

Falmouth Town Council
Regular Meeting
Falmouth Town Hall
Monday, February 25, 2008
7 PM
Minutes

Chair Breen recognized officers, George Savidge, Wayne Geyer and Timothy Libby for their prompt response at 300 Falmouth Road.

March 26, 2007

Officer George Savidge
Officer Wayne Geyer
Officer Timothy Libby
Falmouth Police Department

RE: **Letter of Commendation**

Dear George,

It gives me a great deal of pleasure to recognize each of you for your actions on March 20, 2007 with this **Letter of Commendation**.

On March 20, 2007 at 8:20 am while these officers were preparing to assume their patrol shift they were notified by the dispatcher on duty of a call for the fire department to respond to 300 Falmouth Road for a reported structure fire. Having knowledge that the woman who lived at this address was on oxygen and due to her age and illness may have difficulty getting out of the residence, they immediately responded, arriving prior to the fire department personnel. Upon arrival they were met by a male individual in the driveway advising them that his mother was still in the house. At this time flames were coming out the windows and the side entrance to the residence. Officers Savidge and Geyer immediately went to the front door which was covered in snow and had not been used in years, and forced entry into the house. Once inside they located an elderly woman connected to a large oxygen tank with visible flames in the adjacent room. Officer Savidge and Geyer carried the woman from the house.

While Officer Savidge remained with the woman, Officers Geyer and Libby went back into the residence and carried several large oxygen tanks out of the home, thereby preventing an explosion.

It is without a doubt that because of their quick response and immediate actions of forcing open the locked front door in the face of heavy smoke and fire that this woman's life was saved. The professionalism and courage that each of you displayed during this rescue brings great credit upon you and the department.

Congratulations and thank you for your efforts.

Sincerely,
Edward J. Tolan
Chief of Police

Roll Call

Present and answering roll call: Councilors Goggin, Armitage, Breen,

Payne, Rodden
Late: Councilor Wrobleski
Absent: Councilor Libby

Public Forum

Chair Breen opened the public forum.
Eric Weaver, Brook Road resident spoke in support of a resource protection ordinance.
Chair Breen closed the public forum.

[Item 1\(a\) \(Consent Agenda\)](#)

Order to appoint election clerks.

[Item 1\(b\) \(Consent Agenda\)](#)

Order to appoint Councilor Bonny Rodden as liaison to the Open Space Committee.

[Item 1\(c\) \(Consent Agenda\)](#)

Order to approve the minutes of the regular meeting of January 28, 2008.

Order to approve the minutes of the special meeting of February 12, 2008.

On motion (Armitage), duly seconded by (Goggin), 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 pull off the Feb. 12th minutes from the consent agenda, item 1d).”

On motion (Goggin), 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 vote on the remaining consent agenda.”

[Item 1\(d\) \(Consent Agenda\)](#)

On motion (Goggin), 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 pull off the Jan. 28th minutes from the consent agenda, item 1c, and place the minutes of the Feb. 12th item 1d back on the consent agenda.”

On motion (Goggin), 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 adopt the remaining consent agenda.”

On motion (Rodden), duly seconded by (Goggin), 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 add to Councilor Rodden’s liaison report: \$52,000 more than we are already paying and to add \$26,000 more than we are already paying.”

Report from Council Committees and liaisons regarding updates on assignments.

Councilor Wrobleski reported on the CDC/CPAC process and the wetlands/vernal pools analysis. Forthcoming will be recommendations and a public meeting.

Councilor Goggin reported that our senate district is entitled to 2 seats on the Legislative Policy Committee. Councilor Payne is the alternate and Nathan Poore, town manager has been nominated to fill the second seat which is currently vacant. **Councilor Goggin** is the liaison for the library and has received the budget request for next year. Councilor Goggin noted the schedule for the Green Makeover Show on TV. The information and schedule will be on the town’s website and she encouraged people to watch the show.

