting of July 23, 2007.
C) Order relative to closing Route 88 for the Maine Marathon on October 7, 2007.

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

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

ITEM 6 "To approve the consent agenda."
Report from Council Committees and liaisons regarding updates on assignments.

On motion (Armitage), duly seconded by (Libby), 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 waive the rules to move item # 8 to after item #6 Resolution of appreciation expressed for the recent efforts by the Falmouth Recycling Committee."

I

Reports included on Sept 6 the CDC will meet to work on natural resources.

Councilor Rodden reported that ECO Maine's open house is scheduled for 10/20. On Sept. 8th from 8:00 am to 1:00 pm, is hazardous waste collection day at the North Road Fire Station in Yarmouth.

The Metro Public Hearing is scheduled for Sept. 24th to discuss a proposal to reduce service and change the route of the Falmouth Flyer. It would no longer go up Route One. The change is suggested because there were fewer riders getting on and off the bus. Service would be cut to compensate requests for increased time and mileage in Portland and Westbrook.

The Finance Committee met and there is not a report this month.

Councilor Libby reported that there are new cameras in the council chamber, and an "ON AIR" sign with a green light. The control room is stunning. The Harbor/Waterfront Committee will be receiving the report from the consultant. The funding is from the mooring fees.

ITEM 7

Report from the Appointments Committee and order relative to filling various vacancies on Boards and Committees and representative to the Metro Regional Coalition.

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

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

Dave Libby to serve on the State Emergency Response Commission (SERC).

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

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

Councilor **Cathy Breen** to represent the council on the Metro Coalition.

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

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

Nathan Poore appointed as representative from Falmouth to joint board/Regional Disaster Aid Agreement.

Councilor **Joe Wroblewski** as representative to school regional consolidation committee.

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

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

Marian Doyle appointed to Board of Assessment Review and Sewer Appeal effective Sept. 1, 2007 to Sept. 1, 2010.

James Moody appointed to the Planning Board as an Associate member effective 9/1/2007.

Tony Caclagni re-appointed for another 3 year term retro 7/1/2007 to 7/1/2010.

Bill Lunt re-appointed for another 3 year term effective 9/1/2007 to 9/1/2010.

Bernard Pender appointed as a regular member of the Planning Board, moved up from the Associate level.

John Winslow re-appointed to the Harbor/Waterfront Committee retro to 7/ 1/ 2007 to 7/1/ 2010.

Jane Sudds re-appointed to the Human Service Committee retro to 7/1/2007 to 7/1/2010.

Diane Moore re-appointed to the Human Service Committee retro to 11/1/2006 to 11/1/2009.

Susan Love re-appointed to the Human Service Committee retro to 7/1/2007 to 7/1/2010.

Bill Robinson re-appointed to FTAC retro 3/1/2007 to 3/1/2010.

Jeff Walker re-appointed to FTAC retro 3/1/2007 to 3/1/2010.

Brenna Hensley appointed tot the Recreational Activities & Community Programs Advisory Committee effective Sept. 1. 2007 to Sept. 1, 2010.

Sally Bitan appointed to the Recycling Committee effective Sept. 1, 2007 to Sept. 1, 2010.

ITEM 8 Resolution of appreciation expressed for the recent efforts by the Falmouth Recycling Committee.

*Town of Falmouth
Resolution in Recognition and Appreciation of the
Recycling Committee*

WHEREAS, *The Recycling Committee has been working on the Curbside Recycling program for the past 2 years*

WHEREAS, *Through their efforts they have helped heighten the*

awareness of the value of curbside recycling

WHEREAS, *Throughout the process they have kept curbside recycling in the forefront of people's minds and assisted with developing the details of the program*

WHEREAS, *The Committee helped develop the information packet, which explained the curbside recycling process as well as other recycling opportunities within the Town.*

WHEREAS, *They helped put together information packets that were distributed with the bins to the community*

WHEREAS, *They provided support for the "50 is nifty" logo in order to help citizens realize that the goal of curbside recycling is to move the Town of Falmouth from their current rate of recycling from 35% to 50%.*

NOW THEREFORE BE IT RESOLVED by the Falmouth Town Council assembled this 27th day of August, 2007 that the following members of the Recycling Committee: Bonnie Anderson, Kelly Thompson-Fernald, William McMahon, Satoria Pelton, John Adelman & John Hansen are herewith recognized and congratulated by this Council on behalf of the citizens of Falmouth.

