

**Falmouth Town Council Meeting
December 22, 2008
Minutes**

Roll Call

All Councilors were present and answering roll call.

Public Forum

There was no public comment.

**Item 1(a) Order to approve the October 27, 2008 meeting minutes.
(Consent Agenda)**

**Item 1(b) Order to approve the November 10, 2008 Council meeting minutes
(Consent Agenda)**

Councilor Wrobleski moved to approve the consent agenda, Councilor Pierce seconded. Motion carried 7-0.

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

Councilor Libby said there was nothing to report from the Cable TV Committee except that they are always looking for members. The Harbor Committee is on the agenda tonight. They are also still working on the long-range plan, to be resubmitted to the Council in the next few months.

Councilor Pierce reported on the school board meeting last week. Four teachers have been recognized in the National Board of Teachers. The middle school is doing a national search for a new principal. Eight athletes are participating in Special Olympics. The middle school was awarded the blue ribbon from the President's Office. An alternate plan to school consolidation was submitted to the state after being approved by the Board and the state is in the process of reviewing it.

Councilor Wrobleski reported that the CDC will meet on January 5 at noon to discuss the Route 1 Study and the planning charette for the Falmouth Shopping Center. LPAC continues to work on the natural resources amendment; they will meet two or three times in January to make up for a cancelled meeting in December. They are tentatively planning to present the Shoreland Zoning and Natural Resources amendments at the February 9 Council Workshop Meeting.

Councilor Rodden reported that the recycling market has improved slightly, but there still may be more costs associated with removing trash in the near future if this continues. Also, there was a ruptured pipe at the incinerator at ecomaine which lead to an unexpected shutdown for a couple days. The grant that Bob Shafto applied for River Point was denied. Projects that were awarded grants were for things like buildings and overhauling riverfront. Metro thought they would be

able to buy 10 used busses from Florida but that fell through. They are working on legislation for Falmouth to join Metro. The “Stuff-a-bus” promotion went very well.

Councilor Breen thanked all the committee chairs and town staff for their help with streamlining the Town’s appointments process. GPCOG and the Metro coalition are still working on defining some sort of regional economic development authority. She has invited Neal Allen to make a presentation to the Council, hopefully at the February 9 Council workshop meeting. The Facilities Committee is trying to organize meetings with all types of resident groups in advance of their March town-wide meeting. They want all the input they can get. The presentation information is available on the town website, and you can register for the March event on the website as well. The Finance Committee met this morning and made the recommendation to the Town Council, Town Manager and the School Department to start the budget process at no impact on the mil rate. The also asked the Town and the School to explain what the impact of that would be for town and school services. She asked for the Council’s opinion on that recommendation.

The Council agreed that this is a good starting point for discussion. Councilor Wroblewski asked if this is a joint effort with the school, and Councilor Breen clarified that this is a recommendation. It is difficult economic environment, and they are trying to be conservative at the outset.

Councilor Armitage reported that Town Manager Nathan Poore will be meeting with key staff to discuss the response to the recent ice storm and put together a report to the Council for the January workshop meeting.

Chief Tolan announced that the High School is the shelter for Falmouth. It was open during the storm, there were plenty of supplies, and the generator worked. It is an overnight shelter, and the Red Cross staffed it. It worked pretty well the first time out. He clarified that they do not take pets; they are working on finding a place for pets to go.

Councilor Breen observed that the shelter is there to meet short-term needs as well, for example just to warm up or get a shower; it’s not just to spend the night.

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

Councilor Payne gave the Appointments Committee report. Aside from the two appointments being recommended tonight, the balance of people they are considering for appointment to vacancies have been forwarded to the respective committee chairs and they will make a recommendation to the Council in January.

Councilor Payne moved to appoint Richard Olson and Tim O’Donovan to three year terms on the Board of Assessment Review and Sewer Appeals. Councilor Libby seconded. Motion carried 7-0.

Councilor Pierce moved to appoint the slate of committee members as attached, with the change that Stan Bennett be appointed to a three year term as a regular member to the Planning Board with Jay Moody remaining an alternate, and to appoint Willie Audet to a three year term as a regular member of the Zoning Board of Appeals, with Stan Given remaining as an alternate.

