

Town Council Meeting
May 26, 2009
Minutes

The meeting was called to order at 6:38 pm.

Roll Call

Councilors present and answering roll call: Councilors Payne, Rodden, Wrobleski, Pierce, and Libby.

Councilor Libby moved to go into Executive Session at 6:39; Councilor Pierce seconded Motion carried 5-0.

Councilor Payne motioned to go out of Executive Session: Councilor Pierce seconded. Motion carried 5-0

Councilors absent: Councilor Breen, Councilor Armitage arrived at 7:03

Roll Call 7:05 p.m.

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

Item 1 Order to go into Executive Session to discuss a hardship abatement of taxes pursuant to 36 M.R.S.A. 841(2) (E)

Councilor Wrobleski motioned to deny a property tax abatement application which was discussed earlier in Executive Session and to instruct the Town Manager, Nathan Poore, to develop a facts and findings report to be signed at a later date. Motion carried 5-0. Councilor Armitage abstained as he was not present for the Executive Session.

Public Forum

Councilor Armitage opened the Public Forum.

There was no public comment.

Councilor Armitage closed the Public Forum.

Item 2 (a) Order to approve the minutes of the March 25, 2009, Town Council Special Meeting.

Item 2 (b) Order to approve the minutes of the April 13, 2009, Town Council Meeting and Workshop.

Item 2 (c) **Order to approve the minutes of the April 27, 2009, Town Council Meeting.**
(Consent Agenda)

Item 2 (d) **Order relating to the abatement of uncollectible personal property taxes.**
(Consent Agenda)

Item 2 (e) **Order to set FY10 real and personal property tax due dates.**
(Consent Agenda)

Item 2 (f) **Order to appoint Warden, Deputy Warden, Deputy Registrar, and Election Clerks for the June 9 election.**
(Consent Agenda)

Councilor Libby moved to approve the consent agenda; Councilor Wrobleski seconded. Motion carried 6-0.

Item 3 **Report from Council Committees and liaisons regarding updates on assignments.**

Councilor Rodden thanked her fellow Councilors who came for the METRO celebration. Councilor Rodden was excited to report that there has been a very favorable response to Metro passes and the Falmouth Memorial Library is showcasing Dottie Blanchette's fifth grade class artwork depicting METRO through the month of June.

Councilor Payne informed the public that Shaw's and Falmouth Shopping Center has designated fifty parking spaces for the Park and Ride.

Councilor Armitage announced that the One Falmouth Committee has scheduled their first meeting on Thursday at 11:00 a.m. in the upstairs conference room.

Councilor Pierce reported the School Committee invited Falmouth's State Legislators, Jerry Davis, Joan Cohen and Mary Nelson, to attend their last meeting. Mary Nelson is on the Education Committee and discussed various bills and budget issues, high school graduation requirements, charter schools and other valuable information for the School Committee. Councilor Pierce suggested inviting the legislators to a Council meeting in September.

Councilor Libby reported the Harbor Committee has been extremely busy and is on two agenda items, while Cable TV did not have a meeting this month. Workforce Housing is also on the agenda.

Item 4 **Report from the Appointments Committee and order relative to filling various vacancies on Boards and Committees**

Councilor Payne reported there were no new appointments at this time. Councilor Payne encouraged the community to get involved and join a Committee.

Item 5 Order to sign the June 9 Budget Validation Referendum Warrant and the Regular Municipal Election Warrant.

Councilor Wrobleski moved to approve the order: Councilor Libby seconded. Motion carried 6-0.

Item 6 Order to approve the FY10 School Department Budget in accordance with 20-A M.R.S.A. section §§1486, 2307, and 15690.

Councilor Pierce moved to approve the FY10 School Department Budget in accordance with 20-A M.R.S.A. section §§1486, 2307; Councilor Rodden seconded. Motion carried 6-0.

