

Town Council Meeting Minutes September 22, 2014

The meeting was called to order at 7:00 pm.

Roll Call

Councilors Anderson, McBrady, Mahoney, Farber, King and Hemphill were present and answering roll call.

Councilor Goldberg was absent.

Pledge of Allegiance

Chair Farber led those present in the Pledge of Allegiance.

Councilor Mahoney moved to remove item 5 from the agenda, as requested by the applicant. Councilor Anderson seconded. Motion carried 6-0.

Item 1 Public Forum

Mike Doyle of Applegate Lane said there was confusion regarding Officer Ryder's first name. He asked that only one name be used when reporting to the media. He spoke about a delay in getting a response from the Town on a FOAA request regarding a police cruiser purchase. He was concerned that Falmouth paid more for police cruisers than Freeport.

David Murdoch of Brook Road presented a petition to the Council, signed by 87 residents, to replace signs on Brook and Leighton Roads, originally approved by the Town Council, that prohibit through trucks. He has discussed the issue with the Town Manager. Brook Road is a hilly road with a lot of blind areas, and is used by pedestrians, cyclists, children, and people with strollers. This part of Brook Road has seen a four-fold increase in overall traffic, including large trucks, dump trucks, FairPoint, CMP and Lucas Tree trucks. He has reviewed a traffic study done by Gorrill-Palmer in 2011. While the Town is allegedly prohibited from limiting truck traffic from the Leighton Road intersection to the Westbrook town line, he felt they were able to limit trucks from Leighton Road to Mountain Road.

Edie Pryzant of Eureka Road spoke about the recent vote for renovations at Mason-Motz. She wondered what would happen if the project costs ran over \$1 million. She felt an appropriate alternative would be to do some improvements now, and others later. She felt the costs coming in at just under the cap was disingenuous and did a disservice to the voters.

Thad Shack of Field Road spoke about the Verizon Tower proposal. He has spoken to people in the neighborhood and most people have been opposed to it.

Bonny Rodden of Shoreline Drive spoke about a pilot program that would bring METRO service to Freeport and Yarmouth. She explained that there would be no cost to Falmouth for this program and it would not affect the current #7 bus. People will be able transfer from #7 to the express bus to Freeport. It would only stop in Falmouth during non-commuter hours, and the fare would be \$3. The timetable and exact route remain to be determined.

**Item 2 (a) Order to approve the minutes of the August 11, 2014, Town Council
(Consent Agenda) Special Meeting.**

**Item 2 (b) Order to approve the minutes of the August 25, 2014, Town Council
(Consent Agenda) Meeting.**

Councilor King moved the consent agenda; Councilor Hemphill seconded. Motion carried 6-0.

**Item 3 Report from Council Committees and liaisons regarding updates on
 assignments.**

Councilor Hemphill reported that the Ecomaine executive board recently discussed their favorable financial situation; they will increase rebates to member communities. Ogunquit is looking to bow out of Ecomaine.

Councilor King said CDC and LPAC have invited all Falmouth committee volunteers to discuss potential land use strategies at a public meeting on 10/9 at 6pm at Town Hall. This is the first meeting in this effort.

Councilor Anderson said that REAC has been discussing the plastic bag item and reviewing *The Greening of Falmouth*. They will report to the Council on both of those issues around the end of the year. They are sponsoring a film at the library on September 25 at 7pm called "Ocean Frontiers" that looks at ocean stewardship.

**Item 4 Report from the Appointments Committee and order relative to
 filling various vacancies on Boards and Committees.**

Councilor McBrady moved to appoint Luke Walker and Chris Wasileski to FEIC+; Councilor Mahoney seconded. Motion carried 6-0.

**Item 5 Public Hearing on Verizon Wireless's request for conditional rezoning
 for the construction of a Tier III Personal Wireless Facility at 121
 Field Road, Map-Lot R03-079.**

Item removed at the request of the applicant.

**Item 6 Order to accept Farm Gate Road as a public street and an Order to
 accept a sewer easement from Tidewater, LLC.**

Jay Reynolds, Director of Public Works, said that, since the presentation on August 25 they have noticed all abutters and received no comments. The developers have met all the conditions of approval.

Public comment period opened.

Bob Isler of Farm Gate Road asked how this acceptance might affect the extension of natural gas.

Town Manager Nathan Poore explained that Public Works, Wastewater, and Summit would coordinate the proper location of the gas line. He knew that the road was recently paved and subject to the Town's 5 year moratorium on street openings but the process would be no different than on any other road in town.

Public comment period closed.

Councilor King asked about the sewer easement; the Town would maintain the pump station that is within the easement area but not own it.

Mr. Reynolds explained that the pump station that was built as a result of the development was already taken by the Town. This easement provides the necessary access to that pump station.

Councilor Anderson moved the orders; Councilor King seconded. Motion carried 6-0.

Item 7 Public hearing on a referendum question planned for the November 4, 2014 election on the proposed expansion of the Falmouth Memorial Library.

