

**Town Council Organizational Meeting
Minutes
June 19, 2017**

The meeting was called to order at 7:30 pm.

Roll Call

Councilors Svedlow, Hemphill, Kitchel, Farber, Jones and Ferrante were present and answering roll call.

Councilor King was absent.

Pledge of Allegiance

Councilor Farber led those present in the Pledge of Allegiance.

Oath of Office Ceremony

Deputy Town Clerk Linda Case delivered the Oath of Office to Andy Jones and Caleb Hemphill.

Item 1 (a) Election of Town Council Chairperson.

Councilor Svedlow nominated Councilor Hemphill; Councilor Ferrante seconded. Motion carried 6-0.

Item 1 (b) Election of Town Council Vice-Chairperson.

Councilor Farber nominated Councilor Kitchel; Councilor Ferrante seconded. Motion carried 6-0.

Item 1 (c) Order to appoint members to the Council Finance Committee.

Councilor Svedlow nominated Councilors Svedlow, Kitchel and Jones; Councilor Farber seconded. Motion carried 6-0.

Item 1 (d) Order to appoint members to the Council Ordinance Committee.

Councilor Svedlow nominated Councilors King, Jones, and Svedlow; Councilor Kitchel seconded. Motion carried 6-0.

Item 1 (e) Order to appoint members to the Community Development Committee, with a term to begin on August 1, 2017.

Councilor Farber nominated Councilors Ferrante, Kitchel and Farber; Councilor Svedlow seconded. Motion carried 6-0.

Item 1 (f) Order to appoint members to the Council Appointments/Personnel Committee.

Councilor Ferrante nominated Councilors Svedlow, Ferrante, and King; Councilor Farber seconded. Motion carried 6-0.

Item 1 (g) Order to appoint members to the Council's ad-hoc Committee on Retail Marijuana.

Councilor Farber nominated Councilors Farber, Jones and King; Councilor Kitchel seconded. Motion carried 6-0.

Item 1 (h) Order to appoint Council members to serve as liaisons to various boards and committees.

Councilor Farber moved the slate of appointments; Councilor Ferrante seconded. Motion carried 6-0.

Board of Assessment Review and Sewer Appeals	Quasi-judicial
Board of Zoning Appeals	Quasi-judicial
Community Park Connector Committee (ad-hoc)	N/A
Conservation Commission	JONES
Economic Improvement Committee	FERRANTE
Harbor/Waterfront Committee	SVEDLOW
Human Services Committee	FARBER
Land Management and Acquisition Committee	SVEDLOW
Library Board of Trustees	FARBER
Long-Range Planning Advisory Committee	KING
Parks and Community Programs Advisory Committee	SVEDLOW
Planning Board	Quasi-judicial
Recycling & Energy Advisory Committee	JONES
Route 1 North Committee (ad-hoc)	FERRANTE
Route 100 Committee (ad-hoc)	FARBER
School Board	N/A
Senior Citizen Advisory Committee (ad-hoc)	KITCHEL
Shellfish Conservation Committee	SVEDLOW
Tercentennial Planning Committee (ad-hoc)	KING
Voter Registration Appeals Board	Quasi-judicial
Zoning Committee (ad-hoc)	N/A

Item 1 (i) Order to appoint one representative to the ecomaine Board of Directors.

Councilor Ferrante moved to appoint Chair Hemphill; Councilor Svedlow seconded. Motion carried 6-0.

Item 1 (j) Order to appoint two representatives to the General Assembly of the Greater Portland Council of Governments.

Councilor Farber moved to appoint Councilor Svedlow and Mr. Poore; Councilor Svedlow seconded. Motion carried 6-0.

Item 1 (k) Order to appoint one person to serve on the METRO Bus Board of Directors.

No action taken, as no appointment was needed this year.

Item 1 (l) Order to appoint a representative from the Council as a liaison to the Tidewater Advisory Council.

No action taken.

Item 1 (m) Order to appoint a Council member and the Town Manager to serve on the Metro Coalition.

Councilor Farber moved to appoint Chair Hemphill and Mr. Poore; Councilor Svedlow seconded. Motion carried 6-0.

Item 1 (n) Order to appoint one representative and two alternates to the PACTS Policy Committee.

Councilor Svedlow moved to appoint Councilor Kitchel, Mr. Poore and Jay Reynolds; Councilor Farber seconded. Motion carried 6-0.

Item 2 Public Forum

No one spoke at public forum.

Item 3 (Consent Agenda)

- **Order to approve the minutes of the April 5, 2017 Town Council Budget Meeting.**
- **Order to approve the minutes of the April 12, 2017 Town Council Special Meeting**
- **Order to approve the minutes of the April 24, 2017 Town Council Meeting.**
- **Order to approve the minutes of the May 8, 2017 Town Council Special Meeting.**
- **Order to approve the minutes of the May 15, 2017 Town Council Special Meeting.**
- **Order to approve the minutes of the May 22, 2017 Town Council Meeting.**
- **Order to certify the June 13, 2017 Election results.**

Councilor Svedlow moved the consent agenda; Councilor Farber seconded.

Chair Hemphill opened a public comment period; there was no public comment.

Motion carried 6-0.

Councilor Svedlow moved to suspend the rules to take item 5 out of order; Councilor Farber seconded.

Motion carried 6-0.

