

Town Council Meeting

Minutes

July 9, 2012

Roll Call

All Councilors were present and answering roll call.

Item 1 Public Hearing and order for a new food service/victualer's license for Bernie's West Falmouth.

Chair Varney opened the public hearing.

Adam Shapiro explained that Bernie's West Falmouth is under contract; the new owner has applied for the new food service license but the sale may not take effect for 90-120 days. The new owner needs to get a visa before finalizing the purchase, as he is a native of Ireland. He has lived in the country for the last 10 years.

Councilor Rodden asked about the plans for the restaurant.

Mr. Shapiro explained that he is running it until the sale is final. They plan to remove the bar side, moving the bar to where the restaurant is located. They have too much space as it is.

Councilor Rodden asked if there was any problem with the timeframe. Town Manager Nathan Poore said no, there is not.

Chair Varney closed the public hearing.

Councilor Pierce moved the order; Councilor Orestis seconded.

Councilor Pierce asked if there was any problem if the name on the food service license was different than the owner's name.

Mr. Poore said no. This type of license allows for a check-in for health inspections, fire code, police matters, etc. These things run through all the applicable department heads. He said the only risk there might be with the ownership, not with the Town.

Councilor Mahoney asked if the restaurant is still open for business.

Mr. Shapiro said they are still open.

Councilor Mahoney offered an amendment to the motion to include the condition that the license will take effect with the sale of the business. Councilor Pierce agreed.

Motion carried as amended 7-0.

Item 2 Public Hearing and order for a new liquor license for Bernie's West Falmouth located at 65 Gray Road.

Chair Varney opened the public hearing; no public comment.

Councilor Farber moved the order with the condition that it takes effect with the sale; Councilor Pierce seconded.

Mr. Poore said that this license comes with a higher level of scrutiny than the previous one. He cautioned the owners to contact the state.

Mr. Shapiro said he already has; the new owner can't do anything before the state inspections.

Motion carried 7-0.

Item 3 Discussion about memorializing and/or naming Town owned property and facilities.

Mr. Poore explained that he has been working with Councilor Pierce and Lucky D'Ascanio, Director of Community Programs, to review sample policies from other communities as well as the school department's. According to the policy they have drafted, there would have to be a substantial financial contribution to name a facility. Memorial plaques and recognitions, including plaques discussing history of particular places would be at a different level. There are likely many opportunities to memorialize people, but there aren't enough Town facilities to go around in order to recognize all the people who have contributed to the community. There also isn't a history of the Town allowing properties or other facilities to be named after people.

Councilor Payne asked if the owner of a property wishing to sell/deed/gift a property to the Town could include naming rights in the deed. Mr. Poore thought they could.

Councilor Orestis wondered about if the policy could have an exception for a particularly notable person or act of heroism.

Chair Varney thought the Council could do whatever they wanted. The difficulty is determining who you leave out.

Councilor Farber thought they should keep in mind the slippery slope between naming and advertising in regards to the "significant contribution" piece. She asked what the parameters might be on that.

Councilor Rodden believed in having policies, but it seemed cold. She was uncomfortable with the financial contributions.

Councilor Pierce wanted to broaden it to include contributions of time and talent instead of solely financial contributions.

Councilor Rodden wanted this to be only memorial naming, not after someone who was still living. In the case of the request to memorialize Mr. Zacharias, they wanted to name a field after him instead of the whole park, which she thought was different. She liked the idea of a plaque that explains the history of a place.

Mr. Poore said this was a very difficult discussion; the biggest dilemma is that there are so many deserving people to honor. He agreed that naming a field is much different than naming the whole park.

Councilor Pierce and Mr. Poore will continue work on this, including drafting what they would like to see for submissions of requests.

Councilor Farber thought they should address questions of funding as well as the appearance of the plaque.

Councilor Pierce felt the Town would have to maintain it, since it was Town property. She felt the impetus should come from the people, but the Council should have the flexibility to determine how a plaque would look.