Item 7 Consideration and Order for waiver of certain fees for the review and inspection of the Elementary School.

Councilor Wrobleski moved to approve the order to waive the standard fee and only charge for review and inspection of the Elementary School cost out of pocket fee for external review; Councilor Rodden seconded. Motion carried 6-0.

Item 8 Public Hearing and order to renew food service/victualer licenses and liquor license.

Councilor Armitage opened the Public Hearing.

There was no public comment.

Councilor Armitage closed the public hearing.

Councilor Pierce moved to approve the order: Councilor Wrobleski seconded. Motion carried 6-0.

Item 9 Public Hearing regarding a Zoning Amendment to correct an unintended conflict between the West Falmouth Master Plan Development District and the Route 100 Corridor Overlay District regarding signage.

Councilor Armitage opened the Public Hearing.

There was no public comment.

Councilor Armitage closed the public hearing.

The order will be scheduled for June 15, 2009.

**Item 10 Continuation of the Public Hearing and Order on the Woods
Road Workforce Housing Project.**

Councilor Armitage opened the public hearing.

Mr. Tim Flaherty, 10 Fairway Drive, asked the Council to take a pass on this agreement and this site. Mr. Flaherty reflected back to 1995 when he brokered the sale of this property to his neighbor, Mr. Holden, who then entered into an agreement with the Town for a swap on the land where these buildings are now being proposed. He stated at that time, the Town Planner said that there would be heavy development on that site. Mr. Holden then made a choice of making an extra lot which he sold to Mr. Flaherty. Mr. Flaherty remembered that it was an environmentally sensitive area. Mr. Flaherty never anticipated 48 houses being built right behind them. Mr. Flaherty spoke of his concern of the impact of cutting into the soft wood forest that serves the community well by serving as a buffer to the noise and carbon emissions from the turnpike spur as well as a home for the wildlife. The Committee has done a lot of hard work and deserves praise, but he does not think this is the correct site because it has a lot of issues.

Mr. William Gardiner, Underwood Road, spoke in reference to an e-mail sent following the last Town Council meeting to Town Manager Nathan Poore from Jim Hatch. that the majority of the Councilors understood that the agreement for this work did not mean an okay for the whole project. In regards to changes in the document requested by the Council, we meaning the developers are very concerned about taking out the language that suggests that this is the first step in a larger process. Mr. Gardiner referred to the final point in the e-mail which asks, When does the Town intend to tackle the underlying issue - are you committed to subsidized work force housing or not?

Mr. John Graustein, 57 Waites Landing Road, asked to address the agreement by going back to October 14, when the Council was asked to select a developer and builder. In the request for proposals specific information was requested from the developers The developer has not done this. Now the developer is unfairly asking for help with investigation of the ledge at the site, an obligation which should have been part of the original proposal. At the Council meeting on May 11, the Council was concerned with the language that would indicate they were blessing the whole project or voting to approve. The Council was rightly concerned, if you want to deal with ledge, then you deal with it. Some of the specific terms are unacceptable and we have now gone from \$10,000 to \$20,000. The project can't be blessed when you don't know what the project is. The round two submissions have not even happened. Graustein stated the draft of the contract tonight is almost the same as the one before, he did not see that the language had been taken out of the new agreement, and now there was an order to be adopted and they have added more things. The developer is attempting to draw the Council in or indicating to make decisions they can't change.

If there is a TIF the developer should guarantee that. What is expected of the Town to operate in good faith? What happens if the contract is terminated? Paragraph five discusses sharing the risk and if the Town decides not to pursue the project after the ledge work is done. Graustein stated he does not feel any money should be spent. The developers are attempting to draw the Town in. The parties have agreed to negotiate in good faith, but what is being negotiated? If they want to go back to square one let them.

Councilor Armitage closed the public hearing.