*Approved this 27th day of August, 2007.
Cathy*

Breen

Cathy Breen, Chair Falmouth Town Council

*Kathleen W. Baber
Town Clerk*

ITEM 9 Report from the Parks & Public Works Director regarding the new curbside recycling program.

Skip Varney was not available however the manager reported that the new curbside recycling program has been well received within the community.

ITEM 10 Public Hearing relative to proposed amendment to the Code of Ordinances, Section 2-231, 2-400, 2-402, 2-460 - 465, & 2-85 & 2-118 to place the Parks Division within the Public Works Department.

Chair Breen opened the public hearing.

There was no public comment.

Chair Breen closed the public hearing.

On motion (Wroblewski), duly seconded by (Libby), 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 waive the rules to hear item 13: Public Hearing and order relative to a new food service establishment/victualer's license for Subway at the Blue Canoe Irving in West Falmouth at this time.

On motion (Wrobleski), duly seconded by (Libby), 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 a new food service establishment/victualer's license for Subway at the Blue Canoe Irving in West Falmouth."

ITEM 11

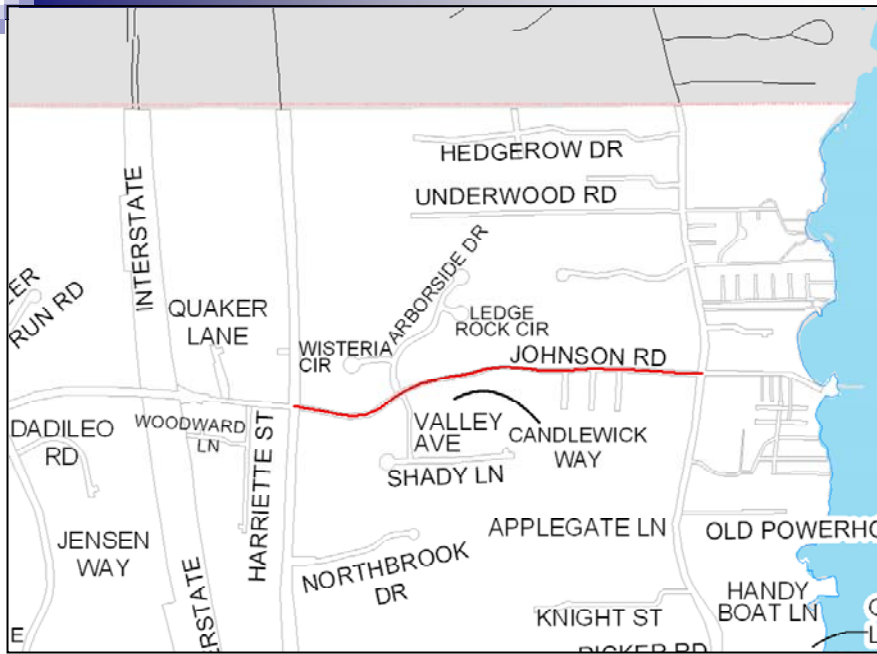
Public Hearing relative to road construction referendum: Ledgewood Drive, Middle Road & Johnson Road for the November ballot.