Councilor Armitage reported on the Workforce Housing RFP. The Workforce Housing Committee met on February 21 and decided to amend the RFP based on the input received from experienced developers. The committee decided that the changes in the overall scope of the work are not substantive. The Finance Committee has submitted the following written report:

The Falmouth Finance Committee met Friday, February 15, with the Falmouth School Board Finance Committee to review and discuss the following items:

1) Budget Validation Process: Steps and timeframes; and 11 Cost Center format

The School Board Finance Committee updated the Town Council Finance Committee on the current requirements under the School Consolidation Law approved last year. The School Board requested the Town Council adopt the following Special Election for the School’s Budget Validation Referendum:

Before April 21: Complete informal process; The School Board proposes a budget and the Town Council indicates what budget the Council intends to approve at the Council Budget Meeting.

Monday, April 21: Last Day the School Board may present its detailed budget document to the Council and the voters (must be at least 7 days before the Council Budget Meeting).

Monday, April 21: Last Day for the Council to sign the warrants for the Budget Referendum.

Monday, April 21: Deadline to deliver warrant and absentee ballots to the Town Clerk (at least 7 days before the Council Budget Meeting).

Monday, April 28: Council Budget Meeting (part of the regular meeting). Council formally approves the budget.

Tuesday, May 6: Special Election/School Budget Referendum vote (within 10 days after Council Budget Meeting, but not on Saturday, Sunday or holiday).

The timeline outlined above would provide the School Board with

Item 2

sufficient time to prepare a revised budget for Town Council action and inclusion on the June 10 regular election ballot should the initial referendum be turned down by the voters on May 6.

The Maine Legislature is considering a bill that would make the Budget Validation Process optional for 2008. There were two questions that came out of this discussion:

- Who has the authority to “Opt Out” of the Budget Validation Process for 2008 if the Maine Legislature passes the bill?
- How does the process above effect the Town Budget Process as required by the Town Charter?

2) Consolidation Plan/Process: Status; and Baxter School situation
Due to time constraints, the Committees did not discuss the Consolidation because the item is on the Council’s next Regular Meeting Agenda scheduled for February 25.

3) Supplemental appropriation from undesignated fund balance for a new local home heating fuel assistance program

Nathan Poore informed the Town Finance Committee that he had met with Councilor Cathy Breen, Town Clerk Kathleen Babeu, and representatives of several Falmouth churches on February 14 to discuss the future of the Falmouth Food pantry and the development of a new fuel assistance program.

It was concluded that due to the high cost of heating fuel and limited federal and state resources, there is the likelihood of a local demand for assistance that will not be funded. Nathan proposed the following supplemental appropriation for urgent needs:

- \$5,000 for current year heating needs that will be administered under the current General Assistance process based on need.
- \$5,000 for future heating needs during the next winter contingent on raising other sources of funds locally through donations to match or exceed the town’s appropriation.

The Finance Committee unanimously endorsed this proposal and recommended the Council approve this Supplemental funding request.

4) Budget Status Update: New Requests; Status Quo; and Pressures
Dan O’Shea handed out information and updated everyone on the current budget process. There are a limited number of new budget requests that are currently being reviewed. Overall the school is trying to maintain the status quo with expenditures but there are several budgetary items that are placing unanticipated pressure on the school’s budget specifically Special Education and Energy.

- Special Education funding continues to be problematic and increases in both in district and out-of-district Special Education students have increased expenditures as mandated by law.
- A number of energy saving strategies and efficiency upgrades have been implemented that are generating savings, but these savings are being offset by energy cost increases.

5) Revenues: Subsidy; Medicaid; and Grants

Dan O’Shea updated the Committees on the status of state and federal funding:

- The amount of State Subsidy is in question based on current discussions in Augusta. Currently the School is budgeting for flat funding from the State. The Committees discussed alternatives and options should State funding be cut as well as timing of funding notice.
- Medicaid and grants represent a small portion of the Schools budget and continue to decline.