Councilor Libby expressed that this has been one of the most open processes any committee has ever undertaken, there are people here who have been at every meeting and the chair at those meetings asked for public comment. One of the unintended consequences we have as a Town of overcomplicated and burdensome ordinances is the price of building new homes and the price of existing stock goes through the roof. That is good for some of us and bad for others. The question Councilor Libby asked to have answered, possibly at the retreat, is how does this Council, how does this Town, address affordable housing in Falmouth? In a few months from now this same board will be looking at some resource protection language which is going to further complicate our zoning ordinances. If this is voted down then this is it, it is dead in its tracks. Councilor Libby suggested a November Referendum to the public. When you have special interests and abutters you don't get a sense of the entire community. This Town has looked at workforce housing four times and the only thing that has come out of it is detached cottage. If it is voted down tonight then the project is dead. If we vote it up or table it then we can go to referendum and get a better sense of what the people are thinking.

Councilor Rodden made a motion to adopt the order between the Town of Falmouth and the Developers Collaborative. Councilor Libby seconded.

Councilor Payne commented they have done everything the Council has asked of them. Now it is crunch time and a decision needs to be made. Councilor Payne did not perceive fault or ulterior motive in the agreement and would not want this agreement to include acclimation for the TIF, that nuance is important and not be included in the agreement. As was discussed during the last meeting under one scenario we would be subsidizing for the TIF period, which given the state of the economy and the state of the market Council Payne stated he would not be prepared to move forward. Councilor Payne was intrigued by the idea of taking it to referendum but the Council has been given the full set of the facts to date and this is a phased approach. We are not committing to the full project, but only to the ledge and the market study. Councilor Payne stated he was not comfortable and it was not in the Town's best interest today to make that expenditure even though it is only \$20,000. It is still \$20,000 that we expose ourselves to. The \$50,000 subsidy per year for twenty years was not how Councilor Payne agreed to go forward with this project. Councilor Payne said he had understood that the land was to be contributed and the incidental costs and this is well beyond that amount. Councilor Payne said he would not wish to amend the agreement but he will vote against it.

Councilor Rodden agreed with Councilor Payne's opinion but said her primary issue is with the site, this is not the right site. The developers and the architects need to be applauded for the plan to try to fit into this site. The analogy is like the stepsisters trying to fit into Cinderella's shoe. It just doesn't fit. Looking at the developer's proposal they just keep saying over and over again that it is a difficult site. Councilor Rodden read a piece of the proposal. The bottom line is it is not a good site and everything that is being done to make up for the bad site is going to cost the Town more money than is necessary for a project this size. Councilor Rodden acknowledged and appreciated how much work has been put into this, but that is not a reason to go ahead because the town needs must be thought of as a whole. Plummer Motz is a better site. Councilor Rodden feels this should not go to referendum; this should be a decision for the Council.

Councilor Wrobleski established that he was in agreement with Councilor Rodden and Councilor Payne. He wanted to give his support for the Workforce Housing Committee and the excellent job they have done, there was much to say in favor of this project and affordable housing. Councilor Wrobleski said there were a number of reasons to turn away from this site, as Councilor Rodden said the environmental issues are significant, the planning issues are important and the availability of another site, The Plummer Motz is a more attractive. It isn't a good market right now to be adding more homes. The infrastructure is not a good risk in this economy. The units are not guaranteed to sustain their affordability. Finally, he doesn't want to waive the storm water standards on a site that is quite wet. Councilor Wrobleski suggested the next steps would be to look to the Plummer Motz site, possibly by the Community Facilities Committee, and tie any further affordable housing issues to the Comprehensive Plan. He thinks LPAC should be directed to add an affordable housing element to their work plan on the compact work study. In June or July at the retreat, ask the CDC to look at developing an ordinance similar to the Cape Elizabeth's affordable housing ordinance.

