

Town Council Meeting Minutes October 16, 2013

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

Roll Call

Councilors Anderson, King, Farber and Pierce were present and answering roll call.

Councilors Mahoney, Orestis, and Goldberg were absent.

Councilor Farber moved to amend the agenda, moving items 1 and 2 to the end of the meeting; Councilor King seconded. Motion carried 4-0.

Item 1 Order to go into Executive Session pursuant to the Laws of Maine to discuss and consider the possible acquisition of land, pursuant to 1 M.R.S.A. § 405 (6) (C).

Item 2 Order to go into Executive Session pursuant to the Laws of Maine to discuss and consider the possible use of town owned property, pursuant to 1 M.R.S.A. § 405 (6) (C).

Item 3 Presentation and discussion from Casco Bay CAN (Create Awareness Now).

Kim Allen of Casco Bay CAN gave a presentation on the work of the organization. Their goal is to educate youth to keep them substance free.

Lieutenant John Kilbride of the Falmouth Police Department spoke about the relationship between the organization and the police department. He talked about the efforts of the police department to monitor parties in town and spoke about the positive ticket program. He encouraged parents to talk to their kids about drugs and alcohol.

Item 4 Introduction of an amendment to the Code of Ordinances, Chapter 17 Traffic and Motor Vehicles, to regulate wreckers and vehicle towing.

Chief Ed Tolan of the Falmouth Police Department said there was an incident in a neighboring community where someone was charged excessively for towing services. The proposed ordinance regulates the fees that a towing service can charge and sets up regulations that they have to adhere to or they will be removed from the police department's wrecker list. All the towing companies they do business with have been notified of this proposed change; he has not received word from any of them.

A public hearing was scheduled for the November 13 Council meeting.

Item 5 Public Hearing regarding the draft 2013 Comprehensive Plan as recommended by the Long-Range Planning Advisory Committee (LPAC) and revised by the Community Development Committee (CDC).

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

The Council thanked LPAC for their work on the plan. They have worked long and hard on it and it is an impressive document.

Councilor Farber moved to suspend the rules and allow public comment on item 6; Councilor King seconded. Motion carried 4-0.

Item 6 Update on proposed railroad crossing upgrades along the Pan Am Railways line to maintain/create a so-called "Quiet Zone."

Chair Pierce gave a brief history of the project; the Council originally voted to allow a supplemental appropriation to install safety measures necessary for a quiet zone. The cost of those improvements is higher than what was previously approved.

Town Manager Nathan Poore said the goal was to have the project completed this year and within budget. When they began the process of filing with the Federal Rail Authority (FRA) they learned that the traffic and vehicle counts needed to be updated, along with the details of the increased rail traffic. There were many delays in obtaining those statistics. They went out to bid for the crossings on Field and Winn road in an attempt to begin construction this fall. The bids came back at around \$100,000. They now feel that the cost for the entire project would be in the \$200,000 range for all four crossings, with construction to begin in the spring. This is \$70,000 more than what the Council had approved. There is a farm access easement at the Woodville crossing that would require the Town to invest a lot of work into the entrance which might cost \$10-20,000. They looked at ways to reduce the cost, but determined that cuts now would result in increased long-term costs. He asked the Council whether they supported the project in light of the increase in cost.

Councilor Farber asked if they could do the channelization at Field and Winn roads only, leaving out Blackstrap and Falmouth since they already have the quiet zone in place on those crossings.

Mr. Poore said they could do that. He explained the options for safety measures other than channelization. The quiet zones at Blackstrap and Falmouth are grandfathered; the original thinking was to bring them up to the same safety standard as the other two roads.

Chair Pierce opened a public comment period.

Kelly Fernald of Woodville Road spoke on behalf of her parents, who own the property with the farm access easement. She said the whistle would blow at the two private road crossings in town anyway. Her parents operate a tree farm and a hay field, both of which require moving large pieces of equipment, often on a trailer. Those trucks cannot currently pull out of that access road and turn right, due to the guardrail; they have to turn left to get out. She thought redesigning the access for the channelization would take away the ability to turn left out of the drive and so remove their ability to farm the property.

Jim Ascanio of Birkdale Road felt safety was a big issue. The train traffic has doubled and the trains move very fast. The goal of this is to keep something bad from happening. It would improve the quality of life for those who live near the crossings. He said, in his experience, access to the farm is rare, and recent. He has never seen it hayed. He asked the Council to support the project.

Julie Rabinowitz of Muirfield Road supported the project. She asked if partial channelization might be an option to address the farm easement issue. She urged the Council to support and fund the project.

