

# **Town Council Meeting**

## **September 30, 2009**

### **Minutes**

#### **Roll Call**

Councilors Breen, Pierce, Chase and Libby were present and answering roll call.

Councilors Armitage and Rodden were absent.

Councilor Payne arrived late.

#### **Public Forum**

There was no public comment.

**Item 1 (a)**  
**(Consent Agenda)**            Order to approve the minutes of the July 13, 2009 Town Council Special Meeting and Workshop.

**Item 1 (b)**  
**(Consent Agenda)**            Order to approve the minutes of the July 27, 2009 Town Council Meeting.

**Item 1 (c)**  
**(Consent Agenda)**            Order to approve the minutes of the August 10, 2009 Town Council Special Meeting and Workshop.

**Item 1 (d)**  
**(Consent Agenda)**            Order to approve the minutes of the August 24, 2009 Town Council Meeting.

**Item 1 (e)**  
**(Consent Agenda)**            Order to designate Nathan Poore as the Voting Delegate for the Town of Falmouth at the Maine Municipal Association Annual Business Meeting.

**Item 1 (f)**  
**(Consent Agenda)**            Order to authorize the Town Manager to enter into an agreement with the owners of Ridgewood Estates, a 75 unit condominium subdivision located off Falmouth Road, such an agreement to, among other things, exempt waste water connection and treatment connection fees.

Councilor Breen recused herself from Item 1(f).

Councilor Libby moved to approve items 1(a) – 1(e); Councilor Pierce seconded. Motion carried 4-0.

There were not enough Councilors present to vote on Item 1(f). Councilor Pierce moved to table Item 1(f); Councilor Libby seconded. Motion carried 4-0.

**Item 2** Report from Council Committees and liaisons regarding updates on assignments (including an update from the Ordinance Committee regarding street acceptance).

Councilor Libby had no committee reports.

Councilor Breen was unable to attend recent GPCOG meeting and so had no update on that. The Facilities Committee has received bubble diagrams from the architects. The group is having a special meeting on October 19 with the Library Board to discuss the feasibility of the library moving to the Lunt School. The next regular meeting is October 21. She announced on Councilor Rodden's behalf the Metro Bus Bonanza Scavenger Hunt. She described the event and said that more information will be on the Town website, Cable TV and in the Principal's Notes.

Councilor Payne arrived at 7:05 pm.

Councilor Chase reported that the Harbor Committee thought the Brown Property meeting was very informative. He thought the whole meeting was well done. The next meeting of the Harbor Committee is scheduled for October 8 at 6 pm at the Police Station.

Councilor Pierce provided a CDC report in Councilor Rodden's place. The Falmouth Shopping Center Charette is on Saturday, November 14, at 9:00 am at the Plummer-Motz gym. The school is beginning its superintendent search. A focus group was held at the Town Hall and attended by town staff as well as Councilors Pierce and Payne. In other school news, Councilor Libby will visit Mississippi with the service learning group from the high school. Falmouth's Kevin Grover was recently named Maine Teacher of the Year.

Councilor Payne reported that the Ordinance Committee is discussing acceptance of subdivision streets. The Council had put a moratorium on accepting any streets until an ordinance was established. Some citizens of subdivision streets would like the Council to take action on applications that have been made. The committee is recommending at this time that certain existing streets that have met the current ordinance requirements be considered for acceptance. The committee is not recommending acceptance, just that a review of the streets for acceptance take place. Currently, two streets (Sherman Drive and Red Oak Way) are ready to begin the process. They are also recommending that other streets that may be eligible be given the opportunity to apply under the current ordinance. They are looking for a policy decision from the Council. If the Council decides to hear applications of existing streets, a definition of existing should be determined. He suggested several different thresholds that might serve to define existing.

Councilor Breen left the meeting at 7:10 pm and Councilor Payne assumed the role of Chair.

Councilor Payne said that, if the policy is changed to allow streets to apply under the current ordinance, then in October staff will notify streets of the option of applying and work with applicants to determine if they meet the minimum requirements. Staff will review applications in November and in December the Council will schedule applications to be heard.

Nathan Poore thought the committee had considered a phased approach, but if the Council was interested in lifting the moratorium and allowing applications the only way to do it is under the current ordinance. The second phase would be for the committee to continue to work with staff to modernize the ordinance for future applications. In response to Councilor Payne's question, Nathan Poore stated that the moratorium was a formal vote of the Council and would have to be rescinded.