Councilor Pierce praised and respects Developers Collaborative and Kaplan Thompson and said they took what the Council gave them and gave back the best possible solution given the restraints. Councilor Pierce is very supportive of their plan and hard work that has been done. The site has always been a problem for Councilor Pierce. After a year of digging into the material, Councilor Pierce feels confident in her understanding of the project. The project started around a million, now we are up to two and not sure of how high it will go. The Council is being asked to approve more money to find that out. A point comes where you need to fish or cut bait. There are other options out there to explore that may not have the immediate impact the Committee was going for. The Committee has done tremendous work. We are talking about something that is going to have a long-term impact with the Town and the budget. Councilor Pierce reiterated this is not the place to be doing it and she does not want to waste any more time on that site. Councilor Pierce wants to move forward with the LPAC scenario and looking at the alternatives; she is not in favor of moving forward with this plan.

Councilor Armitage spoke of voting in favor of this project although he appreciates and understands what everyone has shared and has similar concerns. He feels there is a need to do something about Workforce Housing and does not feel comfortable voting no and

sending the wrong message. Councilor Armitage spoke of his opposition to having LPAC be part of Workforce Housing. We have a commission, and have charged them with this issue. The Workforce Housing Committee can continue to work on the other options available for workforce housing without involving LPAC. LPAC has enough issues to deal with.

Councilor Armitage called for a vote. Yays; Councilors Armitage and Libby. Nays; Councilors Payne, Rodden, Wroblewski and Pierce. Motion failed 4-2.

Councilor Armitage emphasized that the Committee will continue to work on this project.

Councilor Pierce encouraged the public to consider joining the Workforce Housing Committee if they felt strongly about this issue.

Councilor Rodden suggested taking the next step at the retreat.

Long Range Planner Theo Holtwijk offered his suggestion to the Council that when you gave your charge to the commission, you were very specific in limiting the work to the Woods Road site. With the vote not to proceed with the Woods Road site, the Council needs to think through whether or not to give the commission a different charge and whether to proceed.

**Item 11 Consideration and possible order to accept proposed names
of several Town-owned open space parcels.**

Councilor Rodden suggested Ombudsman Bob Shafto should explain the proposed names of the parcels.

Bob explained that as Open Space continues to acquire more properties, it is important to give them formal names for identification purposes. Traditionally, they have been named or known by the prior owner's name, such as the Smith Property. Some of the new proposed names have either Community or Forest in the name. This is appropriate because they are owned and used by the community and the term "Forest" is an old New England custom dating back about 400 years. Bob explained that the Wilshire property or Blackstrap Hill are two separate parcels. One parcel contained an agriculture easement and the other has a conservation easement. The Blackstrap Hill Preserve is a separate parcel owned by the Land Trust. We are preserving the land, and the vision for Falmouth is to have these natural areas in one hundred years.

These acquired properties need to pay dividends back to the Town because they already provide many benefits.

Councilor Rodden asked if it was a requirement by Land for Maine's Future (LMF) that the properties remain preserved for eternity.

Bob confirmed that LMF took great pains by using legal language in these documents that will preclude any future development. Except by eminent domain. Eminent domain still trumps conservation easements. The parcels acquired by LMF contain conservation easements and the parcels acquired by Town money do not. The LMF parcels are identified by the current name, Bellucci/Stiles/Hadlock Road or the proposed name Hadlock Community Forest and Paddock Way/Harriman parcels, now called Falmouth Community Park. The Town also made a contribution of town owned land, a subdivision open space area which abuts Community Park, which falls under the protection of the easement to the LMF.

Councilor Rodden stated that if we are going to preserve these for eternity then they need to be called preserve and not forests. This is more than just semantics, it sends a message. There is a proposal to manage our forests and we need to make it clear that certain properties are never going to be developed.

Bob explained that it may be more of a legal matter. The word preserve has an intonation that you can freeze a natural habitat for a period of time. This can't be done. He acknowledged that a plan for recreation, wildlife and forest management will also be proposed and these areas will be actively managed.

Councilor Pierce asked if there will be signage to get the information out to the public.