Budget Analyst, Randy Davis presented the following:



Road Project Referendum

November 6, 2007 Local
Election



Johnson Road

- Estimated Cost - \$1,370,000
- Length – 3,900 linear feet
- Pavement Width – 27' with a 4' sidewalk
- Sidewalk Curbing – Granite
- Drainage Improvements – Catch basins, piping, etc.
- Reconstruction project with 2.5" binder and 1.5" surface
- Timeline
 - Public process – March, 2007
 - Referendum – November, 2007
 - Construction start – November, 2007



Johnson Road Funding

| | |
|------------------------------------|-------------------|
| ■ Urban and Rural Initiative Funds | \$ 300,000 |
| ■ MDOT Funds | \$ 300,000 |
| ■ Route 1 TIF Reserve Funds | <u>\$ 770,000</u> |
| ■ Total Funding for Johnson Road | \$1,370,000 |



Ledgewood Drive

- Estimated Cost - \$1,100,000 all from reserves
- Length – 6,800 linear feet
- Pavement Width – 28' with a 5' sidewalk
- Sidewalk Curbing – Vertical Bituminous
- Drainage Improvements – Catch basins, piping, etc.
- Reconstruction project with 2.5" binder and 1.5" surface
- Timeline
 - Public process – September, 2007
 - Referendum – November, 2007
 - Construction start – August, 2008



Middle Road (Pleasant Hill to Portland Line)

- Estimated Cost - \$480,000 all from reserves
- Length – 2,900 linear feet
- Pavement Width – 28' with a 5' sidewalk
- Sidewalk Curbing – Vertical Bituminous
- Drainage Improvements – Catch basins, piping, etc.
- Reconstruction project with 2.5" binder and 1.5" surface
- Timeline
 - Public process – September, 2007
 - Referendum – November, 2007
 - Construction start – September, 2008

Chair Breen opened the public hearing.

There was some public comment concerned with pedestrian and safety and traffic calming issues if the referendum does not pass.

Councilor Armitage stated that the Finance Committee met and as a whole recommends the improvements to the roads.

On motion (Armitage), duly seconded by (Libby), 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 recommend the question relative to the road construction referendum :
Ledgewood Drive, Middle Road & Johnson Road be approved."

Chair Breen closed the public hearing.

**ITEM 12 Public Hearing relative to the land bond referendum question for the
November ballot.**

Chair Breen opened the public hearing.

Mel Dickenson spoke in support of the land bond referendum and explained that in 2004, the town asked the Conservation Committee to develop a new open space plan. The committee was chaired by Bob Shatto and four residents. The "Greening Of Falmouth" report came out in the fall of 2005 and was adopted by council in 2006. The hiring of an ombudsman followed to support the town in the implementation process. Mr. Dickenson continued by saying that there is a strong history of support for open space in the town and it is a unanimous recommendation on behalf of the committee to move forward with the land bond referendum for the November ballot.

Alan Donnell spoke in favor of the land bond referendum question going to the November ballot. He explained that he has served in various roles in and around town. "The character of Falmouth is a rural character and the way we retain the value is by maintaining the rural character." He encouraged the council to accept this idea and to move forward with this.

Bill Gardiner inquired if any of the lands purchased could be used for municipal use?

Chair Breen answered that the open space conservation would not include ball fields, schools, etc. Chair Breen entered into the record the following language:

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 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 Real Estate Acquisition 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.

Discussion included concern over the scheduling of this item for a low turn out election.

Steve Gouthier, Acting President of the Falmouth Land Trust and a landowner in Falmouth is in support of the referendum.

Lizza Robinson stated that this helps provide more options for landowners and provides options and allows for more strategic planning. She is in favor of this proactive approach as this makes sense. She is speaking as a private citizen and not for the Conservation Commission.

Jeffrey Walker spoke in favor of the referendum and is currently a member of FTAC.

Others in the public spoke in favor.

Chair Breen closed the public hearing.

The following was read into the record:

From: EDUARD VAN LOENEN [<mailto:evanloenen@usa.net>]
Sent: Sunday, August 26, 2007 4:27 PM

To: gpayne@maine.rr.com
Subject: Re: FW: Falmouth Land Bond Proposal

Thanks for the opportunity to provide some input. I will not be able to attend the Monday night meeting and would therefore appreciate if you could forward this email to the other councilors and Nathan Poore so that my comments are officially part of the record. Thank you.

My first set of comments/questions comes from my perspective as a Falmouth land owner (about 80 acres) and developer:

1. My initial reaction as a potential seller is how nice it would be to have a deep pocketed buyer come into the picture to give me alternatives for my land.

