

Town Council Meeting Minutes December 22, 2014

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

Roll Call

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

Councilor Hemphill was absent.

Pledge of Allegiance

Chair Farber led those present in the Pledge of Allegiance.

Item 1 Public Forum

Michael Doyle of Applegate Lane spoke about how the traffic lights on Route 1 are still operating late at night where there is no traffic. He said the traffic lights in Portland are blinking at that time at night. He asked if the lights in Falmouth could be set to blink late at night.

Cathy Breen of Falmouth Ridges Drive spoke about the recent Senate election and the error in the recount that led to her opponent being declared the victor. The error has been corrected and she has been announced the winner. She gave her contact information and invited members of the district to contact her.

Item 2 (a) Order to approve the minutes of the November 10, 2014, Town Council (Consent Agenda) Special Meeting.

Item 2 (b) Order to approve the minutes of the November 24, 2014, Town Council (Consent Agenda) Meeting.

Councilor King moved to approve the minutes; Councilor McBrady seconded. Motion carried 6-0.

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

Councilor McBrady said FEIC will host an open public forum on January 13 at 6pm.

Councilor Anderson said REAC's home energy fair will be held on January 24 from 10-3 at the elementary school.

Chair Farber gave an update on the ad-hoc zoning committee's work on the reorganization of the Town's land-use ordinances. There will be a lot of work; the goal is to create a unified development code in order to simplify, clarify, and make the ordinances easier to use. The target is for the amendments to be ready for adoption late in 2015. There is a page for the committee on the Town's website, which will have all their work posted to it.

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

Councilor McBrady moved to appoint the slate and read it into the record; Councilor Anderson seconded.

Board of Assessment Review & Sewer Appeals - Timothy O'Donovan, Richard Olsen
Board of Zoning Appeals –Regular Member- Nathan Smith, David McConnell
Conservation Committee - Sarah Boudreau, Susan Gilpin, Jerry Goodall
Economic Improvement Committee- William Lunt III, Anne Theriault
Harbor Committee - Paul Dobbins, Richie Garrett
Human Service Committee - Jane Sudds
Land Management Acquisition Committee - Ted Asherman
Long Range Planning Advisory Committee - Paul Bergkamp, Kurt Klebe, Jim Thibodeau
William Benzing, as the Planning Board Representative to LPAC
Parks And Community Programs Advisory Committee - Janet Lane Dye, Dominic Sette-Ducati
Planning Board – Regular Member - Jay Chace, Thomas McKeon
Recycling & Energy Advisory Committee – John Haley
Shellfish Conservation Committee - Donna Cheney, David Skillin

Appointments:

Board of Assessment Review & Sewer Appeals - William Lunt III
Board of Zoning Appeals – Alternate Member - Timothy Nolan, Erin Mancini
Land Management Acquisition Committee - Mila Plavsic
Recycling & Energy Advisory Committee - Andy Jones, Peter LaFond, Chris Malley,
Cathy Nichols
Shellfish Conservation Committee - Frank H. Soule Jr.

Appointments to ad-hoc committees:

Community Park Connector Committee – John Adelman, Justin Beauregard
David Gagnon, John Low, Steve Melchiskey, Daniel Pearl
Route 100 Committee – Eydie Pryzant
Senior Citizen Advisory Committee – Jen DeRice, Joel Glass, Peggy McGehee, Dolores Vail

Motion carried 6-0.

Chair Farber moved to amend the agenda, adding an item to the end of the agenda to appoint liaisons to the new ad-hoc committees; Councilor McBrady seconded. Motion carried 6-0.

Item 5 Route One project update from the Public Works Director.

Jay Reynolds, Public Works Director, gave a presentation on the Route 1 project. So far the projects that have been completed are: burying the underground ductwork for the utilities, storm drain and sewer improvements, installation of bases for all the lighting, access management improvements, curbing, the majority of the sidewalk construction, relocation of fire hydrants, and the installation and energization of the natural gas line. Over the winter, the utility companies will be working to install their cables in the underground system; in March, the businesses will be able to tie in. Once that happens they will be able to de-energize the overhead utilities and install all the lighting. Landscaping and other amenities are scheduled to be installed this spring with final paving scheduled from May-July 2015.