The Council briefly discussed term limits in regards to different committees. Many of the committees do not have term limits, while others have limits that were changed as part of the recently approved changes to the Charter.

Councilor Libby seconded Councilor Pierce's motion. Motion carried 7-0.

Item 4 Public Hearing regarding an amendment to the conditional zoning district for 234 Middle Road to accommodate limited retail use because of the unique properties of the building and lot.

It was explained that the purpose of this amendment is to amend the parking issue at this property. The original conditional zone was approved by the Council in November.

There was no public comment.

Item 5 Presentation on need for an amendment to the Shoreland Zoning Map, from Limited Residential to Limited Commercial in the Tidewater Master Plan Development District.

Amanda Stearns, Community Development Director, explained that this is a clean-up amendment, the need for which was discovered while working through the most recent development proposal for the Tidewater district. This amendment would correct the shoreland zone map to allow for commercial uses in the Tidewater area. The current overlay, Limited Residential, does not allow for any commercial activity in that area.

Councilor Libby thought the contract zone would supersede any zoning in that area. Ms. Stearns said no, it does not supersede shoreland zoning. That is state required. Councilor Libby mentioned that since Falmouth shoreland exceeds state standards, if this project doesn't go into the state standards it would be okay. Ms. Stearns explained that when the Master plan was created, it was not specifically excluded from Shoreland zoning. Shoreland zoning supersedes all other zoning.

Councilor Wroblewski wondered if this change would be better combined with the shoreland amendments that are being worked on right now. Ms. Stearns suggested that it should be addressed now, both to avoid further complicating the shoreland amendments and in fairness to the proposed development of the Regional Learning Center. She could not project a timeline for the overall shoreland amendments, and didn't think it fair to delay the proposed development.

Councilor Libby agreed to introduce the amendment.

Item 6 Order regarding an amendment to Chapter 9, Article IV (Coastal Waters Ordinance).

Councilor Wroblewski moved to approve sections 9-94 (c) (5), 9-94 (c) (9), 9-94 (m) and 9-94 (o) (1) (f) as presented by the Harbor Committee, with an amendment to 9-94 (c) (9) to read "the mooring service" and 9-94 (o) (1) (f) to read "the owner's name".

Councilor Libby requested that Councilor Wroblewski take each item one at a time, and Councilor Wroblewski withdrew his motion.

Councilor Wroblewski moved to approve section 9-94 (c) (5) as presented by the Harbor Committee, with the amendment that the language read "the mooring service". Councilor Breen seconded. Motion carried 7-0.

Councilor Wroblewski moved to approve section 9-94 (c) (9) as presented by the Harbor Committee. Councilor Pierce seconded. Motion carried 7-0.

Councilor Wroblewski moved to approve section 9-94 (m) as presented by the Harbor Committee. Councilor Pierce seconded.

Councilor Payne asked the purpose of this amendment.

Steve Archambault, chair of the Harbor Committee, explained that this gives clarification that if the Harbor Master needs to reassign a boat due to a hazard he can do that and he is not limited to the assignment being annual only.

Motion carried 7-0.

Councilor Wroblewski moved to approve section 9-94 (o) (1) (f) as presented by the Harbor Committee, with the amendment that the language read "the owner's name". Councilor Breen seconded.

Councilor Pierce asked if it could be the boat's name, instead of the owner's name.

Mr. Archambault said no, as they have seen multiple boats with the same name before.

Motion carried 7-0.

Councilor Wroblewski moved to approve section 9-95 (f) 5, amending it to recognize that its number should actually be 9-95 (f) 7, as the renumbering of this section to 5 is related to the proposed deletion of sections, which are not part of this motion. Councilor Payne seconded.

Councilor Wroblewski explained that some of the proposed language reflects the goal of the Harbor Committee to remove the allowance for private dinghies. Councilor Wroblewski does not support the remove of private dinghies, but does support adding to the fleet of municipal dinghies.

Motion carried 7-0.

After some discussion, the consensus of the Council was not to eliminate the private dinghies. Councilor Armitage asked what edits need to be made to the remaining proposed amendments to reflect keeping private dinghies.

Councilor Wroblewski moved to approve an amendment to Section 9-95 (f) (1), to read "not more than 60 resident skiff registration stickers and more than 30 non-resident skiff registration stickers shall be issued annually". Councilor Breen seconded.

