

Town of Falmouth, Maine

**Town Council Meeting Agenda
June 16, 2008**

**Falmouth Town Hall
Council Chambers - 8:00 PM**

Roll Call

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

Item 1

Resolution recognizing the Falmouth Middle School Jazz Band “Iron Twinkies” as 2008 Region I Champions in the Maine State Jazz Festival.

**TOWN OF FALMOUTH
RESOLUTION RECOGNIZING
THE 2008 FALMOUTH MIDDLE SCHOOL JAZZ BAND**

WHEREAS, the Falmouth Middle School Jazz Band better known as the “Iron Twinkies” recently won the 2008 Maine State Jazz Band Championship for Division I on March 22, 2008; and

WHEREAS, the Iron Twinkies scored 93 out of 100 possible points to place first in the state among all schools competing; and

WHEREAS, ten Falmouth musicians received Outstanding Soloist awards for their outstanding performances, and whereas the judges commented on the band’s sound, creativity and excellent performance in the jazz style; and

WHEREAS, eighth grader and bass player Conor McGrory was recognized as an “Outstanding Musician” in Division 1; and

WHEREAS, the Town is proud of the all-around effort of the Iron Twinkies in the competition, the hard work in preparing the musical compositions performed, and the great leadership of the Maine Music Educator of the Year, Mr. Jerry Barry in the teaching of jazz to his students; and

WHEREAS, the Town wishes to recognize the hard work and dedication of all band members: Jane Yoon, Nathan Roscoe, Grant Backlund, Sophie Chaney, Evan Eklund, Gino Masciangelo, Will Robinson, Patrick Coyne, Sarah Twombly, Reid Pryzant, Catherine Hebson, Cassie Darrow, Lee Larson, Matt Witkowski, Hudson Carr, Dana Bloch, Alli Carver, Katharina Ertman, Henry Coxe, Harry

Vanderkloot, Tim Follo, Sam Brown, Sarah Hemphill, Conor McGrory and Director Jerry Barry.

NOW THEREFORE BE IT RESOLVED by the Falmouth Town Council assembled this 16th day of June, 2008 that Jazz Band director Jerry Barry and members of his Iron Twinkies Jazz Band are herewith recognized and congratulated by this Council on behalf of the citizens of Falmouth.

Approved this 16th day of June, 2008.
Chairman Falmouth Town Council

Kathleen W. Babeu
Town Clerk

Item 2

Resolution recognizing the Theater Company at Falmouth High School for recent accomplishments.

**TOWN OF FALMOUTH
RESOLUTION RECOGNIZING
THE 2008 THEATRE COMPANY AT FALMOUTH HIGH SCHOOL**

WHEREAS, The Theatre Company at Falmouth High School recently won one of the Regional Drama Festivals and the Class B State Drama Festival in March of 2008 for its performance of THE BOOR HUG, by Georges Feydeau; and

WHEREAS, The Company was one of two schools representing Maine at the New England Drama Festival in Rutland, Vermont in April 2008; and

WHEREAS, At both Maine Festivals, the following students were awarded as All Festival Cast members: Patrik Medley, Jack Coster, Courtney Wood, and Anna Puia; and

WHEREAS, At both the regional and State levels, students Anna Kellar and Maria Darrow won special commendations for scenic design and Abby Merson and Molly Frantzen won a special commendation for Costume Design; and

WHEREAS, The Company has also won State titles in 1996, 1998, 1999, 2001 and 2005; and

WHEREAS, the Town is proud of the effort of the Theatre Company at Falmouth; and

WHEREAS, the Town wishes to recognize the hard work and dedication of all company members:

