

**Town Council Special Meeting
Minutes
November 14, 2011**

Roll Call

Councilors Chase, Payne, Rodden, Varney, Pierce and Armitage were present and answering roll call.

Councilor Orestis arrived late.

Item 1 Public Hearing on a zoning ordinance amendment to standardize restrictions for keeping poultry in residential districts.

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

The order was scheduled for December 12.

Item 2 Public Hearing on an amendment to Chapter 6, Article 6, Section 6.68, Appendices A-C of the Falmouth Town Ordinance that will change maximum levels of income and expenses for the General Assistance program.

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

The order was scheduled for December 12.

Item 3 Order to authorize the Town Manager to execute all necessary documents to release a sewer easement located on property identified as Tax Map R08-002.

Town Manager Nathan Poore said staff believes this easement was created a long time ago in anticipation of subdivision development on the lot in back which never happened. Pete Clark, Wastewater Superintendent, has agreed with releasing this easement as it is unlikely that sewer will come to this property. Also, the easement leads to what is now conservation land. Mr. Poore recommended that the Council act affirmatively in this matter.

Councilor Armitage moved to approve the order; Councilor Payne seconded.

Alan Donald of 413 Blackstrap said that the last two couples that have looked at purchasing this lot have been looking at Falmouth because of both the School Department and the open space.

Motion carried 6-0.

Item 4 Order to authorize the Town Manager to execute a land swap between the Town and owners of property identified as Tax Map U68-069.

Chair Pierce explained that the buyer of the Pleasant Hill Fire station has asked for help from the Town on this land swap between the two lots to provide more flexibility for the owners.

Mr. Poore said this is the first order of business; there will have to be a subdivision amendment.

Councilor Rodden asked what the plan is for the former fire station; Mr. Poore said the plan is for either a single family or two-unit dwelling.

Councilor Armitage moved to approve the order; Councilor Payne seconded. Motion carried 6-0.

Item 5 Introduction of amendments to the Code of Ordinances in regard to mooring assignments and waiting lists.

Item 6 Introduction of a new ordinance for residency restrictions for sexual offenders.

These items were incorrectly added to this agenda; they should have been public hearings. Those hearings were scheduled for December 12.

Item 7 Order for an amendment to the Code of Ordinances to prohibit the use and sale of consumer fireworks.

Councilor Chase moved to approve the order; Councilor Payne seconded.

Councilor Rodden explained that she is voting for this because it is a safety issue, and also because all the neighboring towns are banning it. She didn't want Falmouth to be the only town in the area to allow fireworks; she was concerned that it would attract people here. The Town has a volunteer fire department, and allowing fireworks could be a burden to the department.

Motion carried 5-1 (Armitage).

Item 8 Order to permit the Center for African Heritage to use the River Point parcel for agricultural and educational uses and to authorize the Town Manager to execute a lease or agreement in the best interest of the Town.

Chair Pierce explained that the Center for African Heritage (CAH) is applying for a grant, and would like a three year lease with the Town to farm this land.

Councilor Rodden said there was a need to update the Council on some other activities and interests in the property.

Councilor Rodden moved to enter executive session pursuant to the laws of Maine to discuss the possible disposition of town-owned land and/or rights, temporary or permanent, pursuant to 1 M.R.S.A., section 405.6.c. Councilor Payne seconded.

Mr. Poore disclosed that he spoke with Councilor Rodden about this issue and recommended the Council go into executive session.

Motion carried 6-0.

Council returned from executive session.

Jim Hanna, volunteer consultant with the CAH, spoke on behalf Director Dawud Ummah, who couldn't attend tonight's meeting. He explained that there is no paid staff for the Center; it is all volunteer. The grant is primarily intended to pay youth stipends. They had 13 youth that participated in 2009, the year that they had the project at Riverpoint. Those participants were paid with recovery funds, which dried up after the one year. They want to have a more sustainable program and this grant is going to be the foundation of that. They are also going to add sponsorships and have fundraising. Monies from the grant will also go to purchase tools. They have many partners for this project, include the Nature Conservancy. They are very grateful to the Town for all their prior support. They have done a lot of work at the property, including building raised beds, and cleaning out and painting the barn.

Chair Pierce said this is a complicated piece of property with difficult access.

Councilor Rodden asked Mr. Hanna what they would be doing at Riverpoint that would be different than what they are doing at Tidewater. She also asked how they do the work with the bridge the way it is; she didn't think the bridge would handle a tractor.

Mr. Hanna said they have been assigning plots to small groups at Tidewater. The youth program is focused at Riverpoint. They are looking at doing a 4 acre plot at Riverpoint initially. They have a market for the produce from that plot with Portland Schools, and plan to give some of it to local food pantries. They are looking at a BCS tractor, which is slightly larger than a rototiller. It has many attachments and is sufficient for a 4-8 acre farm. There isn't any real heavy equipment yet; they are hopeful that, if they reach the point in production where more heavy equipment is needed, they would have collaborated with someone to replace the bridge. They have some grant prospects, and are looking to partner with the Town to raise the funds to fix the bridge as a long-term project.

At Councilor Rodden's question, Mr. Hanna explained that the tractor is like a rototiller, and is maybe a couple hundred pounds. Mr. Poore confirmed that, as long as it wasn't heavier than a garden-type tractor or ATV, the bridge should be fine.

Councilor Payne asked if the desired lease term was contingent on the grants.

Mr. Hanna said it would help them if they could demonstrate that they have support from the Town for the duration of the grant. They have to match it, one-to-one, with in-kind resources. It helps them to have that commitment.