2. Then I ask myself, is there a price at which I would be willing to sell my land to the town instead of developing it, and the answer is - yes.

3. Next I ask myself, is my idea of the right price the same as the town's, if yes, I'll be happy to sell and presumably the town will be happy to buy and a deal can be struck. If no, then the whole exercise of putting the question on the ballot and tying up the town's credit capacity, would seem like a waste of time since no deals will be done.

4. Conclusions:

A. Past land purchases by the town have mostly been done without any transparency and behind closed doors when it came time to agree on a price and I would suggest that this time the council provide much more clarity as to how purchase prices are to be arrived at in terms of present value of future foregone development opportunities for the land owner, and/or some other measurable market value approach which will ensure that the landowner is fairly compensated and the town is not overpaying.

B. The major goal of the initiative should be stated in terms of the amount of acreage the town deems appropriate to acquire, rather than in terms of the amount of dollars it is willing or able to spend. This will force those behind the initiative to analyze and make assumptions about fair market values and make estimates about how far the dollars will actually go.

C. Removing land from development will increase the overall value of remaining developed or developable land and as a landowner I will have to ask myself if I'm better off selling (even at what I consider the right price) or holding on until the exercise is over and my land has increased in value accordingly because it is now a scarcer commodity. However, Falmouth becomes less and less affordable and more and more elitist.

D. The Forecaster article in the last paragraph talks in a very convoluted and uninformative manner about "mitigation", "fees", "rights", "market values", and "purchase prices" in a way that makes absolutely no sense, probably because the reporter didn't have a clue what she was talking about.

I can only say that I certainly hope that there is no hidden agenda to introduce new "taxes" on land use that don't exist now. If there is, that agenda should be made completely clear right now and be part of this discussion.

My second set of comments/questions comes from my perspective as a Falmouth tax payer:

1. As usual, a major initiative like this one comes to us from the town without any economic cost/benefit analysis whatsoever. A tax payer is unable to make a factual analysis of the numbers to determine the pros and cons, but is asked to rely only on esoteric notions of "open space" and "connectivity" and "wildlife habitat", etc.
2. What will be the impact on the tax base if millions of dollars of land are taken off the tax rolls forever, never to be developed with houses or businesses? Has that present and future cost been factored into the equation?
3. As Falmouth's real estate values continue to be inflated by limiting land development and the town becomes even less affordable and more elitist, will more money need to be spent on affordable (or what is now euphemistically called "work force") housing? Has that cost been factored into the equation?
4. Give us a clear analysis of how this bond will impact the town's finances and tax rate and how the money will flow, in a way that is a lot clearer than the last paragraph of the Forecaster article.
5. What will be the process for deciding if and when property is acquired and at what price, and who will be making those decisions on the basis of what measurable criteria?

My conclusion is that this issue has not been properly thought through or analytically evaluated for anyone, other than the most rabid anti-development individuals, to be able to make a determination on Monday night whether or not this should go forward. While I realize that there is a difference between voting to put it to referendum as opposed to actually voting for it, I would hope that my elected town councilors exhibit more seriousness of purpose by properly evaluating such an important issue before giving it their blessing.

It is my opinion that many more questions need to be asked and satisfactorily answered with much more backup detail before you can do so.

Thank you for your attention.

Eduard van Loenen
164 Falmouth Road

On motion (Libby), duly seconded by (Armitage), it was VOTED (1 Ayes: 5 opposed: Payne, Armitage (even though he did second, Breen, Rodden & Wroblewski) as follows:

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

"To amend the item to move to the June 2008 election."

MOTION DID NOT CARRY

On motion (Wrobleski), duly seconded by (Rodden), it was VOTED (5 Ayes; 1 opposed: Libby) as follows:

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

"To recommend this item go to ballot in November and to take up this item at a special council meeting on Sept. 18, 2007."

ITEM 13 Public Hearing and order relative to a new food service establishment/victualer's license for Subway at the Blue Canoe Irving in West Falmouth.

On motion (Wrobleski), duly seconded by (Libby), 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 a new food service establishment/victualer's license for Subway at the Blue Canoe Irving in West Falmouth."