Chair Farber opened the public hearing.

Mark Porada of Spoondrift Road, president of the Board of Trustees, said the Trustees voted unanimously to approve the MOU as approved by the Town Council. He thanked the Council and town staff for all their work. The trustees are united in their belief that this is the right time, place, and way to expand the library. They looked forward to the support of the voters.

Maura Denoia of Cedarwood Drive spoke about when she first moved to Falmouth 17 years ago. The library was the first resource she used. She spoke of the library's effort to continue to serve the increasing population and needs of the Town. The library is constrained by the size and age of its building. She spoke about the condition of the current library building. The library needs more space in order to remain more viable. E-books have not reduced the physical inventory, just created different needs. She spoke about her work with the design and expansion committee, the benefits of the new expansion, and urged voters to approve the bond referendum.

Andi Jackson-Darling, Library Director, thanked the Council for their support of the expansion and renovation plans. The staff members are looking forward to the renovation plans, and expect the same excitement from their patrons. She spoke about how the renovations will improve conditions for both staff and patrons. She invited everyone to visit the library. They have scheduled two behind-the-scenes tours: Wednesday, October 1 at 6pm and Friday, October 17 at 11am.

Robert Emple of Carnoustie Drive urged residents to support the project, both at the polls and during the capital campaign. This will benefit everyone in Town. The Town has the best schools in the state, with excellent athletic fields, parks, open space, trails, and ice rinks. The library appeals to all demographics. This is one of the most utilized libraries in the state, and needs updating.

Mike Doyle of Applegate Lane researched reports on electronic libraries. Books are being scanned by Google at a high rate. In the future, books will be available online for everyone. He felt this was a total waste of money. He felt the number of users of the library will drop dramatically in the next few years. The next generation will use technology extensively.

Public hearing closed.

Item 8 Order to sign the November 4, 2014 Referendum Election Warrant.

Councilor Hemphill moved the order; Councilor Mahoney seconded. Motion carried 6-0.

Item 9 Discussion about an agreement with AT&T to replace the current public safety communication tower behind Town Hall with a new mono pole tower that will upgrade public safety communications and allow for up to three cellular carriers, including AT&T to locate antennas on the tower.

Mr. Poore presented a brief history of the current tower: it is an 84 foot, truss-style tower, 3 feet in diameter with a 20 foot tall antenna. It was used for public safety while the Police Department was located at Town Hall. It was disengaged in 2008 when the Police moved to their new building. Since then, there have been some problems with public safety communications in the western part of town. The tower was kept with an idea of reusing it. AT&T has approached the Town with a proposal to replace it with a new, 120 foot monopole tower with a 20 foot tall antenna on top for public safety. AT&T would pay for and install the monopole and the public safety antenna. He discussed the terms of the proposed lease. The lease amount is higher than average because it would include a ground lease for space for a generator as well as space within Town Hall for a control room. This means AT&T would not have to build an additional, exterior building. The tower could handle the colocation of up to 2 additional cell carriers. The Town would receive 30% of any colocation fees, as well as \$15,000 for legal and engineering fees associated with the project. The only remaining item in negotiation is the transfer of ownership after the lease expires. He explained that this tower did not require the same process at the Verizon Wireless tower, as it is reusing an existing tower. The Council has indicated that they want to replicate the public notice process used for the Verizon project.

Councilor Anderson asked what a monopole looks like. Mr. Poore discussed the monopole; it would be the same diameter as the existing tower. There are several color choices.

Chair Farber asked if this would be a Tier III facility if it was on private property.

Mr. Poore said yes. Even though it was an existing tower, the extension of the height would make this a Tier III application. The public safety antenna exempts this from a Tier III process.

Amanda Stearns said the antenna is not defined as a personal wireless facility but as a municipal use. This is why this does not go through the same conditional rezoning process.

The Council discussed the options for public comment on this project. The consensus was to follow the same process as the Tier III application – a notice would be published in the Forecaster, and notices would be sent to all abutters within 750 feet.

The item was scheduled for October 15.

Item 10 Introduction of an amendment to the Zoning and Site Plan Review Ordinance to restore provisions for non-residential parking along Route One.

Ms. Stearns said staff discovered this issue while reviewing a development application. During the ordinance amendments to create the Village Center Districts, language that allowed flexibility for parking in the front setback in the BP district was deleted. This amendment will restore the ordinance to the language prior to that amendment.

Chair Farber asked for more detail on what the unintended consequence. Ms. Stearns explained that there is a structural setback of 80 feet in the BP district. This language would allow off-street parking to be 20 feet or further from the right of way, but within the front setback, in that district. To maintain a village design in the Village Center District, they do not want parking between the building and the street; but in BP, which is more of an office building district, parking in that area is fine.

A public hearing was scheduled for October 15.

Adjourn

Councilor King moved to adjourn; Councilor McBrady seconded. Motion carried 6-0.

Meeting adjourned 8:03 pm.

Respectfully submitted,

Melissa Tryon
Recording secretary