The Prologue
 Maria Darrow
 Sam Deeran
 Laura Goldstein
 Abby Merson
 The Company
 (in order of appearance)
 Casimir Ferret.....Jack Coster
 Mimi.....Anna Puiia
 Flugel.....Patrik Medley
 Mme. Prévallon.....Courtney Wood
 The Student Production Staff
 Crew Chiefs
 Cam Foley Ethan Wilson
 Stage Manager.....Greg Jensen
 Assistant Stage Manager
 Courtney Vamvakias
 Music Research.....Kurt Perry
 Scenic Art and Design
 Maria Darrow AnnaKellar
 Head Lighter.....Zach Connerty-Marin
 Light and Sound
 Joshua Grassman Jacob Merson
 Wardrobe
 Cara Foley Charlotte Rogers
 Make-Up
 Shannon Donovan Lauren Mucci
 Costume Design
 Molly Frantzen Abby Merson
 Costume Construction
 Abby Merson
 Set Construction
 Dan Collins Jukian Brand Max Brinn John DeMichael Cam Foley
 Greg
 Jensen Michael Meahl Hunter Nolan
 Working Crew
 Cam Foley Michael Meahl Ethan Wilson
 Reilly Bayer Colby Bennett Julian Finch –Brand Max Brinn- Dan
 Collins
 Kelsey Conroy John DeMichael Danielle Esposito Jamie Ford Molly
 Frantzen
 Mike Gillis- John Hunter
 Anna Keeler Anna Keller Lisa Kombakis
 Sarah Mason Kelly Miller Allison Sparta
 Clayton Thomas Katy Vogt
 and Director Dede Waite.

NOW THEREFORE BE IT RESOLVED by the Falmouth Town
 Council assembled this 16th day of June, 2008 that the Theatre

Company at Falmouth and their director Dede Waite are herewith recognized and congratulated by this Council on behalf of the citizens of Falmouth.

Approved this 16th day of June, 2008.
Chairperson Falmouth Town Council

Kathleen W. Baber
Town Clerk

Public Forum

This is an opportunity for members of the public to address the Council on matters which are not part of the meeting agenda.

Chairman Armitage opened the public forum.

There was no public discussion.

Chairman Armitage closed the public forum.

Item 3 (a) Consent Agenda **Order to approve the minutes of the regular meeting of May 27, 2008.**

This item was taken off the agenda.

On motion (Wrobleksi), duly seconded by (Breen), 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 take item 3 (a) off the agenda.”

Item 3 (b) Consent Agenda **Order to approve the renewal of the parking agreement between the Town of Falmouth and the American Legion.**

TOWN OF FALMOUTH

AGREEMENT

This Agreement entered into this 16th day of June 2008 by and between **AMERICAN LEGION NO. 164** (hereinafter referred to as “Legion”) and **TOWN OF FALMOUTH, MAINE** (hereinafter referred to as “Town”)

WHEREAS, Legion is the owner of a parking area, which parking area is adjacent to a Legion Hall on property owned by Legion located on Depot Road in Falmouth, Maine; and

WHEREAS, said parking area is adjacent to a large athletic field complex upon which

various public recreation programs are conducted; and

WHEREAS, the Town and all of its citizens have benefited from the availability of parking on Legion's parking lot adjacent to said outdoor athletic facilities; and

WHEREAS, the use of the parking lot by individuals using the aforementioned outdoor athletic facilities creates a financial burden upon said Legion, which burden includes the cost of maintaining and insuring said parking area.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

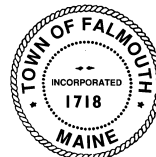
1. That the term of this Agreement shall run from July 1, 2008 to June 30, 2009.
2. That during the term of this Agreement, and any extension thereof, members of the public using the aforementioned outdoor athletic facilities may continue to park on said Legion parking lot and have the use thereof in common with other, including Legion members.
3. As consideration for such public use of the Legion parking area, the Town agrees to pay the Legion the sum of Four Hundred Fifty dollars (\$450.00) to be paid by the Town on or before June 30, 2008.
4. During Legion meetings and events, it may reserve parking for its members and guests on the portion of the lot which borders the lawn along the Legion Building.
5. That this Agreement may be extended from time to time by letter agreement signed by both parties and any such letter or extension shall incorporate, by reference, this agreement and shall specify the dates of any such extension.

Item 3 (c) Consent Agenda Order to certify the election results for the Municipal/Primary/State election on June 10, 2008.

On motion (Breen), duly seconded by (Wroblewski), 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 certify the election results as follows for the Municipal/Primary/State election on June 10, 2008."