Bob explained that they have several projects in the works.

Councilor Pierce moved to accept the names as proposed; Councilor Wroblewski seconded.

Motion passed 5-1. Councilor Rodden, 1 Nay.

Councilor Armitage called for a 5 minute recess. Council convened at 8:34.

**Item 12 Discussion with the Harbor Committee regarding
implementation of the recent Harbor Master Plan Study.
The discussion will focus on tasks and a timeline.
(Public comment is welcomed and encouraged.)**

Chief Ed Tolan presented the report on behalf of Harbormaster Al Twombly. The Harbor & Waterfront Committee has reviewed the plan as presented by Milone & MacBroom, Inc., at several meetings and would like to provide the following information to the Town Council. The committee would like to make recommendations concerning the four major issues that need to be addressed in regards to the future of the anchorage.

1. Anchorage-wide repositioning of the moorings
2. Anchorage access and parking requirements
3. Dinghy utilization
4. Launch service

Item 1

Goal

- Long range management plan for safe alignment of boats by length and draft.
- Provides a grid work for placement of moorings that would provide us with information on maximum number of boats that could be moored

Concerns/benefits

This component of the report will be the most difficult for the mooring holders to accept for many reasons. The factors that need to be considered are:

- Will the cost of moving the moorings be borne by the town or the mooring holder?
- Will all the moorings be moved or just a percentage, and who decides which ones?
- General political upheaval that may be generated by a complete reassignment
- This will improve the protection of the boats with a greater distance between moorings
- If moorings are moved further away from Town Landing, this may create a need for a launch service (safety of rowing a small dinghy greater distances)
- If the mooring field is ever expanded it will generate more revenue for the Town, but it will compound the lack of parking issue and may create additional pedestrian and vehicle traffic in the neighborhoods (this issue is a stand alone issue and is not dependent upon any of the others, unless we expand the field, and then parking will be affected).

Committee recommendation

The committee was divided on this issue and there was a feeling that while this would improve the positioning of the boats and allow for potentially more moorings, there may be strong opposition from the mooring holders that are required to move, especially if the Town requires it and they are forced to cover the cost. There was discussion on delaying this piece of the report to see if the problems resolve themselves when mooring holders remove their mooring from the anchorage and no mooring is placed in this area. It was also believed that the Harbormaster could address the more serious problems with the mooring holders that are having the problem. If the mooring field is restructured, but the number of moorings not increased, this could be done without adversely affecting the land based infrastructure. However, please note that the insufficient parking addressed in Item #2 will continue to be insufficient. The initial report of the committee suggested that this not occur until 2011, and it is the feeling of the committee that the Harbormaster continue to review the situation and report back to the committee in the fall of 2009 as to status of the mooring field. At that time the committee would report back to the Town Council.

Item 2 - Develop additional parking to support Town Landing

Goal

- Develop additional parking to support Town Landing

Concerns/benefits

- Cost and location of a parking lot
- Neighborhood concerns of a parking lot
- Pressures that increased parking could have on Town Landing
- Currently, approximately 350 people access the anchorage through Town Landing as well as people utilizing the facility for other activities
- Currently, Town Landing lot has space for 28 vehicles; 5 spaces on lower Town Landing Road; 22 vehicle spaces and 6 trailer spaces in the lot across from Town Landing Market

- Consultants recommend 1 parking space for every 4 moorings – based on this formula we would need 32 additional spaces to meet the current number of moorings
- There is also a need for additional trailer spaces

Committee recommendation

The committee discussed the fact that while the Town has grown and facilities such as schools, library and municipal buildings have been built or enlarged to meet the needs of the community, the issue of increased parking for Town Landing has not been addressed. Since 1995, the anchorage has seen approximately a 100% growth in the number of moorings. This issue received very strong support from the committee with the finding that additional parking is urgently needed. Without additional parking, any expansion of the mooring field or additional moorings from the waiting list cannot be accomplished. Parking is the critical piece of this report and all other issues revolve around improvements.