Hank Schmitt of Paddock Way said the residents of Paddock Way and Cavendish Road support the quiet zone. The train goes by 16 times every day and would blow two long blasts, a short blast and a long blast each time.

Tim Farris lives in Cumberland, a few feet from the Town line. He is a board member of the Falmouth on the Green Homeowners association and spoke on the behalf of his organization. The residents of the neighborhood fully support the establishment of the quiet zone.

Mr. Ascanio said about 13 years ago the residents received a whistle ban from the Department of Transportation; Guilford (which is now Pan Am) did not observe that agreement. He felt there would be an effort to work with Pan Am to get that agreement enforced.

Public comment period closed.

Councilor King asked if the quiet zone was equal to having optimized safety. She has had conversations with a few residents who are primarily concerned with safety.

Councilor Farber thought the numbers from the FRA showed that, statistically, the horn is safer.

Chair Pierce argued that you can't build anything that is fool-proof. She felt the channelization adds safety.

Councilor Anderson said the gates that are there would stay when the channelization was installed. He felt that they were trading the whistle for channelization and that it was equal.

Mr. Poore said that they are putting partial channelization at Blackstrap and Falmouth due to the configuration of those intersections. They can only do this because those roads already have quiet zones approved.

Councilor King asked if the education piece is an ongoing program; Chair Pierce said it is; the police department has gone to the schools and there have been public meetings.

Councilor Farber asked for more information about the Woodville intersection.

Mr. Poore suggested a site visit once they have done more design work.

Councilor Anderson agreed. He also suggested sequencing the project, with Woodville and Field coming first. He supported quiet zones.

Councilor King agreed but wondered what they would learn by phasing the project.

Item 7 Introduction of an amendment to the Zoning and Site Plan Review Ordinance to add certain service uses to the Business Professional District.

Chair Pierce said that the BP district doesn't currently allow professional services; the amendment looks to allow those.

Councilor Anderson asked if this amendment would allow restaurants.

Amanda Stearns, Community Development Director, said it would not. Restaurants fall under a different use category. She discussed the allowed uses within each of the different professional and retail categories and how staff determine within which category a particular use fits. This new category would include nail salons and beauty parlors, for example.

Councilor Anderson wondered if they might want to allow restaurants in this district.

Chair Pierce said this amendment was brought to the Council by a business owner to address a specific need. If they want to take a more comprehensive look at the district, they could do that. The concern was how to blend that task in with all the other work they currently have.

A public hearing was scheduled for November 13.

Item 8 Introduction of an amendment to the Zoning and Site Plan Review Ordinance to amend the definition of farming in the Farm and Forest District to include commercial greenhouses.

Chair Pierce explained that the ordinance currently prohibits commercial greenhouses anywhere in town except as part of a nursery in the Village Center districts. Private greenhouses are allowed in Farm & Forest.

Councilor Farber asked if there was any reason why they wouldn't do this.

Ms. Stearns thought the potential scale of the farming and the number of hoop-houses might be a concern. 25-30 years ago greenhouses were glass and heated; modern greenhouses allow people to grow crops in the ground and use solar heat.

A public hearing was scheduled for November 13.

Item 9 Introduction to amendments to the Code of Ordinances, Chapter 6 General Assistance.

Mr. Poore explained that in 2008 the Town Attorney recommended that the Town adopt the Maine Municipal Association's model GA ordinance. The model ordinance was updated this year to reflect changes made by the legislature, mainly to prevent fraud. The tables in the appendices are updated annually and must be adopted every year.

A public hearing was scheduled for November 13.

Item 10 Discussion about whether to continue the current use of the Mason/Motz building for Falmouth Community Programs space.

Chair Pierce said the Council had requested more information about how the building is currently being used so that they can consider whether they want to continue using the building for community programs and if so, what they would have to invest in the building to bring it up to code.

Mr. Poore said they are looking for consensus. The Town has some money in the community center reserve account. They would need to use approximately \$15,000 for analysis of the building's structure and systems, including HVAC.

The consensus of the Council was to move forward with an analysis of the building.

Councilor King wondered if there was room for growth at this site.

Lucky D'Ascanio, Director of Parks and Community Programs, said there is.

Councilor Farber also wanted to look at what other Town Hall functions could possibly move to Mason/Motz.

Item 11 Discussion about future Council agendas.

There was no discussion.

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Councilor Farber moved to enter executive session; Councilor Anderson seconded. Motion carried 4-0.

The Council entered executive session at 8:35 pm.

Adjourn

The Council did not return from executive session.

Respectfully submitted,

Melissa Tryon
Recording Secretary