Councilor Anderson asked about how the project is doing relative to the budget.

Mr. Reynolds said they have had to use about 1/3 of the contingency funds, but overall they are doing well. He was confident they would not have to use all the contingency funds.

Councilor Anderson asked about any effect of the Fairpoint strike on the project. Mr. Reynolds said they have reached out to Fairpoint; they have stated they are willing to do whatever is needed to complete the project.

Councilor Goldberg asked when the state is coming in to do the final road paving. Mr. Reynolds said the paving was originally a DOT project, but now the State has asked the Town to take the money and do the project on their own so the Town can schedule it. The paving will start in May of 2015.

Chair Farber asked about outreach to the Route 1 businesses with an update on what to expect in the spring. Mr. Reynolds said a press release will be sent out with information from this update, as well as an invitation for local businesses to meet with Town staff. Most of the major construction is complete; the work next year will not have as much of an impact on the business. People can sign up for email notices on this project from the Town on the Town's website.

Item 6 Railroad Crossing Quiet Zone project update from the Public Works Director.

Mr. Reynolds said staff met with the Council in April 2014 to talk about some remaining issues with one of the railroad crossings. The Council asked for more of a public process at that time; staff held meetings with abutters and sent out notices. Originally yellow reflective panels were supposed to be installed in the medians; in response to public comment, staff did more research and discovered that the panels were not necessary to maintain the quiet zones, so they panels will not be installed. They still meet the requirements of the Federal Rail Authority (FRA) for a quiet zone between Field and Woodville; they submitted the application for a quiet zone to the FRA, and the improvements were installed in October-November. The final notice was sent to the FRA in December. There is a 21 day period between the end of construction and the beginning of the quiet zone. That period ends on January 1 so the train horns will stop blowing on that date.

Councilor Mahoney asked the total cost; Mr. Reynolds said it came to \$100,000, which is under the original \$200,000 budget for the project.

Councilor Anderson said the end result is a quiet zone for the whole town; Mr. Reynolds said that is correct. The other intersections are grandfathered.

Item 7 Intersection improvements (Bucknam, Falmouth, and Middle Roads intersection) update from the Public Works Director.

Mr. Reynolds said PACTS has a three year cycle in which they allow towns to apply for funds for road projects. In 2013, staff asked the Council to endorse an application for funds to rebuild the intersection at Bucknam Rd, Falmouth Rd and Middle Rd and install a roundabout at that site. During the PACTS engineering review, they discovered that a roundabout at that location would have to be a double-lane roundabout to accommodate the level of traffic. This would take up a large geographic area. Even a single lane roundabout in this area would require the Town to take property and would be more expensive than originally thought. The Town hired a third-party engineer to review the intersection and options for its improvement. Instead of a roundabout, the engineer recommended keeping a traditional intersection with some lane changes. There are some issues with the signal lights at this intersection as well. The current recommendation is to replace the lighting hardware at the intersection and then do more research.

Mr. Poore said DOT is looking at a roundabout for the intersection of Woods Rd, Longwoods Rd and Middle Rd, with a proposed completion date in 2016. DOT provided a gently-used controller for the

Town to use at Bucknam. Staff hopes that installing a new controller will buy the Town some time for DOT to construct their roundabout. DOT is concerned that this intersection failing would cause traffic to back up into the new roundabout, which will make that fail. If the Town does a better job with the controller and continues with the design of the lane configuration, staff hopes DOT will move forward with their roundabout project and not pull their funding out. He didn't think the Town would have the time to wait for the next round of PACTS funding, which isn't until 2019. The Town has access to about \$200,000 of design money from PACTS; if the Council agrees with moving forward with the current proposal instead of a roundabout, staff would ask PACTS to consider allowing that expenditure of money to be used for both design and construction. DOT also said this would be a Municipal Partnership Initiative (MPI) eligible project; that might mean \$300,000-500,000 could be available through that program. Staff would like to move forward with this design.