ITEM 14 Public Hearing relative to updating the Flood Plain Insurance Program, Phase I.

Chair Breen opened the public hearing.

There was no public comment.

Chair Breen closed the public hearing.

ITEM 15 Order to approve proposed amendments regarding fees to the Zoning & Subdivision Ordinance.

On motion (Libby), duly seconded by (Payne), 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 proposed amendments regarding fees to the Zoning & Subdivision Ordinance."

Draft July 2, 2007

**TOWN OF FALMOUTH, MAINE
Proposed Amendments to the
SUBDIVISION ORDINANCE {AS AMENDED 12-22-05}**

The Planning Department proposes the following amendments to the ordinance for the purpose of removing fees from the ordinance and referencing a fee schedule to be established and adopted by the Council. In addition, the Department recommends removing all references to the number and format of plans required for applications and referencing

submission requirements as determined by the Planning Department.

SECTION 5. Application Fee

The Following fee(s) shall be paid in accordance with the fee schedule established by the Town Council and concurrent with the submission of any plan:

- c. Review Escrow Account - Escrow fees as established by the Town Council shall be deposited in an escrow account established by the Town, which monies may be used by the board to pay for professional reviews and advice related to the developer's application as it deems necessary. The Board shall provide the applicant with notice of its intent to spend any portion of this account, which notice shall specify the purpose for the proposed expenditures. If the town expends the review escrow account prior to completing its review, the applicant shall replenish the review escrow to the original amount. [Amended 9/24/01] Those monies deposited by the developer and not spent by the Planning Board in the course of its review shall be returned to the developer with thirty (30) days after the Board renders its final decision on the application. [Amended 1/25/99].

Section 7. Major Subdivisions

E. Final Plan Procedures

6. The Final Plan shall conform substantially to the Preliminary Plan, including profile and cross section as approved by the Planning Board,. Each major subdivision Final Plan shall be drawn at a scale of not more than 40 feet per inch. If two or more sheets are needed to show a subdivision, an index sheet of the same dimensions as the subdivision sheets shall be submitted with them, drawn at such scale as to show the entire subdivision on one sheet.
9. The plot plan shall be on mylar and shall be recorded with the Cumberland County Registry of Deeds no later than ninety (90) days from the date of approval. Failure to record within the specified time shall be cause for a new review of the plan.

Section 8. Minor Subdivisions

A. Procedure

1. All applications for Plan approval for Minor Subdivision shall be accompanied by fees as established by the Town Council and payable by check to the Town of Falmouth.
4. The plot plan shall be on mylar and shall be recorded with the Cumberland County Registry of Deeds no later than ninety (90) days from the date of approval. Failure to record within the specified time shall be cause for a new review of the plan.

Section 10. Inspection of Required Improvements

- A. At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay an inspection fee as established by the Town Council, payable by check to the Town of Falmouth, stating the purpose of the fee. The subdivider shall notify the Public Works Director in writing of the time when the subdivider proposes to commence construction of such improvements so that the Town can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure satisfactory completion of improvements and utilities required by the Planning Board [Amended 12/19/95].

Appendix 2 – Preapplication Submissions

(C) Site Inventory Plan

1. An accurate inventory plan of the parcel at a scale of not more than one hundred (100) feet to the inch in a number and format as determined by the Planning Department and showing as a minimum:

(D) Site Analysis Sketch Plan

1. A site analysis sketch plan at the same scale as the inventory plan, highlighting the opportunities and constraints of the site. This plan, in a number and format as determined by the Planning Department, should indicate:

(E) Site Analysis Narrative and Existing Resources Site Analysis Plan for Subdivisions located in the Resource Conservation Zoning Overlay District [Adopted 12/22/05]

1. Site Analysis Narrative

A Site Analysis Narrative prepared by a registered landscape architect in a number and format as determined by the Planning Department describing the existing conditions of the site, the constraints and opportunities created by the site, the open space conservation potential of the site, and the proposed development. This submission should include a narrative description of the existing road system that will provide access to the project and any issues related to traffic capacity, safety, sight distances, or other traffic considerations together with any preliminary studies done relative to the site including wetland delineations, traffic studies, market studies, or other information that will help the Board understand the project.