Item 5 Public hearing and order relative to renewal of the victualer licenses for: American Legion Post, Bernie's Foreside, Bueno Loco, Café Crepes, Circle K, Dockside Grill, Dockside Provisions, Dunkin Donuts, Episcopal Church of St. Mary the Virgin, European Bakery, Falmouth By the Sea, Falmouth Car Wash, Falmouth Congregational Church, Falmouth Country Club, Falmouth House of Pizza, Falmouth Lil' Mart, Falmouth Little League, Falmouth Schools Food Service, Family Ice Center, Flagship Premium Cinema's, Foreside Community Church, Foreside Tavern, Grab A Byte Café, Hannaford Bros., Harmon's Lunch, Hug's Italian Restaurant, Leavitt & Sons, Liz's Kitchen, Maddens Pub & Grill, Maine Lobster & Seafood, McDonalds, Milly's Skillet, Mother's Mountain, Nina's Variety, OceanView, Orchid Thai, Parish of the Holy Eucharist, Pine State Trading Co., Portland Country Club, Portland Yacht Club, Professional Catering Service, Purposeful Foods, Ricetta's, Rite Aid, Shaw's, Starbucks, Subway, Super Scoops, The Woodlands, Town Landing Market, Waldo's, Wal-Mart, West Falmouth Baptist Church.

Councilor Kitchel moved the order; Councilor Svedlow seconded.

Councilor Farber said one of the renewals is for a mobile food cart. She was concerned about whether this specific business is in fact a mobile food cart.

Town Clerk Ellen Planer said the applicant is renewing the license from last year. There are no changes.

Councilor Farber said she has no problem with the business, and acknowledged that the ordinance is lacking in definition for mobile food establishments. This particular cart does not move, and has traditionally been in one place. She didn't think it passes the test as a mobile food cart. She acknowledged that these licenses expire as of June 30, and the Council doesn't meet again until July 10. She considered asking to pull this license out of the group, but also felt it wasn't fair to allow the license to expire. The business was licensed as a mobile food cart, but it functions as a regular brick and mortar store without having to meet the requirements of such. She felt this has created a backdoor, and it didn't seem fair to other businesses.

Councilor Svedlow pointed out that this business is functioning on the basis on past decisions.

Chair Hemphill wondered if they could renew the license for less than a year; Ms. Planer said she would have to look at the ordinance. Typically license renewals are for a year.

Mr. Poore said there was direction for the Ordinance Committee to work on this issue in last year's Council workplan. Staff issued a report to the Ordinance Committee, but other, higher priority items took precedence. Mr. Poore suggested putting it back on the Council workplan for this year. That would address the ordinance issue, but not the issue with this particular business.

Councilor Kitchel suggested they move forward with this license renewal, and revisit the mobile food truck issue during the year. He didn't feel they could deny the victualer license on this basis.

Councilor Farber asked if this business would be grandfathered if they amended the ordinance. Mr. Poore didn't think so, unless they wrote that provision into the amendment; the license is an annual renewal and the business would have to meet the requirements in effect at the time of the renewal.

Councilor Farber felt this business doesn't meet the current definition, but understood that there may be some ambiguity.

Councilor Ferrante has heard from some members of the public that agree with Councilor Farber.

Councilor Svedlow left the meeting.

Chair Hemphill opened the public hearing; there was no public comment.

Motion failed 3-2 (Farber, Ferrante)

Councilor Farber moved to reconsider the prior question; Councilor Kitchel seconded. Motion carried 5-0.

Councilor Farber moved to separate the application of Milly's Skillet from the order; Councilor Ferrante seconded. Motion carried 5-0.

Councilor Farber moved the amended order; Councilor Ferrante seconded.

Chair Hemphill opened a public comment period; there was no public comment.

Motion carried 5-0.

Councilor Farber moved to approve the application of Milly's Skillet; Councilor Kitchel seconded.

The Council discussed the food truck; it has not been at the site recently. Ms. Planer said the business owner concentrates on her location on Peak's Island in the spring and early summer; she was open in Falmouth most of last year.

Chair Hemphill opened a public comment period; there was no public comment.

Motion carried 5-0.

Item 4 Order to authorize the Town Manager to execute a quit claim deed for Map U61 Lot 019.

Councilor Farber moved the order; Councilor Kitchel seconded.

Chair Hemphill opened a public comment period; there was no public comment.

Motion carried 5-0.

Item 6 To approve the movement of the FY2017 Route One PACTS Paving Project in the amount of \$475,000 from the Route One South and Route One North TIFs to the Ocean View/Natural Gas TIF and to approve a supplemental appropriation from the Streets CIP Fund in the amount of \$250,000 for transfer to the OceanView/Natural Gas TIF Fund.

Mr. Poore said the OceanView/Natural Gas TIF will repay the CIP fund the full \$250,000; it is a young TIF and doesn't yet have a sufficient balance to cover this. The paving project was being carried by the Route One TIFs, but the auditors didn't feel that it qualified as a project under those TIF plans. It does qualify under the OceanView/Natural Gas TIF plan.

Councilor Farber moved the order; Councilor Ferrante seconded.

Chair Hemphill opened a public comment period; there was no public comment.

Motion carried 5-0.

Item 7 Order to change the date of 2017/2018 Council meetings impacted by holidays.

Councilor Kitchel moved the order; Councilor Ferrante seconded.

Chair Hemphill opened a public comment period; there was no public comment.

Motion carried 5-0.

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

Councilor Kitchel moved the order; Councilor Jones seconded. Motion carried 5-0.

The Council entered executive session at 8:19 pm and did not return.

Respectfully submitted,

Melissa Tryon
Recording Secretary