

**Town Council Meeting
DRAFT Minutes
September 10, 2012**

The meeting was called to order at 6:00 pm.

Roll Call

Councilors Orestis, Rodden, Pierce, Farber, Varney were present and answering roll call.

Councilors Payne and Mahoney arrived late.

Item 1 Order to go into Executive Session pursuant to the Laws of Maine to discuss the legal rights and duties of the town with regard to pending litigation, pursuant to 1 M.R.S.A. § 405 (6) (E).

Councilor Rodden moved to enter executive session; Councilor Pierce seconded. Motion carried 5-0.

Town Attorney Bill Plouffe joined the Council in executive session.

The Council returned from executive session at 7:02 pm.

Councilor Pierce left the meeting.

Item 2 Public Hearing regarding the November 6, 2012 municipal referendum question 1. This Public Hearing is in accordance with Article IX, Section 902 of the Town Charter and M.R.S.A 30-A § 2528 (5).

Public comment period opened.

Chris Wasileski spoke on behalf of OceanView's business and community in support of the bus.

Mike Skillin, co-owner of Skillin's greenhouses, a resident and a member of the FEIC spoke in favor of the bus and against the referendum.

Lynn Nichols, a resident of Portland uses the bus year-round to get to work.

Raquel Boehmer of Madokawando Road felt public transportation is the future. She supported the bus.

Michelle Smith spoke on behalf of Goodwill Industries. METRO is a service that their customers and employees rely on every day.

Delores Vail of Field Road spoke in support of the bus. It is there when people need it.

Annie Finch of Johnson Road urged Falmouth voters to vote no on the question, in order to keep the bus.

Merrill Barter of Meadow Creek Lane supported the bus. They bought their home because of the bus service. He relies on it to get to work in Portland.

John Jones of Foreside Road questioned the sustainability of the program, as the program costs the Town money. He wondered why the service couldn't be covered by fares.

Glen Brand of Johnson Road said the bus is a community service; no transportation system pays for itself. He urged voters to vote “no” on question 1. Ridership on bus #7 has steadily increased since 2005 and is up 5% over the same period last year.

Tess Parrish of Applegate Lane supported the bus. She spoke about growing up when public transportation was the norm.

Lisa Agnew of Avon Road spoke in support of the bus. She gave examples of the success of the Falmouth bus route from a recent METRO survey.

Ed Suslovic, Portland city councilor, said this is a regional decision. The bus runs both ways. He supported the bus.

Mary Nelson, state representative, spoke about sponsoring the legislation that allowed Falmouth to join METRO. They did that because they felt there was a need for Falmouth to have public transportation. She watches people waiting for the bus on Foreside Road all the time.

Rob Geddes, a resident of Yarmouth, works at the Baxter School and used the bus last year. He supported the bus and said it is a wonderful service.

Michael Doyle of Shady Lane circulated the petition to bring this question to referendum. This is the first time the town residents have voted on this issue. The majority of federal money is borrowed from China. The bus is typically empty when he is riding it.

The public hearing was closed.

Dick Nye, Senior Director of Transportation and Maintenance at METRO, said the ridership figures are accurate as they are recorded by the driver as people board the bus. He explained that the bus may be empty because the riders have already gotten off at the busier stops.

Councilor Rodden said the 79,000 ridership figure is the annual number of rides between Portland and Falmouth. Mr. Nye said that was correct; that figure is calculated at the fare box.

Councilor Payne asked if they had any sense of how many of that 79,000 are Falmouth residents.

Mr. Nye said they do not. Their numbers tell where people get on or off, but not where they reside.

Councilor Payne felt the ratio was 1:6 based on his observations of where people get on and off.

Councilor Farber is a bus supporter and encouraged all voters to vote “no”. The bus goes past her house and it has changed. It takes time for people to get used to the idea of using the bus.

Where you get on a bus doesn't tell where you come from. Her daughter uses the bus.

Councilor Payne encouraged all voters to vote. He asked people to ride the bus, as it is a service that needs to be used.

Councilor Rodden urged people to ride the bus. She and her family use it. She spoke about a resident who is legally blind and needs the bus service. It benefits both the residents and the business community. She felt people needed to vote “no” on the referendum.

Councilor Mahoney spoke about a former co-worker who used the bus on the West side. Every one of the 4 candidates in last year's council election supported the bus service. He urged people to vote “no” and to ride the bus.

Councilor Orestis pointed out that the region is a community, and was concerned with the ripple effects if Falmouth pulled out of the system. They need to think of both what is good for Falmouth as a community and for what is good for the region.

Chair Varney said that the bus is not cost-effective, but neither is public education. It is one of these services that they need to provide. Falmouth can afford it, and Falmouth should do it.

Item 3 Public Hearing on an amendment to the Code of Ordinances relative to the Council Liaison to the Long Range Planning Advisory Committee (LPAC).

Public hearing opened. No public comment.

The order was scheduled for September 24.

Item 4 Discussion of a zoning amendment that would permit drive-thru and carry out restaurants in the Mixed Use Commercial District.

Councilor Orestis explained that Portland North Park on Route 100 is looking for this amendment to allow carry-out and drive-thru restaurants in the MUC district. They are trying to redevelop the front two buildings to be in more conformity with surrounding properties, as well as upgrade standards such as stormwater management. They have entered into an agreement with a major chain to redevelop one of those front buildings. Restaurants are allowed in this district, but not with drive-thru or carry-out. There is precedent in the area, as the WFCMPDD allows drive-thru restaurants directly across the street.

Councilor Farber asked if this change would impact all Gray Road or just this site.

Town Manager Nathan Poore said it would be more than one property, but not the whole zone, just this corner of the zone toward Portland, not towards Cumberland. In response to Councilor Rodden, he explained that it is standard practice for the Council to discuss a potential amendment before staff spends time working on the language.

Councilor Rodden said Chase Excavating shares this portion of the zone; she wondered how that business feels about this potential change and how it would impact them.

Mr. Poore felt they were aware.

Councilor Rodden wanted to hear about traffic; hopefully the drive-thru would attract a lot of traffic and she wondered how that would affect the area.

Councilor Farber asked if this only pertains to food and restaurant use or if other types of drive-thrus, banks and dry cleaning for example, would be allowed.

David Latulippe of CJ Developers explained that banks are already allowed in the zone but the ordinance language on restaurants says specifically “no drive thrus”. This zone is only in this corner and along the interstate. It is two very small areas.

Chair Varney wondered if it was possible to take this up to Mountain Road, and whether the Council wanted to take it up that far.

Councilor Rodden though the Council and staff have agreed to look, in general, at the zoning area. The MUC area is a small, compact zoning district. The other issues along Route 100 will take more in-depth discussion.

The consensus of the Council was to move forward with drafting language for the amendment.

Councilor Farber wondered if the Planning Board should review the traffic impacts.

Mr. Poore said that the Planning Board would scrutinize the specific traffic for a particular project; the Council needs to take a comprehensive look at the traffic impacts.

Councilor Farber pointed out that the other parcel could redevelop as well and she was concerned that they get bogged down with a specific restaurant; she wanted them to focus on the bigger picture.

Mr. Poore said they have had discussions with the abutter about potential growth in the area.

Item 5 Discussion about future Council agendas.

Mr. Poore spoke about items scheduled for future Council agendas.

Adjourn

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

Meeting adjourned at 8:11 pm.

Respectfully submitted,

Melissa Tryon
Recording secretary