Councilor Pierce would like to insert language that helps families who share dinghies. Chief Tolan explained that he didn't think that language should be in the Ordinance as people share dinghies already. Councilor Pierce would like for people who are sharing dinghies to go to the front of the line to get their permits. Chief Tolan thought it would be difficult to determine if people are really sharing the dinghy. Councilor Pierce thought they would have to put the names on the dinghy application, and you could check the names against the names on the moorings.

Councilor Wroblewski thought this is a substantive change; public hearing has already taken place on the amendments before the Council. Changes like Councilor Pierce is suggesting would require another introduction and public hearing.

Mr. Archambault said this can be reviewed over this next season. The Harbor Committee will meet with the public in February and this could be an item at that meeting.

Councilor Breen would like to refer this issue to the Harbor Committee and request that they come back to the Council in the fall of 2009 with language for incentives to dinghy pooling.

Councilor Payne asked the Harbor Committee to review whether the 30 non-resident permits could be used in case the 60 resident permits were used up. He wanted to see the residents taken care of first. Councilor Breen felt that they were doing that already. Mr. Archambault said this issue was discussed years ago and the Council at the time decided to allow 30 more resident permits than non-resident permits, despite the fact that the ratio of resident mooring holders to non-residents is about 50/50. Councilor Payne felt the public dinghies could serve the needs of the non-residents. Councilor Breen disagreed.

Councilor Armitage doesn't want to eliminate dinghies until the plan has been modified – he supported keeping the dinghies in place.

Councilor Wroblewski's motion carried 7-0.

Councilor Libby verified that the Harbor Committee's recommendation to eliminate the dinghy registration day was not approved. It will still be the second Saturday in April, first come, first served. Stickers are issued starting at 8:00 am; placeholders are handed out beginning at 4:00 am.

Item 7 Order to approve a proposed River Point management plan.

Councilor Rodden moved to accept the management plan as written, Councilor Wroblewski seconded.

Councilor Libby raised a request from the Chair of the Workforce Housing Committee to table this item until Workforce Housing can look at parcel. That parcel is close to mass transit and a shopping center, and it is a huge land parcel at around 41 acres. In the original Exit 10 Plan this area was supposed to have a significant amount of housing, but that was done away with by a previous Council. He wanted to open this to discussion as the vote tonight is forever.

The Council discussed that, even though the location is great for development, there are many issues that prevent that on this particular parcel. Councilor Breen observed that there is a huge access issue with the Railroad tracks – there is no way to get a road in there. Councilor Rodden spoke about the archeological and historical value of the parcel with the Native American site, as well as the New England Cottontail habitat located there. Councilor Payne was happy to see it preserved due to its proximity to the river. Councilor Pierce wants to see exploration of other areas around Exit 10 for housing.

Councilor Payne referred to Section 4 subsection 2 of the plan (located on page 5). He was concerned that this was over-reaching; this is leased land with an owner-occupied house and he felt this was outside the role and responsibilities of the Town.

Councilor Armitage thought perhaps the item should be tabled until Bob Shafto and the Committee can attend and discuss the issue with the Council.

Councilor Breen felt that it would be better to have an owner living on the property, in order for there to be someone on the premises to prevent anyone from wreaking havoc on the property.

Councilor Libby moved to table the item; Councilor Wroblewski seconded. Motion carried 7-0.

The Council asked that Bob Shafto and the Open Space Committee attend the January 12 meeting to answer questions.

Item 8 A review of the new Council meeting format that has been in place since September 2008.

The Council was pleased with the way things are working with the new format but were concerned about the public knowing the difference between workshop items and action items. They welcomed comment from the public. Councilor Wroblewski felt that the lines between workshop and regular meetings are becoming blurry and wondered if an amendment to the rules is called for.

Councilor Libby wanted to bring everyone's attention to a video that has been posted to the front page of the town's website, in honor of Charles "Gam" Boehm, the last founding member of the Falmouth Fire/EMS, who recently passed away.

Adjourn

Councilor Rodden moved to adjourn, Councilor Pierce seconded.

Respectfully submitted,

Amy Lamontagne
Assistant Town Manager

Melissa Tryon
Administrative Assistant