

**Town Council Special Meeting**  
**May 10, 2010**  
**Minutes**

The meeting was called to order at 6:00 pm.

**Roll Call**

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

Councilor Armitage was absent.

**Item 1            Order to go into Executive Session pursuant to the Laws of Maine to discuss contemplated litigation and the Town Council's legal rights and responsibilities, pursuant 1 M.R.S.A. § 405 (6) (E).**

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

The Council returned from Executive Session at 7:00 pm

**Item 2            Order to correct the FY11 budget order.**

Nathan Poore explained the need for the correction. The Town Attorney determined that this was not a substantive change.

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

**Item 3            Order to approve the FY11 School Department Budget as required by M.S.R.A. 1485, 1486 (1) (2) LD 1671 Part QQQ sec 1 & 2.**

The following are orders relating to the school budget as required by 20-A MRSA §§1486, 2307 and 15690.

**BE IT ORDERED**, that the following school budget articles be adopted and approved for fiscal year 2010-2011:

1. That **\$11,645,435** be authorized to be expended for Regular Instruction.
2. That **\$3,110,268** be authorized to be expended for Special Education.
3. That **\$47,485** be authorized to be expended for Career and Technical Education.
4. That **\$770,187** be authorized to be expended for Other Instruction.
5. That **\$2,110,402** be authorized to be expended for Student and Staff Support.
6. That **\$754,624** be authorized to be expended for System Administration.
7. That **\$1,034,592** be authorized to be expended for School Administration.
8. That **\$1,162,819** be authorized to be expended for Transportation and Buses.
9. That **\$2,376,288** be authorized to be expended for Facilities Maintenance.
10. That **\$1,593,775** be authorized to be expended for Debt Service and Other Commitments.
11. That **\$0** be authorized to be expended for All Other Expenditures.

Councilor Pierce moved to adopt the order; Councilor Payne seconded. Motion carried 6-0.

**BE IT FURTHER ORDERED**, that **\$20,675,662** be appropriated for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that **\$14,789,460** be raised as the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

Councilor Chase moved to adopt the order; Councilor Payne seconded. Motion carried 6-0.

**BE IT FURTHER ORDERED**, that **\$244,750** be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from kindergarten to grade 12.

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

**BE IT FURTHER ORDERED**, that **\$3,518,463** be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by **\$3,034,825** as required to fund the budget recommended by the school committee. The school committee recommends **\$3,518,463** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$3,034,825**: The state's funding model does not support all of the costs of the schools because it includes only those costs considered essential by the new State Essential Programs and Services (EPS) model.

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

**BE IT FURTHER ORDERED**, that the school committee be authorized to expend **\$24,605,875** for the fiscal year beginning July 1, 2010 and ending June 30, 2011 from the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

Councilor Pierce moved to adopt the order; Councilor Payne seconded. Motion carried 6-0.

**BE IT FURTHER ORDERED**, that in addition to the amounts authorized under the previous orders, the Council hereby authorizes the school committee to expend any state, federal and other grants, aid and receipts during the fiscal year beginning July 1, 2010 and ending June 30, 2011, for school purposes and adult education, provided that such grants, aid and receipts do not require expenditure of local funds not previously appropriated.

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

**BE IT FURTHER ORDERED**, that the Town will appropriate **\$347,270** for adult education and raise **\$124,509** as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

Councilor Pierce moved to adopt the order; Councilor Payne seconded. Motion carried 6-0.

**Item 4            Public hearing and order relative to a new victualer/food establishment license for Gus' Gluten Free Baking Company.**

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

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

**Item 5            Public Hearing and Order relative to a new victualer/food service license for the Weenie Wagon.**

Chair Breen opened the public hearing.

Councilor Rodden asked where the wagon would be located.

Kevin Strout, owner of the lunch wagon, said they would be located at the elementary school construction site and the bridge construction on Route 1.

Councilor Pierce asked if it would only be there during the construction, or all the time.

Mr. Strout said only during construction.

The order was approved 6-0.

**Item 6            Public hearing on amendments to the Zoning and Land Use Ordinance to amend the definition of recreational vehicle and how they are stored.**

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

The order was scheduled for May 24.

**Item 7            Resolution regarding public comment at Town Council meetings.**

Councilor Rodden read the resolution and moved to approve it. Councilor Payne seconded.

Chair Breen opened a public comment period.

Bill Gardiner from Underwood Road thought the language was a little arbitrary.

Chair Breen closed the public comment period.

Chair Breen explained the reason for the resolution. She read a sample of some recent communication from a town resident and said such behavior is unacceptable.

