

Town Council Meeting

April 26, 2010

Minutes

The meeting was called to order at 7:03 pm.

Roll Call

Councilors Rodden, Armitage, Payne, Breen, Chase and Pierce were present and answering roll call.

Councilor Libby was absent

Item 1 Presentation on the current Council rules set by the Council.

Chair Breen gave an overview of the Council rules and the public's role during Council meetings.

Public Forum

Chair Breen opened the Public Forum.

Michael Doyle spoke about his feelings regarding Councilor Rodden and Chair Breen. He called upon the Councilors to discipline Chair Breen for failing to adhere to Council rules, and to discipline Councilor Rodden for knowingly supplying false answers to a Freedom of Access request and placing campaign signs next to the road too early. He called for Chair Breen to either resign from the Council or resign from the Chair position. He said that he and others are going to submit paperwork to commence Chair Breen's recall from the Council.

Chair Breen closed the Public Forum.

**Item 2 (a) Order to approve the minutes of the March 8, 2010, Town
(Consent Agenda) Council Special Meeting and Workshop.**

**Item 2 (b) Order to approve the minutes of the March 22, 2010, Town
(Consent Agenda) Council Meeting.**

**Item 2 (c) Order to approve the minutes of the March 31, 2010 Town
(Consent Agenda) Council Special Meeting.**

**Item 2 (d) Order to approve a designee in the absence of the Town
(Consent Agenda) Manager in accordance with the Town Charter section 303.**

**Item 2 (e) Order to appoint Election Clerks for upcoming elections.
(Consent Agenda)**

**Item 2 (f) Order to set FY11 real and personal property tax due dates.
(Consent Agenda)**

Councilor Pierce moved to approve the Consent Agenda; Councilor Armitage seconded. Motion carried 6-0.

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

Councilor Rodden reported that Falmouth had the highest recycling rate of all the ecomaine towns in March. Ridership on the Metro in March was up 24.3%. She thanked the Friends of the Flyer and their efforts to increase ridership. She mentioned that the group is encouraging people to ride the bus on Fridays, and that the Falmouth Flyer has a new website. The Community Development Committee is scheduled to meet on May 4 to discuss the Route 1 project.

Councilor Payne reported that the Ordinance Committee will be introducing an amendment to the Street Acceptance ordinance on May 10. He gave an overview of the goals of the committee with this amendment.

Councilor Pierce reported that the High School has a new principal.

Chair Breen reported that the Community Facilities Committee will be presenting their findings on May 10.

Item 3 (a) Special Report from Councilor Breen regarding the status of the Natural Resources amendments and scheduling of the order.

Chair Breen explained that the Planning Board, during their review of the ordinance as the Municipal Reviewing Authority, made some practical suggestions for the ordinance. The CDC will review these suggestions and bring the ordinance back to the Council for a vote in May. Most of the suggested changes are housekeeping types of changes, and she doesn't anticipate that they are substantive enough to require another public hearing.

Councilor Rodden clarified that the Town Attorney would review the changes to determine if they are substantive and if they require another public hearing.

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

Councilor Pierce reported on the recommendations for appointments.

A member of the public asked if the Council could vote on this item, since the list of the committee's recommendations was not posted at the time the agenda was posted, as required by the Council rules.

Councilor Pierce acknowledged that the report was not posted and explained why. The Council must waive Council rules in order to hear this item tonight. She explained that every Councilor has seen all the applications in process, and all the people on the slate tonight have been before the committee. The committee would like to get the LPAC and LPAC+ appointed since they are starting their work on the comprehensive plan.

Councilor Armitage moved to waive the Council rules so the Council could move on this issue tonight. Councilor Chase seconded. Motion failed 5-1 (Rodden opposed). A waiver of Council rules requires a unanimous vote.

The order will be scheduled for the next Council meeting.

Item 5 Public Hearing and Order grant a Class II Special Amusement Permit to Golf Traditions D/B/A Falmouth Country Club.

Chair Breen opened the public hearing. There was no public comment. Chair Breen closed the public hearing.

Councilor Payne moved to approve the Order to grant a Class II Special Amusement Permit to Golf Traditions D/B/A Falmouth Country Club; Councilor Pierce seconded. Motion carried 6-0.

Item 6 Request from developer Jeff Soule on behalf of the Bodkin Farms Development Company, Inc. , for street acceptance of Spoondrift Road.

Amanda Stearns, Community Development Director, reported that Mr. Soule has finalized the four items required by the Council at the last meeting. The street is in order for acceptance.

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

Item 7 Discussion regarding the Harbor Committee Master Plan

Nathan Poore, Town Manager, explained that the Harbor Master has provided a list of the final recommendations from the Harbor Committee's Master Plan that would require Council action.

The Council discussed how to proceed. Chair Breen suggested a resolution that would address each specific recommendation. The Council will workshop this item in May.

Item 8 Order to schedule the statutory budget meeting to be held on Monday, May 10, 2010 as required by M.R.S.A. § 1485, 1486 (1) (2) LD 1671.