Councilor Payne asked if they could entertain this tonight; Nathan Poore said they could if they waived Council rules.

Councilor Pierce asked about the original purpose of the moratorium.

Councilor Payne explained that it was to allow for a review of the ordinance. At the time the subdivisions were approved, there were a set of standards. The opportunity to upgrade those standards creates a kind of "moving bar" for those projects. The goal of this recommendation is for those projects that were substantially completed and met the criteria of the current ordinance could be entertained and move forward without having to meet a new bar. It wasn't really a moratorium; the Council said they were not going to entertain any applications until they had more clarity on the issue.

Nathan Poore read from the Council rules; a waiver of Council rules must be approved by all Councilors present.

Councilor Libby asked if there was actually a vote taken or if it was a memorandum of understanding that applicants to the Planning Board would not assume that their roads would be accepted. He thought it was more of a charge.

Councilor Chase said that there is at least one legitimate request for approval. Sherman Way was intended to be a public road, it was built to town specifications, and the residents have become impatient. All but two lots have been built.

At Councilor's Pierce's inquiry, Councilor Libby stated that the current ordinance requires 20% of lots to have their certificate of occupancy; the proposed ordinance would require 60%.

Councilor Pierce moved to suspend section 11 of the Council rules, in order to expedite the process moving forward due to a time constraint. Councilor Libby seconded. Motion carried 4-0.

Councilor Payne moved to rescind the action the Council previously took, and move forward with the applications for acceptance of private roads, as outlined in the Ordinance Committee report. Councilor Libby seconded. Motion carried 4-0.

Nathan Poore mentioned that there are two applications currently, and interest has been expressed by 5 or 6 more. Staff will get out notice soon. Later in the meeting he requested guidance from the Council relating to recouping fees the Town incurs due to street acceptance.

Councilor Chase felt that the fees associated with bringing the street to the Town's standards as well as legal fees relating to the application would be borne by the developers/landowners. He had no problem as a councilor with the developer/landowner paying any more fees that crop up.

Councilor Payne mentioned an option of billing the applicant an hourly fee for staff time. Nathan Poore said that would be primarily for Tony Hayes to perform the necessary inspections.

Councilor Libby moved to take 1(f) off the table and approve the item. Councilor Pierce seconded. Motion carried 4-0.

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

Councilor Pierce gave an update and read the list of re-appointments. Councilor Payne moved to approve the list of reappointments; Councilor Libby seconded. Motion carried 4-0.

Councilor Pierce thanked all the volunteers who serve the town. She requested that the Council reach out to the community. The Town needs more volunteers! Councilor Libby mentioned that there are applications in the pipeline for interviews on October 13.

**Item 4** Public hearing for an amendment to the OceanView Retirement Community Overlay District.

The public hearing opened at 7:40 pm. There were no comments from the public.

An Order will be scheduled for the next meeting on October 13.

**Item 5** Order to authorize the Town Manager to enter into an agreement with Southern Maine Forestry Associates regarding a timber harvest of ±55 acres of land in the Hadlock Community Forest, to commence this winter.

Councilor Libby moved to authorize the Town Manager to enter into the agreement.  
Councilor Payne seconded.

Councilor Pierce had a question about harvesting and the process.

Open Space Ombudsman Bob Shafto explained the concept of the tree machine. He said that all chipping will be done on site.

Motion carried 4-0.

**Item 6**                      Order to consider a request by Peter Kennedy of 12 Carroll Street for the Town to grant him an easement across Town Property.

Councilor Libby moved to allow the Town to grant an easement to Peter Kennedy and to collect legal/recording fees and permits. Councilor Chase seconded.

The Council discussed fees. It was decided to collect out of pocket fees and not to recoup any staff time as the wastewater inspection would be covered by the standard sewer connection fee.

Motion carried 4-0.

**Item 7**                      Discussion about future Council agendas

The Council discussed holding one meeting in December on the 14<sup>th</sup> and leaving the 21<sup>st</sup> open if needed. No formal vote could be taken to change the meeting date, as there were not enough Councilors present. The November business meeting will be held on the 23<sup>rd</sup> as scheduled.

## **Adjourn**

Councilor Libby moved to close the meeting; Councilor Pierce seconded. Motion carried 4-0.

Meeting adjourned at 7:56pm.

Respectfully submitted,

Amy Lamontagne  
Asst. Town Manager

Melissa Tryon  
Recording Secretary