6) Next Steps: Vetting new requests; March 1, 2008 budget workshop; Meeting with Council; and Budget Validation Referendum
Dan O'Shea informed everyone that the School Budget will be finalized over the next two weeks. The following timeline for School Budget approval was discussed:

- **Saturday March 1** - School Board's Budget Workshop
- **Monday March 3** – School Board Finance Committee recommends final budget for School Board approval
- **Week of March 10-14** (To Be Determined) - Joint Town Council/School Board Finance Committee meeting to review Recommended School Budget
- **Monday March 17** – School Board Meeting to approve budget
- **Monday March 24** – School Board makes first presentation of School Board Approved School Budget to Town Council preceding the April BVR Process outlined in item 1 above.

The Town Council and School Board Finance Committees recommend the above timeline be adopted in an effort to facilitate better communication with residents about the overall Town Budget.

Councilor Breen noted that the Governance Committee will meet briefly this week.

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

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

[Item 3](#)

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

“To re-appoint Hugh Smith to CPAC, to re-appoint Mel Dickenson to the Conservation Commission, to re-appoint Faith Varney to the Recreational Activities Programs Advisory Committee, and to appoint Stephen Hendrey to the Recycling Committee.”

Public Hearing and order to adopt a new food service establishment license/victualer's for Rite Aid Corporation at 33 Depot Road in Falmouth, Maine.

Chair Breen opened the public hearing.

There was no public comment.

Chair Breen closed the public hearing

[Item 4](#)

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 approve a new food service establishment license/victualer's for Rite Aid Corporation at 33 Depot Road in Falmouth, Maine.”

Order to increase fees (trash bag costs) to support the "pay as you throw" solid waste disposal program.

[Item 5](#)

On motion (Wrobleski), duly seconded by (Payne), it was VOTED (4 Ayes: 2 opposed: Rodden & Armitage) as follows:

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

“To approve Scenario #One as outlined by the finance staff.”

Scenario 1 Pay FY2008 loss from the general fund and start FY2009 with a \$0 balance.

The price of a 20-gallon bag will go from \$10.50 a bundle to \$14.55, and a 33 gallon bag from \$15.00 to \$20.80 per bundle. The increase will go into effect Saturday, March 1, 2008.

Order to approve a supplemental appropriation from undesignated fund balance for the "pay as you throw" solid waste disposal program.

On motion (Armitage), duly seconded by (Goggin), it was VOTED (NO VOTE) as follows:

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

“To transfer \$70,000 from the undesignated fund to the general fund.”

On motion (Armitage), duly seconded by (Goggin), it was VOTED (NO VOTE) as follows:

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

“To transfer \$70,000 from the undesignated fund to the revolving fund this fiscal year.

Item 6

On motion (Goggin), duly seconded by (Wroblewski), it was VOTED (5 Ayes: 1 opposed: Rodden) as follows:

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

“To amend the motion to state: the transfer would not go to the general fund. The \$70,000 transfer would go from the undesignated fund balance into the “pay per bag” revolving fund for the "pay as you throw" solid waste disposal program.”

On motion (Armitage), duly seconded by (Goggin), it was VOTED (5 Ayes: 1 opposed: Rodden) as follows:

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

“The fee increase would go into effect on March first.”

Councilor Breen left the meeting at 8:30 PM.

Item 7

Introduction relative to amending Chapter 17, Traffic and Motor

Vehicles.

Councilor Payne introduced this item and stated that notice would be given to the residents on Andrews Avenue.

The following language to be added to: *Chapter 17, Traffic and Motor Vehicles, section 17-92, sub section D*; of the Town Ordinances. Andrews Ave. – No parking, tow away zone, May 1st until September 30th from 6 am to 6 pm. Designated spaces at the east end of Andrews Ave. are to be utilized as parking for Mackworth Island and will have a three (3) hour time limit.

Squidere Lane – No parking on the east side of the road from the intersection of Depot Road to the Blackstone cul-de-sac.

Introduction to adopt an Emergency Management Ordinance.

[Item 8](#)

Councilor Payne introduced this item. This new ordinance is required to support the overall Emergency Operation plan. The ordinance must be adopted prior to the formal Emergency Operation plan implementation and is required in order to receive FEMA funding/grants.

Introduction of Zoning Ordinance Amendment concerning Commercial and Private Schools in certain districts.

[Item 9](#)

Councilor Payne introduced this item.

