

FALMOUTH EDIC
AUGUST 14, 2006
SELECTMEN'S MEETING ROOM – 4:00PM

PRESENT: HARLYN HALVORSON, CHAIRMAN
WILLIAM MCKEON, VICE CHAIRMAN
MARY PAT FLYNN
GLENN KELLY
CAREY MURPHY
STEPHEN J. SPITZ
WILLIAM VENDT

Appointment Process for FEDIC

Chairman Halvorson began by saying, "As you know, we have had some concerns over the appointment process to this board and the board has asked its counsel to give us advice." EDIC Counsel Pat Butler addressed this issue, in particular, whether the Charter of the Town of Falmouth applies to the appointment process in regards to term limits. He gave a two part answer (detailed in his memo dated 7/25/06).

1. Does not believe Falmouth's Charter applies to the EDIC appointment process as it relates to term limits.
2. Does believe the Board of Selectmen has the ultimate authority to appoint members.

In looking at the Charter there is a section that the selectmen consult with the boards to which they are appointing to discuss criteria, suggestions on who might be appointed – it is this consultation process which is very important especially for the unique nature of the EDIC [each appointment comes from a different category/area of expertise and they are staggered terms].

Atty. Butler feels the most appropriate way to move forward is to have a consultation process as quickly as possible between the Chair and Vice Chair of the Selectmen and the Chair and Vice Chair of EDIC to discuss the appointment process, who fits into what categories and how they fit into the staggered terms. He also suggested we officially adopt by-laws. In regards to Falmouth's Town Counsel Frank Duffy's opinion on term limits, Atty. Butler said they have 'agreed to disagree'.

Town Administrator Bob Whritenour commented as a huge supporter of the EDIC he acknowledged the hard work it has done over the years. He agreed other town boards from time to time have frustration when they go through the appointment process. He also admitted this year in the selectmen's effort to carry out term limits they left out a lot of the consultation. The expertise, background and experience on the EDIC is really needed. He hopes we can continue to work together to enhance communication and move forward with the members who have been appointed by the selectmen.

Bill McKeon made it clear we are talking about process. “Through all the years I have been on the EDIC I would say this is the first time I felt that this board was blind sided by the selectmen.” “The communications going forward and cooperation, opinions and advice are extremely important because if that doesn’t happen the RTDC is dead not alive.” If the RTDC works it is going to be a regional benefit.

If concerns cannot be resolved, Chairman Halvorson said he is not likely to remain on the EDIC; Vice Chairman Bill McKeon echoed the same sentiments.

MS Transportation (Final Traffic Study) – William Scully

Sharon Gay reported she has spoken with Mr. Scully during this past month and he is working with Falmouth Town Planner Brian Currie to review the traffic study with him and resolve any issues, etc.

Regional Technology Development Center (RTDC) – Report on RFP Progress by Sallie Riggs on the Position Description, Funding, etc.

Bill Zammer reported on the status of the Steering Committee:

- Working on a MOU with Falmouth EDIC.
- Working on alliances with WHOI, MBL, MIT, universities, etc.
- Advisor Bob Franklin is working with Angel Networks and venture capitalists.
- Keeping the other three towns informed.

Sallie Riggs reported:

- There were strong feelings on Friday from the Advisory Committee that as soon as possible the RTDC should be set up as a corporation, probably within the state of Massachusetts, so as questions come up on funding, hiring someone to run the organization, etc. there will be a corporate structure to move things forward.
- Sallie then highlighted some of the important points in an updated MOU dated 8/14/06. Discussion followed.

MOTION: Pat Flynn made a motion to approve the MOU in principle and to go over the language at EDIC’s next meeting, seconded by Bill McKeon. Unanimous vote.

MOTION: Bill McKeon made a motion to have the Steering Committee ask counsel to begin the legal investigation of what is required to set up the RTDC as a corporate entity and developing the Memorandum of Understanding and also to be speaking with all four town counsels to answer questions, seconded by Pat Flynn. Unanimous vote.

Sallie Riggs reported the Steering Committee’s recommendation is the initial step is to have an individual come in to shepherd along the whole development process. A draft Position Description has been passed out. She then asked for authorization and funding to advertise such a position to begin the search process with hopes being to have someone in place by the beginning of next year (2007). Looking at \$3,500 to \$5,000 to advertise for this position.

MOTION: Carey Murphy made a motion advertising as proposed be set up with the condition it is not to be carried out until grant funding is received, seconded by Pat Flynn for discussion. After discussion, Carey Murphy revised his motion to authorize an expenditure of up to \$5,000 to the RTDC for advertising, seconded by Pat Flynn. Unanimous vote.

Richard Bienvenue – Treasurer’s Report

- Passed out Financial Report through July 31, 2006 showing Total Liabilities and Equity at \$2,553,427.19.
- RFP Responses Received: Last month issuance of two RFPs were authorized – one for R.E. services and the other for Grant/Technical services. Richard passed out the two responses received for Grant/Technical services and just one for R.E. services. The one response for R.E. was from the Harding Realty Corporation which asks for a \$2,000 per month retainer, provides for consulting and advisory services to the EDIC, and an 8% brokerage fee on the sale of commercial property. This is what was in place with John Harding prior to this RFP. Two responses were received for Grant/Technical services, both having background and experience – one from Rutherford Advisors at \$160 per hour and the other from STG Consultants at \$75 per hour. STG has been our consultant for many years at \$65 per hour.

MOTION: Pat Flynn made a motion to defer appointment of Grant/Technical services to our next meeting giving members an opportunity to review both responses, seconded by Glenn Kelly. Unanimous vote.

MOTION: Although only one response was received for R.E. services, Pat Flynn made a motion to postpone appointment to our next meeting, seconded by Carey Murphy. Unanimous vote.

Glenn and Bill encouraged the two new members to talk to John Harding prior to our next meeting.

- Development Agreement with CCC – a \$50,000 payment is due for wastewater mitigation.

STG Consultants – Update

- Sharon and John Harding met with the CCC to review reporting requirements – some definitions still need to be clarified.

Old Business

- Water Tower Lease – John Harding reported a lease has been drafted by Nutter, McClennen and Fish and will be forward to us within the next few days. John asked for authorization to send it to our counsel and town counsel for their review before the final version is ready. **MOTION:** Bill McKeon made a motion to authorize John Harding to proceed with a draft (old) water tower lease agreement with the town (for \$1) for as long as they need it. Unanimous vote.

Approve Minutes of July 10, 2006

Carey Murphy made a motion to approve the minutes of July 10, 2006 as printed, seconded by Bill McKeon. Unanimous vote.

Bills

Bill McKeon made a motion to approve the expenditure of \$2,800 for Warrant 2006-8 as submitted, seconded by Pat Flynn. Unanimous vote.

Set Next Meeting Date

Our next regular meeting will be Monday, September 11, 2006 at 4:00pm in the Selectmen's Meeting Room at Town Hall.

John Harding – Update

- Asked the CCC (Dorr) what they saw the ramifications would be if we try to change the layout of the lots at the top of Edgerton Drive. Response pending.
- Requested the Real Estate Subcommittee be reconstituted so they can meet before our next meeting to come up with financially viable options.

Adjournment

Bill McKeon made a motion to adjourn at 6:00pm, seconded by Pat Flynn. Unanimous vote.

Respectfully submitted,

Linda J. Wells
Recording Secretary