

Town Council Meeting Minutes January 9, 2017

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

Roll Call

All Councilors were present and answering roll call.

Item 1 Order to approve a Petition for Street Discontinuance from Hill Street Terrace Housing Corporation, and to authorize the Town Manager to accept the Warranty Deed from Hill Street Terrace Housing Corporation conveying to the Town title to that portion of Squidere Lane not subject to the foregoing discontinuance.

Chair Farber explained that this step announces the Council's intent to discontinue the portion of the street, and it will be followed by a public hearing on this intent. A final vote on the discontinuance will take place at the Council's meeting on January 23.

Mr. Poore said this also accepts the title to Squidere from Depot to the property line, and the corporation will grant the Town an easement from the property line to allow the Town access. The corporation has their Planning Board approval and town and state permits. The discontinuance process is governed by state statute.

Chair Farber opened a public comment period.

Natalie Burns of Jensen Baird, representing the applicant, thanked town staff for all their work on this project. The discontinuance process is unusual in state statute and she discussed the required process.

Chair Farber closed the public comment period.

Councilor Svedlow asked why the Fitzgerald and Johnson lots are not considered abutters; Ms. Burns said they are not abutters to the part being discontinued, only the portion being accepted. The only abutter to the discontinued section is Hill Street Terrace Housing Corporation.

Councilor Kitchel moved the order; Councilor Hemphill seconded. Motion carried 7-0.

Item 2 Public Hearing on a proposal to discontinue a section of Squidere Lane.

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

The order for discontinuance was scheduled for January 23, 2017.

Item 3 Ordinance to amend the Code of Ordinances Zoning and Site Plan Review Ordinance to permit subdivision identification signs in the Tidewater Master Plan District.

Councilor Hemphill clarified that this amendment addressed signs on the private ways in the neighborhood, and was requested by the residents. It does not impact the signs on public streets.

Councilor King moved the ordinance; Councilor Ferrante seconded. Motion carried 7-0.

Item 4 Public comment on suggestions for possible uses, requirements, and/or improvements regarding the Town-owned 260 Foreside Road property.

Mr. Poore said the Council's appointed ad-hoc committee drafted a public process to discuss what to do with this property, formerly owned by Marion Brown. The Council accepted the suggested process last month. As part of that process, the committee held a public meeting this afternoon to solicit comment, and tonight's meeting is another step in the process. Staff have received several emails that they will forward to Councilors, and Councilors have also received direct emails and phone calls from residents. Staff will take those comments and draft a survey to send out to residents. The survey will be open for several weeks, and a report of the results will be given to the Council in early February.

Chair Farber opened the public comment period.

Rowan Morse of Foreside Road has lived at the property since 1974; a year after they moved in, the Underwood School was closed and it sat vacant for 6 years. Eventually it was burned down by order of the Town and then they had to decide what to do with the empty lot. The ultimate decision was to leave most of it vacant with a small play area and a seating area. It has worked well since then. When the Brown property went up for sale the Town bought it without resident knowledge or approval of the plan. 10 years later, they are still discussing what to do with it, which proved to her that it was a reckless move in the first place. They don't need extra room for the park; it is a neighborhood park, not a destination park. Holy Martyrs has shown interest in more parking; their back lot abuts the Brown property. She felt it would be prudent to sell them a back section of the lot to allow them to expand their parking and then put the rest of the property back on the market and back on the tax rolls. She has spoken with her neighbors and they all agree that they don't want parking on this lot; there doesn't seem to be need for it. With numerous studies of what to do with the lot, she felt that 10 years is long enough to decide that they don't need to fabricate more uses for the lot. They love the park, and it is well-used, but the neighborhood doesn't want tennis or basketball courts.

Chair Farber closed the public comment period.

Councilor McBrady announced that there will be another public comment opportunity in February. He said the majority of people the ad-hoc committee have spoken to don't want to see a drastic change on the lot; removal of invasive species, perhaps expand the play area a little, but they seem to feel that less is more.

Councilor Kitchel said he spoke with a resident whose husband has lived in the neighborhood for a long time; she spoke favorably of using the lot as an expansion of the park, but not to build tennis courts or basketball courts that would bring noise to the area.

Councilor Hemphill said he has not heard any interest in selling the lot; the comments he has received lean toward keeping it open, perhaps building a gazebo or pad site for small events, installing a swing set and more seating, extending the sidewalk, and installing dog waste bag dispensers. He has heard from people who use Town Landing and have trouble finding a place to park; there was some talk about having a small, discrete, open area for parking on the lot that would only be open a few times a year. The parking study did not indicate that there was any parking deficit in the area. He looked forward to hearing more comments and to the results of the survey.

Chair Farber said the survey will be available to all residents online, but a certain area will also receive a paper copy in the mail. Mr. Poore said the mooring holders will be notified as well.

Councilor Svedlow was concerned with non-residents answering the survey, if it was open beyond Town residents.

Chair Farber moved to suspend the rules and re-open public comment period for an individual who arrived late; Councilor King seconded. Motion carried 7-0.

Jeff Morse of Foreside Road remembered being worried when the park was first conceived that it would be a detriment to the community, with activities and events all the time. It has become a wonderful little park, and

he would like to keep it that way. The idea of an expansion is frustrating; the Council bought the Brown property without any idea of what it would be used for. Nothing has happened with it for 10 years. He felt the park is perfect the way it is; \$600,000 in value for the Brown property is a lot to carry for 10 years without benefit to the community. He felt the neighbors loved the park the way it is, with some minor improvements; it could be maintained better for example. He felt the Town would benefit more from the Brown property if it were sold and the property added back to the tax rolls.

Chair Farber closed the public comment period.

Item 5 Order to go into Executive Session pursuant to the Laws of Maine to discuss and consider the use of real property, in accordance with 1 M.R.S.A. § 405 (6) (C).

Councilor Svedlow moved the order; Councilor King seconded. Motion carried 7-0.

The Council entered executive session at 7:36 pm.

The Council returned from executive session at 7:58 pm.

Item 6 Order to authorize the Town Manager to execute an amendment to a Ground Lease Agreement for a cell tower located at Town Hall.

Mr. Poore explained that the tower behind Town Hall was used by the Police and Fire departments when they were housed in the building. AT&T approached the town several years ago with a proposal to replace it with a monopole cell tower; the deal was negotiated and approved by the Council in 2014, and took effect in January 2015. Construction was delayed, and AT&T subsequently transferred its rights to the lease to a company that builds cell towers. The lease was extended for one year to December 2016. Since the tower has not yet been built, the company has asked to extend the lease for another three months.

Chair Farber opened a public comment period. There was no public comment.

Councilor Hemphill moved the order; Councilor Svedlow seconded. Motion carried 7-0.

Item 7 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 Svedlow moved the order; Councilor King seconded. Motion carried 7-0.

The Council entered executive session at 8:03 pm and did not return.

Respectfully submitted,

Melissa Tryon
Recording Secretary