Chair Varney thought people asking for it should present what they want the plaque to say.

Councilor Pierce agreed, but she wanted some consistency in plaques across Town.

Mr. Poore asked if they could draft this as a Council policy to start; the Council indicated agreement.

Item 4 Ordinance to amend Chapter 6, Article 6, Section 6.68, of the Falmouth Town Ordinance that will change the overall maximum levels of assistance for the General Assistance program and incorporate the FY 2013 "Temporary" Housing.

Mr. Poore explained that this is mandated by the state; the effect will be to shorten the temporary housing, and reduce the overall maximum by 10%.

Councilor Payne moved; Councilor Pierce seconded. Motion carried 5-1 (Rodden) (Mahoney abstained)

Councilor Mahoney explained that he abstained because he doesn't support the underlying legislation. Councilor Rodden agreed and said that was why she was voting against the ordinance.

Item 5 Order to vote for two members from Senate District 11 to serve on the Maine Municipal Association's Legislative Policy Committee.

Councilor Pierce moved the order; Councilor Farber seconded. Motion carried 7-0.

Item 6 Discussion regarding licensing and location of mobile food service units.

Chair Varney discussed a complaint about a food cart that was across the street from a food establishment. She and Mr. Poore looked into it, and the Town has no policy regarding food carts. She recommended that the Council send this to staff to research and bring back a recommendation for a policy.

Councilor Pierce said when she voted for this particular food cart's license, her understanding was that this cart would be at events only, not parked at a business along Route 1.

Councilor Mahoney agreed that the application presented it as a cart for events and private parties only.

Councilor Rodden asked if it is in violation since it wasn't at an event.

Mr. Poore said it could be argued that it is in violation, but there isn't anything in the ordinance that gives them a lot of options. If the Council wanted staff to research this, they could look at what other communities are doing as well as reach out to the applicant and address whether there is a violation.

Councilor Farber pointed out that the application does say "stationary on private property with owner's permission". She wondered if it should go to the FEIC.

Chair Varney wanted it to go to staff. Councilor Rodden wanted it to go to FEIC; this is a disagreement between business owners, and that is the committee charged with economic issues. She was concerned with staff's attention being taken away from the Route 1 project.

Mr. Poore said it will take staff time regardless, but he has investigated staff resources already for this.

Councilor Pierce was interested in researching other communities, but didn't think Portland was comparable.

Mr. Poore said they will look at issues such as traffic, public safety, the question of site planning, and mobility. There seem to be different categories there that he would like to investigate.

Councilor Farber wondered about a cart that might be hired for a private party and what that process might look like.

Councilor Pierce thought this would be a good conversation for the FEIC to have.

Councilor Rodden moved to send the matter to the FEIC; Councilor Farber seconded. Motion carried 7-0.

Mr. Poore explained that staff will still contact the cart owner and enforce the terms of the license.

Item 7 Discussion about future Council agendas.

Mr. Poore reviewed the items scheduled for upcoming Council agendas.

Item 8 Order to go into Executive Session pursuant to the Laws of Maine to discuss the possible acquisition of land, pursuant to 1 M.R.S.A. § 405 (6) (C).

Item 9 Order to go into Executive Session pursuant to the Laws of Maine to discuss negotiation parameters associated with the Teamsters Local 340 and Maine Association of Police contract renewal, pursuant 1 M.R.S.A. § 405 (6) (D).

Councilor Pierce moved to enter executive session; Councilor Payne seconded. Motion carried 7-0.

The Council returned from executive session.

Councilor Pierce moved to approve the Police contract; Councilor Rodden seconded. Motion carried 7-0.

Councilor Pierce moved to approve the Teamsters contract; Councilor Mahoney seconded. Motion carried 7-0.

Adjourn

Councilor Pierce moved to adjourn, Councilor Payne seconded. Motion carried 7-0.

Meeting adjourned.

Respectfully submitted,

Melissa Tryon
Recording Secretary