

Cliff Walk Committee
October 28, 2015; 6:30 – 8:30
York Library - Wheeler Room

MINUTES

Members Present – Elizabeth Bardwell, Bob Gordon, Ted Little, Bob Luttman, Tom Rose

Members Absent – Mary Andrews, Diane Kleist

Others – Beth Della Valle, Consultant; Dylan Smith, Planning Director; Mary Costigan, Town Attorney; David Chase; Olivia Koffman; Lily Bickerstaff-Richard; John Moran

The meeting opened at 6:30 pm.

Members of the Committee, staff, consultant, the Town's attorney, and members of the public introduced themselves and briefly described their past experience with Cliff Walk.

The Committee briefly reviewed the Mission of the Cliff Walk Committee as adopted by the Board of Selectmen (BOS).

The Town's Attorney, Mary Costigan, indicated that she wanted to make sure the Committee understands the legal requirements of a public committee under Maine's Freedom of Access Act (FOAA). She pointed out that when three committee members are together discussing Cliff Walk, this constitutes a meeting which requires public notice of approximately one week unless the meeting is an emergency. If Committee members meet, way at a store or social gathering, they may discuss nonsubstantive things without scheduling a meeting, but they may not talk about substantive things related to Town business. A question was raised about how to deal with participation with Friends of Cliff Walk (Friends), a private group which four Cliff Walk Committee (Committee) members have been members of for a number of years. The Town Attorney indicated that up to two Cliff Walk Committee members could attend a Friends meeting to share information without having to provide notice of a Committee meeting. Those Committee members could share information from Friends at a Committee meeting or invite members of Friends who are sharing information to do that at a Committee meeting in order to include that information in the Committee's record.

The Town's Attorney also indicated that this requirement to provide public notice of meetings also applies to email – no substantive discussion is allowed via email without providing public notice. She noted that person to person discussion is okay. When asked about whether those email conversations are private, the Town's Attorney indicated that the Committee's records are subject to FOAA and that email records can be requested and should be turned over. She suggested that Committee members create a subfolder for Cliff Walk emails. She noted that members probably won't have substantive emails, most being instructive about materials to read. The Town's Consultant noted that if she or the Planning Director note that a substantive conversation is taking place on email, one or both of them will ask the members to stop having the conversation.

The Town's Attorney noted that the Committee's Charter indicates that the Committee will conduct its business using Robert's Rules and that meeting agendas normally will be posted approximately seven days in advance.

The Committee continued to discuss its relationship with Friends, considering the fact that Friends may have to adjust its mission to something even more supportive of the Committee and questioned how to separate the two. The Town's Attorney indicated that Friends has done research of the Cliff Walk and the Committee is the vehicle to get that information organized and brought to the Town's BOS to take whatever it feels is appropriate action. Committee members pointed out that Friends has other projects including volunteer maintenance and fundraising. The creation of the Committee does not preclude Friends asking the Committee what it can do to help and the separation between the groups will not necessarily happen quickly.

In deference to the public attending the meeting, the Committee moved the scheduled Executive Session to the end of the agenda; motion made by Tom and seconded by Bob – unanimously approved.

The Committee next turned its attention to discussing the Committee's Mission. Committee members noted that the objective of the Committee is to make things happen and asked how far the Committee can go. The Town's Attorney pointed out that the Committee has two major ways to help the BOS make decisions about how to keep the Cliff Walk open, safe, and maintained for public use – researching issues, including those relevant to legal determinations, and making recommendations for BOS action. She noted that the Committee will not be negotiating on behalf of the Town. When asked how to access the Town Attorney, Committee members were directed to work through the Town's Consultant or Director of Planning.

The Committee then turned to decisions about its structure, including selection of a chair, vice-chair, and secretary. The Town's Consultant noted that she and Missy Avery in the Town Manager's Office will take care of reserving meeting rooms for the Committee. Ted made a motion that Bob serve as Chair, Elizabeth as Vice Chair, and Tom as secretary. The motion was seconded by Elizabeth. The motion passed unanimously. The Committee noted that this decision could be revisited at the next meeting, given the fact that two members were absent.

The Committee decided that it generally will meet once each month for approximately two hours (extensions to be allowed by Robert's Rules), from 5:30-7:30, preferably in the Library. The Committee decided it will revisit its schedule at the next meeting. The Director of Planning will explore the possibility of televising meetings, though it was noted that access to televising meetings is limited. The Committee agreed that it will add time for public input on its agenda at the beginning of its meeting and that a three minute limit for each speaker, with some flexibility, will be allowed.

The Committee then turned its attention to background information about Cliff Walk. Bob and David have sent information to the Town's Consultant already. Bob indicated that he would forward additional information. The Town's Consultant will send this information onto the Town's Attorney, who will review it and indicate what can be posted on the Town's web site.

The Town's Consultant provided notice about efforts to present a budget for the Committee to the Town Manager, a workshop on the Goose Rocks decisions she is helping organize on behalf of the Maine Association of Planners and Maine Bar Association. She agreed to prepare and share a Committee list, including a description of each member's term.

The Committee agreed that the next agenda will include:

- Executive Session with the Town's Attorney from 5:30-6:30 via phone.
- Public Comment from 6:30-6:45.
- Revisit schedule for Committee.
- Discuss Committee's web page.
- Discuss and identify gaps in background information and; formulate strategy to fill the gaps
- Coastal Access Grant
- Draft Outline and Timeframe to Adopt Strategy for Cliff Walk and Identify Resource Needs

The Committee went into Executive Session: Pursuant to 1 M.R.S. §405(6)(E) to discuss with its attorney the Board's legal rights and responsibilities and legal issues regarding the Cliff Walk.

The Committee adjourned the meeting at 8:30 pm.