Item 3 – Dinghy utilization

Goal

- Provide access for people to their boats
- Eliminate the need for a launch service

Concerns/benefits

- Number of dinghies at Town Landing – has been resolved by the permitting process and the addition of municipal dinghies – in 2009 we did not issue all of the resident dinghy permits (6 remain at this time) or all of the non-resident permits (2 remain)
- \$6,000 revenue to the Town with permits
- Cost to Town for 6 municipal dinghies - \$3,000
- Municipal dinghies reduce the traffic build-up at the launch ramp when people are required to bring their own dinghy and unload
- Safety of people rowing long distances to their mooring – will be resolved with the permission to have outboard motors
- Environmental concern if people violate the ordinance and leave fuel on their dinghy – will be monitored by harbor staff
- Elimination of dinghies would generate a need for a launch service

Committee recommendation

It appears that the system of municipal dinghies is working well and the committee is recommending maintaining the status quo.

Item 4 – Launch service

Goal

- Elimination of the need for dinghies and the congestion they create
- Safer transportation to the boats

Concerns/benefits

- Private vs. Town operated – cost of initial capital outlay of \$250,000 and an annual operating expense of \$90,000 – which could probably require an increase in the mooring fee of \$250 per year (\$500 for non residents, \$300 for residents) to those accessing through Town Landing
- Would need to remove the dinghies which would eliminate the \$6,000/year in revenue to the Town
- Private or public, this would increase parking problems due to people leaving other access points for the lower cost at Town Landing

- May have a detrimental affect on PYC or Handy Boat
- Contingency plan if the launch service fails
- A positive point would be the elimination of the congestion of the dinghies along the floats

Committee recommendation

The committee realizes that at this time the launch issue will not be a major concern until many other issues are addressed and resolved, or there is a move to greatly expand the number of moorings, which is unlikely. The consensus of the committee was to maintain the dinghies and not to proceed with any discussion of a launch service.

Mr. Dick Klain, 1 Hemlock Cove Road, stated he has swam, used a surf board and now uses a dingy to get to his boat. Mr. Klain attended the meeting because he was curious about the plan. He was impressed with the hard work and effort that went into the plan and he agrees that a long-term plan is necessary and certainly supports it. Mr. Klain suggests looking at how residents and people on the waiting list as well as non-residents will be given consideration to the moorings. The grid plan will greatly decrease any damage that may be done to another boat. Parking is a problem; Councilor Rodden's work with Metro has allowed some relief. Mr. Klain inquired about the Brown lot, and stated any additional parking will be helpful. The current dingy system is working well and he appreciated the fact it is not as crowded. Mr. Klain suggests changing the wording in the dingy day procedure so it does not fall on Easter weekend as it has for the last two years. He is not in favor of a launch service unless there is a tremendous guarantee of the availability of help when you need it. In closing, Mr. Klain thanks the committee and Chief Tolan for the tremendous job his staff has done. Last year, the young men at the harbor were very friendly and helpful.

Mr. Ritchie Garrett, Vice Chair Harbor Committee, stated he has lived in the Town Landing area his whole life. He spoke of the mariners who come in and out of the harbor and they say, if it works don't fix it. The people who have put the moorings in the past know what they are doing. Last fall, he went out with Harbormaster Cady when the tide came in and the moorings were lying fine, from every direction. The issue involved a boat that had crept out too far. In regard to the Brown property, it is up to the neighbors and what they want.

Mr. Richard Craven, Oxford Woods Road, explained he was on the waiting list and has watched with dismay as the list has not moved and has become static. Mr. Craven understands that it is related to parking, although he is not sure if he agrees with how the number of parking spaces dictates the number of moorings. We are losing the mooring field but we will be in boom time again sometime in the future. He suggests having a plan in place for the mooring field no matter how many boats you would like to see there. Mr. Craven complimented the Harbor Committee on all the hard work they have done.