Councilor Rodden read a letter sent to her recently from a town resident, which she said had a chilling effect on democracy.

The resolution passed 6-0.

**Item 8 Introduction of proposed amendments to the Council Rules.**

Chair Breen introduced the amendments, which concern how the public addresses the Council. She read the amendments and explained that the Town Attorney has reviewed them.

Councilor Payne suggested a change to the proposed amendment, based upon language in Robert's Rules. Councilor Libby also suggested a change. The Council discussed the proposed changes.

A vote will be held on this item on May 24.

**Item 9 Presentation of the recommendations of the Community Facilities Planning Committee to the Council.**

Cathy Breen, Chair of the Community Facilities Planning Committee, introduced the members of the committee. She explained that the recommendations presented tonight are unanimously backed by the committee.

The committee recommends a Town Center, to be located at the site of the Lunt and Plummer-Motz schools, to include the Library, Town Hall and a Community Recreation Center. They recommend selling the current Library building, Town Hall, Pleasant Hill Fire station, and 5 acres of the Plummer-Motz/Lunt site to help offset some of the costs of creating such a center. Other funding would come from a private fundraising effort by the Library and a capital reserve account. It is estimated that approximately \$4 million would have to be borrowed to pay for the renovations. An estimated tax increase of \$25.63 per \$100,000 of value would be required to cover both the financing and an increase in operating costs.

The committee recommended the following next steps: that the Council review and consider the recommendation, decide whether to send the recommendations to the November 2010 referendum, consider entertaining bids on the recommendations, and that the citizens vote on the recommendations at the November 2010 election.

There will be a public hearing on the proposal at a later date.

The Council discussed the presentation and the recommendations and asked questions of the committee.

**Item 10 Order to appoint individuals to various vacant positions on Town Council appointed Boards, Committees and Commissions.**

Councilor Pierce read the recommendations of the Appointments committee:

**LPAC:** Sandra Lipsey – term ending 12/31/2012, Samuel Redmond - term ending 12/31/2012, Paul Bergkamp – term ending 12/31/2011, Bud Norman French – term ending 12/31/2011 and Becca Casey, the Planning Board representative – term ending 12/31/2011.

**LPAC+:** reappointment of Hugh Coxe, Steve Hendry, Claudia King, Julie Motherwell, Rachel Reed, and Steve Walker. As an ad-hoc committee, members must be reappointed annually.

**Library Board of Trustees:** Brad Gilbert - term ending 9/30/2010; Susan Tarte – term ending 9/30/2011, and Sean Joyce – term ending 9/30/2012.

Councilor Pierce moved to approve the slate of recommendations; Councilor Libby seconded. Motion carried 6-0.

**Item 11          Discussion of street connectivity policy.**

Councilor Payne read the draft connectivity policy.

A public hearing on the proposed policy will be held at the June meeting.

**Item 12          Introduction of an amendment to the Code of Ordinances relative to Street Acceptance.**

Councilor Payne introduced the amendment.

A public hearing will be held at the June meeting.

**Item 13          Resolution to accept and approve with or without conditions, several remaining implementation recommendations associated with the recently completed Harbor Master Planning Report.**

Councilor Libby read the resolution.

Councilor Libby moved to approve the resolution; Councilor Pierce seconded.

Steve Archambault, Chair of the Harbor Committee, said his committee feels that the Council has no plans to act on any of the recommendations in the consultants' reports or in the committee's long-range harbor management plan. He asked what exactly they are supporting.

Motion carried 6-0.

**Item 14          Resolution to accept and approve with or without conditions, the Energy and Climate Protection Plan, dated February 8, 2010, and prepared by the Falmouth Green Ribbon Commission.**

Councilor Libby moved to table the item until the next meeting; Councilor Payne seconded. Motion carried 6-0.

**Item 15          Discussion about the annual Council Retreat.**

Councilors will give their ideas to Nathan regarding location, facilitator, etc.

**Item 16          Order to nominate municipal officials to serve on the MMA Legislative Policy Committee.**

Chair Breen nominated Councilor Armitage; Councilor Pierce seconded. Motion carried 6-0.

**Item 17          Discussion about the date and location of the 2010 Municipal Banquet.**

The banquet will be held at the Falmouth Country Club on June 24.

**Item 18          Discussion about future Council agendas.**

Nathan Poore, Town Manager, discussed items currently scheduled for the next Council meeting.

**Adjourn**

Councilor Payne moved to adjourn; Councilor Libby seconded. Motion carried 6-0.

Meeting adjourned 10:35 pm.

Respectfully submitted,

Melissa Tryon  
Administrative Assistant.