Councilor Pierce moved to approve the Order to schedule the statutory budget meeting to be held on Monday, May 10, 2010. Councilor Armitage seconded. Motion carried 6-0

Item 9 Public Hearing on the FY11 Municipal and School Department Budgets

Chair Breen opened the public hearing.

Michael Doyle of 3 Shady Lane thought the Town is overpaying its teachers by approximately \$2 million. He gave several examples to support his opinion. He recommended that they vote

against this budget and force the School Board to reassess the contract and reduce the compensation to the entire teaching force.

John Graustein of Waites Landing Road spoke to the voters of Falmouth and urged them to reject the school budget. He said they should have an outside consultant, like Portland had, to look at what is going on in the school system. He suggested that the voters vote down the budget until the School Board agrees to hire an outside consultant, and that the voters choose to keep the budget validation referendum process.

Chair Breen closed the public hearing.

Item 10 Order to approve the FY11 Municipal and School Department Budgets in accordance with the Town of Falmouth Charter, Article 5.

Councilor Armitage moved to approve the order; Councilor Pierce seconded.

The Councilors discussed the school system. Councilor Chase would like to see changes in the school system. Councilor Rodden said the schools are outstanding. Chair Breen commended the School Board and administration for the way they have handled the budget, maintaining the quality of education without having to raise taxes.

Motion carried 6-0.

Item 11 Order to sign the June 8, Budget Validation Referendum Warrant and the Municipal Official Election Warrant. M.R.S.A 30-A §2528.

Councilor Armitage moved to approve the order for the Budget Validation Referendum; Councilor Pierce seconded. Motion carried 6-0.

Chair Breen left the meeting.

Councilor Armitage moved to approve the Municipal Official Election Warrant; Councilor Pierce seconded.

Councilor Payne read the list of candidates for Council and School Board.

Motion carried 5-0.

Item 12 Discussion about the Green Ribbon implementation process

Councilor Armitage has prepared a document that proposes to assign some of the actions recommended by the Green Ribbon Commission to existing committees. This would allow the GRC to focus on educational programs and helping to formulate policy, and allow other committees to focus on specific tasks that fit in their workplan and then bring their work back to the Council for action.

Councilor Pierce asked about bringing the Recycling Committee under the umbrella of the Green Ribbon Commission.

Ann Goggin of the Green Ribbon Commission said they have no objections to any of the proposed changes. Some other communities are calling committees like these “Energy Committees”. They have approached the Recycling Committee, but that committee would prefer to remain as they are.

Councilor Payne would like to workshop the report to determine whether or not they want each item to be pursued.

Councilor Armitage will finalize his report and the Council will workshop the report at the May 10 meeting. At that time they will also discuss whether the committee will be a standing or ad-hoc committee.

Item 13 Request from Councilor Fred Chase regarding a proposed amendment to the Zoning and Site Plan Review Ordinance, Section 3.13.5 Required Open Space for Resource Conservation Developments and Section 5.31, Net Residential Area.

Councilor Chase presented a proposed amendment to the Resource Conservation Zoning Overlay District.

Nathan Poore said there are some housekeeping changes incorporated in this as well.

The Councilors debated whether this issue would be better included with the comprehensive plan, in order to avoid dealing with land use issues in a piecemeal fashion or creating unintended consequences. Councilor Chase said this was a housekeeping proposal.

The consensus of the Council was to have staff present a tutorial on the issue at a meeting in May.

Item 14 Order to adopt an amendment to the Code of Ordinances that would create an Economic Development Committee.

Councilor Armitage moved to adopt the Order. Councilor Pierce seconded.

Councilor Rodden moved to amend the amendment by adding a number 7 under the section Purpose/Goals/Charge to read: “*Participate in regional economic development efforts, such as the one led by the METRO Coalition and the Greater Portland Chamber of Commerce*”; Councilor Pierce seconded.

Councilor Armitage asked to leave it at “*Participate in regional economic development efforts*”.

Councilor Rodden amended her motion to reflect the language suggested by Councilor Armitage; Councilor Pierce seconded. Motion carried 5-0.

Councilor Rodden moved to amend the amendment to add a sunset provision, as section 2-150, which states that the committee will expire on April 26, 2013, unless reapproved by the Town Council. Councilor Chase seconded.

Councilor Rodden said that, since this is a new committee, this amendment gives the Council the opportunity to review the work of the committee.

The Councilors discussed the purpose of adding a sunset provision, to this and other committees. Councilor Payne suggested passing the amendment without this amendment, and adding the sunset discussion to the workshop organizing for next year.

Councilors Rodden and Pierce withdrew the motion.

Councilor Armitage raised the question about the name of the committee causing potential confusion with the Falmouth Economic Development Commission.

Councilor Pierce moved to change the name to the Economic Advancement Committee. There was no second. Councilor Pierce withdrew the motion.

Councilor Chase moved to change the name to Economic Improvement Committee. Councilor Armitage seconded. Motion carried 5-0.

Motion to approve the item as amended carried 5-0.

Adjourn

Councilor Armitage motioned to adjourn; Councilor Rodden seconded. Motion carried 5-0.

Meeting adjourned at 9:20 pm.

Respectfully submitted,

Ellen Planer
Town Clerk

Melissa Tryon
Administrative Assistant