Mr. John Winslow, Gray Road, questioned why Parks and Recreation was not involved in the parking, he suggests Parks and Recreation become involved in this process. Mr. Winslow would like to see the actual Falmouth anchorage broken down and parameters set up revealing what defines the anchorage. What is the maximum for Handy Boat and

Portland Yacht Club? What are the parameters? Mr. Winslow wants to see an actual placement for moorings. The Town needs to focus on defining Town Landing. It seems like everything is being pushed north. How is the waiting list for moorings going to be reestablished with the possibility of 100 leaving? New docks are being put in as new home lots are being built in the Pleasant Hill area and there will be more moorings. This was not addressed. The Town adopted the Coastal Water Ordinance in 2003 and it clearly states the Harbormaster shall develop a plan for placement of moorings, and here we are still working on it.

Mr. Keith Winslow, resident of Gray Road, said parking has been an issue for years and it is ridiculous. Why is the Council saying they don't want to rush into it? Mr. Winslow said he doesn't understand why something wasn't done five years ago, it has been long overdue. He also asked why doesn't the Town have motors on the dingys.

Mr. Steve Archambault, Chair of the Harbor Committee, explained that the cost would be prohibitive because of the registration with the State and insurance the liability.

Mr. Keith Winslow explained his frustrations with the Town changing the policies on dingys.

Mr. Mark Soule, 46 Johnson Road, expressed his concerns over the parking situation. If you do not live in the area, then you cut the rest of the town off from using the area.

Councilor Armitage suggested putting the parking on the next agenda for discussion. Councilor Armitage wants He also requested an update on the Brown property.

Councilor Pierce would like to engage the public in some meaningful dialog. She wondered who should resolve this issue since there is no Committee working with this charge.

Councilor Wroblewski wondered how to engage the community to plan and design the parking and suggested a meeting to understand what works for the neighborhood, the Church, other stakeholders, like a mini-charrette.

Councilor Armitage stated the Committee has given a clear recommendation and the public has clearly expressed the need for parking. Councilor Armitage suggested using the Brown property for some temporary gravel parking until the charrette can be organized and discussed in August. This needs to be taken on sooner than later.

Council Rodden confirmed that everyone was in agreement that they wanted a charrette and it should include every interest group to discuss the best possible plan for parking in both sites and a possible community garden.

Town Manager Nathan Poore explained why the question of parking was brought before the Council back in March and April was to allow time for receiving approval from the Planning Board. At this point when the Council said no, you said no for this boating

season. At this point it would be hustling to get this on the September meeting and done in November. The charrette can still be done.

Chief Tolan suggested having the Rangers query people down at Town Landing. The Councilors can e-mail the questions they would like asked.

**Item 13 Order on an amendment to the Coastal Waters Ordinance
as proposed by the Harbor Committee.**

Councilor Libby moved to waive the rules to allow public comment. Councilor Payne seconded. Motion carried 6-0.

Councilor Armitage reopened the public hearing.

Mr. Keith Winslow, Gray Road, questioned the memo from Chief Tolan and why the dingy owners were not called first to bail the water out of a dingy. The memo states the mooring service would be called.

Chief Tolan clarified that the owners would be contacted first to come to the harbor. If it is something minor then the Harbormaster or Rangers will take care of it

Councilor Rodden suggested Chief Tolan update and put the revised memo and post it on the website.

Mr. John Winslow, Gray Road, stated he did not see the need to see the motors left on the dingys most of them are very lightweight. This is a step backward. If you leave them on they invite theft and vandalism.

Mr. Steve Archambault clarified how the ordinance change came about; he explained it was a direct result from an open meeting with the mooring holders as well as public comment to the Harbor Committee.

Councilor Armitage closed the public hearing.