2. Existing Resources and Site Analysis Plan

An Existing Resources and Site Analysis Plan in a number and format as determined by the Planning Department shall be prepared by a registered landscape architect to provide the developer and the municipality with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published

data available from governmental agencies, and from aerial photographs.

APPENDIX 3 - Major Subdivision Submissions

(B) Preliminary Plan Project Maps and Information

The Preliminary Subdivision Plan, in a number and format as determined by the Planning Department, with all dimensions shown in feet or decimals of a foot, drawn to a scale of 1 inch equals not more than one hundred (100) feet, or for plans describing construction of required improvements, a scale of one inch equals forty (40) feet; drawings not to exceed 24"x36". All plans shall be accompanied by the following information:

22. A Resource Impact and Conservation Plan, in a number and format as determined by the Planning Department, meeting the following requirements:
23. A Preliminary Common Open Space Ownership and Stewardship Plan, in a number and format as determined by the Planning Department, if the subdivision will include common open space, that includes, but shall not necessarily be limited to, the following:

(C) Final Plan Submissions

1. The Final Plan shall be submitted in a number and format as determined by the Planning Department.
2. There shall be submitted to the Board with the Final Plan:
 - a. A Final Common Open Space Ownership and Stewardship Plan in a number and format as determined by the Planning Department, if the subdivision will include common open space, that documents compliance with the provisions of Appendix 8. Ownership, Operation, and Maintenance of Common Use Facilities. [Amended 12/22/05]

APPENDIX 4 – Minor Subdivision Submissions

- #### **(A)**
- The subdivision plan for a Minor Subdivision shall be submitted in a number and format as determined by the Planning Department, and drawn to a scale of not more than forty (40) feet to the inch.

- 15.e. A Common Open Space Ownership and Stewardship Plan, in a number and format as determined by the Planning Department, if the subdivision will include common open space, that documents compliance with the provisions of Appendix 8. Ownership, Operation, and Maintenance of Common Use Facilities. [Adopted 12/22/05]

APPENDIX 5 – Street Standards

- #### **(I) Street and Storm Drainage Plans**

Construction plans for streets and storm drainage systems shall be designed and prepared by a professional engineer registered in the State of Maine. Plans shall show the plan, profile, cross sections and details of appurtenances.

ITEM 16 Order to approve proposed planning fee schedule.

On motion (Armitage), duly seconded by (Libby), 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 proposed planning fee schedule."
Rate fee is included at the end of the minutes.

**ITEM 17 Order to go into executive session for the following:
Discuss a possible property acquisition - 1 M.R.S.A. section 406 (6)
(B)**

On motion (Libby), duly seconded by (Wroblewski), 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 move item 18: Review and consider order to accept final draft of the council 2007/2008 work plan."

On motion (Libby), duly seconded by (Armitage), 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 accept the final draft of the council 2007/2008 work plan and to place on September 18th workshop agenda for discussion."

Town Manager, **Nathan Poore** announced that the town arrived at a tax rater today; the tax rate was projected at 14.61 and will come in at 14.60. The bills will be mailed out the end of September

ITEM 18 Review and consider order to accept final draft of the council 2007/08 work plan.

This item was discussed above as follows:

On motion (Libby), duly seconded by (Armitage), 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 accept the final draft of the council 2007/2008 work plan and to place on September 18th workshop agenda for discussion."

On motion (Armitage), duly seconded by (Payne), 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 go into Executive Session at 10:15 pm o discuss

On motion (Libby), duly seconded by (Payne), 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 come out of Executive session at 10:45 pm."

NO ACTION TAKEN

ADJOURN On motion (Armitage), duly seconded by (Wroblewski), 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 adjourn at 10:45 pm."

Respectfully submitted,

Kathleen W. Babeu
Kathleen W. Babeu, CMC
Falmouth Town Clerk

** Minutes are not verbatim. For a CD, please contact the Town Clerk **