Introduction relative to the adoption of a new General Assistance Ordinance (replacing all language in chapter 6 of the Code of Ordinance), and adoption of state dollar amounts for maximum assistance.

Councilor Payne introduced the GA Ordinance.

[Item 10](#)

Chapter 6 of the Code of Ordinances (General Assistance) has not been reviewed for 17 years. The town's attorney has reviewed the information provided by the Maine Municipal Association (MMA) and recommends adopting the MMA General Assistance Model Ordinance completely as it is more thorough and consistent with current practices and State Statutes. Both the initial maximum levels of assistance and any subsequent changes must be adopted by ordinance in order to comply with the statute. The MMA model ordinance differs from the Code and an area of substance addresses the period of ineligibility for benefits - see definition of "just cause" (currently 60 days in the Falmouth ordinance whereas the MMA model uses 120 days). The statute, 22 MRSA 4316-A, was amended in 1993 which mandates a 120 day period.

Introduction to amend the Code of Ordinances that will create a standing Energy Committee.

Councilor Goggin introduced this item & amendments:

[Item 11](#)

AN ORDER ESTABLISHING THE TOWN OF FALMOUTH ENERGY COMMITTEE

WHEREAS, the town of Falmouth has signed the U.S. Mayor's Climate Protection Agreement (USMCPA) committing to reductions of carbon dioxide emissions to 7% below 1990 levels by 2012: and

WHEREAS, the Town of Falmouth desires to meet—and exceed—the

USMCPA's targets; reduce our use of fossil fuels; improve our local economy and quality of life; and advance the preservation of Falmouth and our natural world, its beauty, and its bounty for ourselves, our children, and all that follow: and

WHEREAS, the continued production of carbon dioxide from fossil fuel combustion is causing an accelerating series of climate changes with substantial and costly impacts and, if unchecked, will soon have significant impacts on Falmouth, our children, and human civilization: and

WHEREAS, sound investments in improved energy performance and renewable energy supply provide significant benefits to our environment and quality of life, our local economy, and our energy security; offer a sustainable and prosperous future for us and our descendants; and are the fastest, cleanest, and most profitable way to reduce fossil fuel use and emissions of carbon dioxide: and

~~**WHEREAS**, we have an immediate, and limited time, opportunity to realize these objectives;~~ and the Town of Falmouth desires to take a leadership position in these regards: and

WHEREAS, the Town of Falmouth will realize these goals if a well researched, integrated, broadly supported, plan is developed drawing on the wide range of interests and expertise in the town and is implemented by the Town Council.

NOW, THEREFORE, we, the Town Council of Falmouth, Maine, hereby amend *Article III* of the Falmouth Code of Ordinances *to add a new Division 12* as follows:

1. **Create a Committee.** An "Energy Committee" shall be created.
2. **Purpose and Duties of the Committee.** The Committee shall develop a plan containing goals, strategies, recommendations, and reports; and specifically:
 - 2.1. shall be guided by the intent to substantially, rapidly, and profitably reduce Falmouth's fossil fuel use and carbon dioxide emissions, and increase our energy performance and security;
 - 2.2. shall assess and report on the Town's energy sources, uses, costs, and emissions;
 - 2.3. shall research and develop goals and an optimized set of strategies and recommendations for action to realize the goals, encompassing the full range of energy activities in Falmouth including, but not limited to, buildings, vehicles, schools, municipal buildings and operations, land use, waste, developments, and businesses;
 - 2.4. shall evaluate and report on our progress towards the goals and update the Plan accordingly;
 - 2.5. shall prepare an annual Work Plan for the Energy Committee to be submitted to the Town Council.