**TOWN OF FALMOUTH, MAINE
REGULAR MUNICIPAL ELECTION RESULTS
Election of Town Councilors, School Board Members, Charter**

**Review Commission Formation & Commission Members
JUNE 10, 2008**

FOR TOWN COUNCIL

AUDET, WILLIE JR.	1356
BREEN, CATHY	1501
PIERCE, TERESA	1434

FOR SCHOOL BOARD

FARBER, KAREN	1735
FRANKLIN, BETH	1793
LARSON, ANALIESE: WRITE-IN CANDIDATE:	251

“Shall a Charter Review Commission be established for the purpose of revising the Falmouth Council-Manager Charter?”

Yes:	1496
No:	931

FOR CHARTER REVIEW COMMISSION

GOGGIN, ANN C.	1523
GULLIVER, JEAN	1570
LUNT, III, WILLIAM	1654
MCGEHEE, PEGGY L.	1567
OLSON, RICHARD P.	1590
SNOW, DAVID P.	1539

Certified Official Results: June 11, 2008

Kathleen W. Babeu

Falmouth Town Clerk

On motion (Breen), duly seconded by (Wroblewski), 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 consent agenda with the exception of item 3a.”

Item 4

Report from Council Committees and liaisons regarding updates on assignments.

Councilor Breen stated that GPCOG is having their annual meeting this Thursday. The town of Falmouth have submitted several applications and she thanked the staff involved.

Councilor Rodden reported that the Open Space Committee is looking at the transfer of development rights and will put together a report to present to the council.

The Recycling Committee has agreed to do an audit of the silver bullets.

Councilor Wrobleski reported on school consolidation and an alternate plan.

Councilor Pierce reported on the Community Facilities Committee and the upcoming vote on the elementary school.

Item 5

Report from the Appointments Committee and order relative to filling various vacancies on Boards, Committees and Commissions. An order to appoint positions on Boards, Committees, and Commissions may include the appointment of three Charter Commission members in accordance with 30-A M.R.S.A. Section 2104.

Councilor Libby reported there will be three members appointed to the Charter Review Commission. Applications will be accepted through the close of the day on Monday, June 23rd. The council will then hold a special meeting on Thursday, June 26th. The Appointments Committee met earlier and interviewed the remaining 3 applicants for the Green Ribbon Commission on Energy & Climate Protection.

On motion (Libby), duly seconded by (Wrobleski), it was VOTED (6 Ayes; 1 opposed: Breen (size of committee) as follows:

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

“To appoint Robert Welch, Neil Gilbert & Sara Bachman to the Green Ribbon Commission on Energy & Climate Protection.”

It was mentioned that the Town Clerk will contact all applicants to the Recreational Activities Community Programs Advisory Board and invite them to interview with the Appointments Committee at their July meeting.

To round out the Charter Commission 3 members are appointed.

June 23, 2008 at 4:30 with the special meeting to be held on Thursday, June 26th at 7 PM for three members to be appointed.

This information will be posted on the website.

Item 6

Public Hearing and order relative for a new food service/victualer's license for "More Than Bagels Cafe, LLC" Route One.

On motion (Breen), 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 approve a new food service/license for "More Than Bagles Café, LLC" Route One."

Item 7

Order to abate personal property taxes for US Bancorp Equip Finance.

Anne Gregory explained background information on this item.

On motion (Wrobleski), 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 abate personal property taxes for US Bancorp Equip Finance as follows:

2006 \$25,400 assessed value X \$.01440 (FY06/07 tax rate) = \$365.76 Tax."

Item 8

Update on the new elementary school construction project and anticipated referendum schedule.

Mark Terison, member of the School Board updated the council on the new elementary school construction project and anticipated referendum schedule. His update included information regarding financing indicating that the taxpayer of the state of Maine will incur the cost rather than the taxpayers of Falmouth, however a portion to be determined will be locally funded if the voters approve. A site has been selected by the Board of Education on Woodville Road. A public forum will be held to present a concept and design of the

school.

Karen Farber, Chair of the Community Facilities Committee explained upcoming steps: straw vote poll the first week in Augusta, with a Board of Education meeting scheduled for August 13th. A special meeting of the town council no later than August 19th, with an election recommended for Thursday, October 2nd. The ballot will consist of 4 questions.