Councilor Anderson asked about changes to the signalization in the short-term. Mr. Reynolds said their electrician is looking to install the new controller in January.

Councilor Anderson said this intersection was identified as a dangerous intersection for bicyclists. He said the lights don't recognize bikes and won't change for them. He wondered about installing a mechanism to correct that issue sooner rather than later.

Councilor McBrady asked the difference between type 3 and type 5 curbing. Mr. Reynolds said type 3 is slope curbing and type 5 is vertical. It is all granite.

Councilor Mahoney agreed with Councilor Anderson regarding the bicyclists; it is not a safe situation and should be fixed as soon as possible.

Councilor King asked if the improved signalization will change the traffic concerns; Mr. Reynolds said it will definitely help in the short-term. In traffic planning, there are problems in the long-term without lane changes.

Councilor King thought they will still have to take some land for the lane modification; Mr. Reynolds said it is possible, but it would be minimal compared to any of the roundabout designs. There is no sidewalk on Bucknam now; if they make improvements, they might want to consider installing sidewalks.

Councilor King asked if they think of complete street uses when they design the project. Mr. Reynolds said yes, they consider all users of the road and would accommodate all those uses.

Chair Farber liked the idea of sidewalks on Bucknam. It would improve connectivity.

Item 8 Natural gas line expansion street opening permit process update from the Public Works Director.

Mr. Reynolds said the Town has been working with Cumberland and Yarmouth to handle the permitting process with Summit. Last year they got together, reviewed the ordinances for each town, and consolidated them in order to draft a combined permit process. The Town collects an inspection fee, which pays for an engineering consultant to oversee construction on-site, as well as the inspections of the Town Engineer. He spoke about the requirements for street opening, replacement of pavement, as well as a warranty and defect guarantee Summit has to provide, to protect the Town's infrastructure.

Chair Farber thought the permitting process is quick; Mr. Reynolds said it is. If they are ready to be approved, the permits can turn around in 48 hours.

Chair Farber asked about the installation; Mr. Reynolds said there haven't been any major problems so far.

Councilor Mahoney asked how many conversions there have been; Mr. Reynolds said he hasn't been tracking them but he could get that information. He thought there are 4-5 a day over the last couple weeks.

Item 9 Discussion about Council Rules with particular attention to Section 16 Paragraph B, Motion for Reconsideration.

Chair Farber discussed the work she has done on the motion for reconsideration. Her understanding after her research is that reconsideration is for those items that have passed or enacted; motions that have been defeated can always be reintroduced without using the reconsideration process. She said that therefore there is no need to change the Council rules; reconsideration allows them to reconsider a motion before it is enacted. Any longer timeframe would require an amendment to the item that was approved. Since a motion that is defeated has no action connected to it, any Councilor can ask for it to be brought back at any time.

Councilor Anderson pointed out that the question that led to this research actually passed.

The Council discussed the reconsideration provision of their rules, including the provision for reconsideration in the event of a tie vote. Chair Farber felt that allowed for the Council to reconsider an ordinance amendment that failed in a tie without restarting the required steps. The time limit is there so that the Council cannot reconsider an amendment that has taken effect; once that has happened more action should be required of the Council in the manner of an amendment or repeal. She did not recommend any change to this section of the rules at this time.

Councilor Mahoney suggested that the language "When a vote has passed" from the rule, to eliminate confusion.

Councilor Anderson wondered about a Councilor that wasn't present for a vote; Chair Farber said if it was defeated, that Councilor could reintroduce it.

Item 10 Appoint Council liaisons to the connector committee and the senior citizen advisory committee.

Councilor Anderson was appointed as the liaison to the Senior Citizen Advisory Committee and Councilor Hemphill to the Connector Committee.

Adjourn

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

Meeting adjourned 8:40pm.

Respectfully submitted

Melissa Tryon
Recording Secretary