3. Membership of the Committee. The membership of the Committee shall consist of up to ten residents of the town of Falmouth approved by the Town Council and,

3.1. shall be identified on the basis of their expertise, motivation, abilities, and representativeness;

3.2. shall be individuals who represent the main interests in the town such as business leaders, developers, school administrators, facility managers, faith communities, community organizations, energy suppliers, and energy performance/renewable energy experts;

3.3. shall serve a three year term;

3.4. shall have a Chair elected by majority vote of the Committee with the Chair of the Town Council casting a tie breaking vote if necessary;

3.5. in consultation with the Committee, the Chair will schedule, set the agenda for, and preside over Committee meetings;

3.6. the chair, or his or her designee, shall be the official representative of the Committee to the Town Council and first author of the Plan;

4. Support & Collaboration.

4.1. The Committee shall collaborate with such organizations that can provide material support in achieving the goals of the Plan, for example: ICLEI, NRCM, Efficiency Maine, Sierra Club, The Chamber of Commerce, The Falmouth Economic Development Commission; Cool Falmouth, The Town Planning Board and other municipal bodies, and The Falmouth Conservation Commission;

4.2. the Committee shall seek, and hire when appropriate, expert advise from leading organizations in making its evaluations, analyses, and recommendations;

4.3. the Committee shall be given access to appropriate Town records, personnel, and resources including appropriate funding;

4.4. the Town Council shall promptly evaluate recommendations made in the Plan, provide responses to guide its further development, and act rapidly to implement approved recommendations and budget and staffing requests.

Report and presentation on school consolidation efforts in Falmouth.

Councilor Wrobleski updated the council on the town's school consolidation with SAD51, adding that events in the legislature could impact the process. An update of LD 1932 was provided.

Councilor Wrobleski stated that a straw poll on the elementary facility is scheduled for March 5th—this will be an up or down vote on the proposed location of the school on the Woodville site. There are no other sites proposed at this time.

Order to approve a supplemental appropriation from undesignated fund balance for a new local home heating fuel assistance program.

On motion (Rodden), duly seconded by (Goggin), it was VOTED (4: 1 opposed: Payne) as follows:

Item 13

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

“To approve a supplemental appropriation of \$5,000 from the undesignated fund balance for a new local home heating fuel assistance program.”

Order to go into executive session pursuant to (1) 1 M.R.S.A. § 405(6)(C) for the discussion or consideration of the condition or use of real property or interests therein because premature disclosure of information would prejudice the competitive or bargaining position of the Town and (2) 1 M.R.S.A. § 405(6)(E) for consultation with the Town's attorney concerning the Town's legal rights and responsibilities concerning the Tidewater Farms matter because premature general public knowledge would place the Town at a substantial disadvantage.

On motion (Wrobleski), duly seconded by (Rodden), it was VOTED (5 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 9:30 PM pursuant to (1) 1 M.R.S.A. § 405(6)(C) for the discussion or consideration of the condition or use of real property or interests therein because premature disclosure of information would prejudice the competitive or bargaining position of the Town and (2) 1 M.R.S.A. § 405(6)(E) for consultation with the Town's attorney concerning the Town's legal rights and responsibilities concerning the Tidewater Farms matter because premature general public knowledge would place the Town at a substantial disadvantage.

Item 14

& Order to go into executive session pursuant to 1 M.R.S.A. § 405 (6) (C) and (E) to discuss final negotiations for terms and conditions associated with the TIF plan and agreement between Addison Capitol and the Town of Falmouth.”

On motion (Wrobleski), duly seconded by (Goggin), it was VOTED (5 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 10:40 PMPM pursuant to (1) 1 M.R.S.A. § 405(6)(C) for the discussion or consideration of the condition or use of real property or interests therein because premature disclosure of information would prejudice the competitive or bargaining position of the Town and (2) 1 M.R.S.A. § 405(6)(E) for consultation with the Town's attorney concerning the Town's legal rights and responsibilities concerning the Tidewater Farms matter because premature general

public knowledge would place the Town at a substantial disadvantage.

& Order to come out of executive session pursuant to 1 M.R.S.A. § 405 (6) (C) and (E) to discuss final negotiations for terms and conditions associated with the TIF plan and agreement between Addison Capitol and the Town of Falmouth.”

Adjourn

On motion (Wrobleski), duly seconded by (Goggin), it was VOTED (5 Ayes) as follows:

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

“To adjourn at 10:40 PM.”

Item 15

Respectfully submitted,

Kathleen W. Babeu

Kathleen W. Babeu
Falmouth Town Clerk