Councilor Libby moved to approve the order; Councilor Wroblewski seconded. Motion carried 6-0.

**Item 14 Order on amendments to the Falmouth Zoning Ordinance
pertaining to Shoreland Zoning, as proposed by the Long
Range Planning Advisory Committee (LPAC).**

Councilor Wroblewski moved to adopt the Order to the Falmouth Zoning Ordinance pertaining to Shoreland Zoning, as proposed by the Long Range Planning Advisory Committee; Councilor Rodden seconded. Motion carried 6-0.

Councilor Rodden inquired if there was any way of notifying the fifty properties affected by the Bluff definition.

Theo Holjwijk, Director of Long Range Planning, explained that there are no requirements by the State to notify the potential affected property owners that are in the potential area deemed as high hazard for bluffs eroding. The only requirement involves a property placed in a resource protection zone if it is not already in that zone and no changes were made to that extent. Those coastal properties are already in the shoreland zone. As required a legal advertisement was placed in the newspaper. If the Council chooses, we can let people know before or after the adoption. The word potential is important.

Councilor Armitage asked if we did not adopt this would they be affected by the State regulations at this stage.

Theo confirmed that after the Council approves the Ordinance, the State would need to apply the final approve it before it becomes effective.

Councilor Armitage clarified that the State has requested that the Town update this ordinance and essentially a notice could be sent after the State adopts the change.

Theo stated in his opinion the State will insist that the clause be part of the ordinance and if the properties are in close proximity of each other then the Town may do a lot by lot inspection and petition the State for some leniency.

Town Manager Nathan Poore cautioned setting a precedent for every single amendment in the future, this particular one is easy to determine where the impact will be and who to notify. Nathan Poore stated he likes the idea of notifying the property owners of the change, but future notification could be more difficult to measure who might be potentially impacted.

Councilor Pierce suggested being more proactive and aggressive with notifications. Perhaps notices could be put into the Council e newsletter?

Councilor Armitage suggested putting it under news and announcements on the website.

Town Manager Nathan Poore stated Administrative Assistant Melissa Tryon has been posting the public notices on the web.

Councilor Rodden stated this is different than the usual average zoning change because it is identified in a map and it is easy to see who is affected.

Councilor Libby stated lots of people don't pay attention to the Forecaster, or the Web and they need to be notified.

Councilor Wroblewski moved to approve the order; Councilor Rodden seconded. Motion 6-0

Item 15 Order on an amendment to the Zoning and Site Plan Review Ordinance to address the types and numbers of temporary signs permitted for new or relocated businesses.

Councilor Libby moved to approve the order; Councilor Wrobleski seconded. Motion carried 6-0.

Item 16 Order to authorize a supplemental appropriation from an undesignated fund balance for unanticipated expenditures in General Assistance.

Councilor Wrobleski moved to approve the order: Councilor Pierce seconded. Motion carried 6-0

Item 17 Order to go into Executive Session pursuant to the Laws of Maine to discuss the Town Assessor's annual performance evaluation, pursuant 1 M.R.S.A. § 405 (6) (A).

Item 18 Order to go into Executive Session pursuant to the Laws of Maine to discuss the nomination of the annual Citizen of the Year Award, pursuant 1 M.R.S.A. § 405.

Councilor Pierce motioned to go into Executive Session pursuant to the Laws of Maine to discuss the Town Assessor's annual performance evaluation, pursuant 1 M.R.S.A. § 405 (6) (A) and an Order to go into Executive Session pursuant to the Laws of Maine to discuss the nomination of the annual Citizen of the Year Award, pursuant 1 M.R.S.A. § 405. Councilor Libby seconded motion carried 6-0.

Town Manager Nathan Poore stated that he did not anticipate any action by the Council; therefore, the public part of the meeting was concluded.

The Public portion of the meeting adjourned at 10:02 pm.

Respectfully submitted,

Ellen Planer
Town Clerk