Item 9

Discussion about the possibility of broadening retail use in the RB (Residential B) District, specifically in the Falmouth Corner area and order to authorize town staff to develop ordinance amendment language.

Councilor Payne would like to suspend the rules to allow the property owner to speak on the issue.

Chris Richards of Mountain Road, property owner stated that he has owned the property since 1997 and the location of the property does not work well from a residential food aspect. It is difficult for cars to get in and out of the parking lot at the intersection. He encouraged the council to consider a zoning amendment.

Amanda Stearns, Community Development Director spoke regarding conditional use permits.

Discussion continued regarding possible uses.

On motion (Payne), 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 authorize staff to spend time on reviewing zoning in the RB (Residential B) District, specifically in the Falmouth Corner area and to authorize town staff to develop ordinance amendment language.”

Councilor Wroblewski expressed his concern with spot zoning and cautioned about this type of zoning. His suggestion would be for the Community Development Committee work with staff to come up with a definition which makes sense.

Item 9-A

Discussion about how the current zoning ordinance regulates

animal husbandry as an ancillary use to residential uses and order to authorize town staff to research practices in other communities and develop ordinance amendment language options to be considered by the Town Council at a later date.

Councilor Breen reported on this item and explained that she had received an email expressing concern relative to raising poultry. She asked her fellow councilors if this would be a valid use of staff time and if there was interest.

On motion (Breen), 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 authorize town staff to review and suggest ordinance regulations relative to animal husbandry as an ancillary use to residential uses and order to authorize staff to research practices in other communities and develop ordinance amendment language options to be considered by the Town Council at a later date.” The suggestion is to discuss at the August workshop.

Item 10

Consideration to remove discussion of the Tidewater Mitigation Plan and Memorandum of Understanding from the table. The item was tabled on April 15, 2008.

On motion (Libby), duly seconded by (Rodden), 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 remove the discussion of the Tidewater Mitigation Plan and Memorandum of Understanding from the table.”

Tidewater Discussion was extensive and lengthy. This item will be revisited in the next couple of months.

Councilor Wroblewski thinks this is headed in the right direction and would like the following conditions added: assessment of the building. Also to look at right of first refusal if the foundation failed for some reason. Councilor Wroblewski recommended a sit walk to check out the property and acreage.

Councilor Rodden would like clarification from Portland Trails and would like Portland Trails to agree to that.

The MOU was discussed at length.

Councilor Wrobleski added that as a condition of issuing the building permit, that an independent assessment of Tidewater building should be done to determine if the buildings are structurally sound and if not; what the cost would be to ensure they are structurally sound.

Item 11

Review proposed agenda and schedule for the August 1, 2008 Town Council Retreat.

The council discussed the proposed agenda, and made changes for their retreat on August 1, 2008.

Item 12

Discussion about a proposed Council orientation session.

Councilor Payne & Rodden will bring forth suggestions to Town Manager, Nathan Poore.

Item 13

Resolution to encourage the merger of Metro and Regional Transportation Program.

**TOWN OF FALMOUTH
RESOLUTION RECOGNIZING
METRO-RTP**

WHEREAS, significant savings are frequently derived from merging duplicative administrative functions,
WHEREAS, the Regional Transportation Program (RTP) and Metro offer similar transit programs and are next door to each other on St. John Street in Portland,
WHEREAS, RTP currently has an opening for Executive Director, the top administrative position at the organization,
WHEREAS, GPCOG, which represents twenty-six municipalities served by the Regional Transportation System, has offered its services to facilitate a merger,
WHEREAS, the citizens of Falmouth and the rest of the 26 municipalities have demanded its municipal leaders cut costs wherever possible,
NOW THEREFORE BE IT RESOLVED by the Falmouth Town Council assembled this 16th day of June, 2008, urges the Boards of METRO and RTP to comply with the request of GPCOG in its letter dated June 10, 2008, to seriously explore the merger of its two organizations and to allow

GPCOG to facilitate the negotiations.
Approved this 16th day of June, 2008.
, Chair, Falmouth Town Council
Town Clerk

Item 14

Adjourn

On motion (Payne), 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:

“To adjourn the meeting at 12:10 AM.”