Chair Pierce observed that there are quite a few conditions on the property in terms of zoning. She asked who at the CAH would work on those.

Mr. Hanna said it would likely be a combination of himself, Director Ummah, and the farm manager. He discussed some of their plans for the property. They plan to be very clear with what they want to do, including good communication and frequent check-ins.

Mr. Poore said the grant application is due this Thursday; if there is support from the Council for this, the order would be for the council to authorize the Town Manager to execute the agreement. The project would need Planning Board review and approval and perhaps a zoning amendment. He spoke about some of the issues needing review, including whether there are conditions still in place on the property from the prior owners, whether this use is consistent with those parameters, details on the agricultural use of the property including keeping and treatment of livestock, and the consideration of other interests for use of other parts of the property.

Councilor Varney asked if CAH has to deal with Hannaford regarding parking. Mr. Poore said he wasn't sure; he thought they had preliminary approval for parking from Hannaford.

Councilor Orestis arrived at the meeting.

Councilor Payne moved to adopt the order; Councilor Rodden seconded.

Mr. Poore suggested adding the following language: *Furthermore, the Town Manager must be satisfied with the following: that the proposal is consistent with the presentation offered this evening; use of the property will be in compliance with all land use regulations; use of the property will not interfere with the current use of the property; and that there will be accommodations for other potential uses of the property.*

Councilor Payne moved to adopt the proposed amendment. Councilor Rodden seconded. Motion carried 7-0.

Motion to adopt amended order carried 7-0.

Item 9 Discussion regarding the Town of Falmouth partnership with the Greater Portland Transit District (METRO Bus).

Councilor Payne explained that if the Council wishes to take action relative to their contracted commitments, they have to do so before the end of the year. He didn't see a lot of broad-based community support for the service in the surveys done for the comprehensive plan update. They are not seeing meteoric rises in ridership. The Town, as a member, has to provide monetary support to a regional transportation plan. He asked for this discussion to weigh the temperature of the Council. If they decide to take this issue any further, he would like them to take public comment on it.

Councilor Chase would like to hear public input on the issue. He thought 95% of the people at Oceanview don't use the bus. Every bus he sees is empty. He would like to give METRO their notice in December, unless a lot of people come out in support.

Councilor Orestis heard a lot of support from people at Oceanview for the bus during a candidates' forum held there during the election. METRO was a major topic of interest for them. He saw a lot of benefits to the community from METRO. He was concerned about if they would be welcomed back into METRO if they pulled out and then realized that they had been short-sighted. He declared himself a vociferous supporter of METRO service.

Councilor Chase pointed out that Oceanview has its own shuttle. He has had numerous people contact him to ask him to get rid of the bus.

Councilor Orestis has had people contact him to protect the bus. He asked what percentage of the Town's budget is made up by METRO.

Councilor Rodden said it is less than 1%.

Councilor Orestis said the bus is a rounding error in terms of what it represents to the town's budget. If this is about trying to save dollars, he felt other areas that would be more impactful.

Councilor Armitage thought the staff has done a great job of balancing the budget and didn't think they should be making the decision based on the budget. He supported continuing to operate the METRO. There are too many possibilities and opportunities that exist with this, especially if Route 1 is going to be the economic corridor. He saw METRO being a key piece to continued growth and development. Public transportation has to be subsidized; otherwise it isn't public transportation, it is private.

Councilor Payne said good data has been lacking in this process. He, along with many others, contributed to the large marketing campaign they did 3 years ago or so. He expected measurable improvement in a relatively short period of time. Now 3 years later he is seeing a new gain of less than 4,000 total trips from May 2009 to today. This is only a 7% increase. In following the bus and watching where people got on or off, there were fewer than 40 total riders during prime commuter hours, 6am – 10am. He said of those riders there were 6-9 Falmouth residents. While he didn't begrudge the Wal-Mart employees or shoppers that were using the bus, he did begrudge the use of Falmouth taxpayer dollars to fund it. When he went to Oceanview, he didn't see the residents using it. He understood that they wanted the option to use it. There are periodic, once or twice monthly, outing uses of the bus from Oceanview. He spoke about setting up the park and ride area in the Shaw's parking lot, near Lamey-Wellehan. He has only ever seen one car using that. Falmouth is not a public transit community. It is not environmentally friendly to have an empty bus driving around town.

Councilor Rodden explained that the No. 6 bus ends at West Falmouth, and there are many people using the bus before they get there. Most of Falmouth's money goes to the bus route on Route 1. They got a letter from the Learning Center that employees and people coming to programs both use the bus. People take the bus to Wal-Mart, McDonalds, Wendy's and Shaw's, both shoppers and employees. The Town has had the bus since 2004; it has become part of the Town's infrastructure. She also would like to see more riders. The bus has a role in economic development. She read a letter from the cooperative extension, which said that they find that more people use the bus in hard economic times. Tidewater advertised their location on the bus route in their advertising. She saw the 7% increase as a great success. The Federal Transit Authority uses a 1.9% figure as a bellwether for large transit districts like Boston. She felt it was good for the Town in many ways.

Councilor Varney would like to hear from people, pro and con. She thought people at Oceanview strongly support the bus, but don't ride it. She knows people who use it and don't drive.

Chair Pierce thought a 7% increase in ridership was good; they have seen a steady increase. She felt this would contribute to economic development along Route 1. It is a public service, and she felt they should continue doing it. There is a Facebook page for a group called Friends of the Flyer with a lot of hits and activity on it.

Councilor Chase thought if they notified METRO of their intention to withdraw, they might save the bus. METRO might use smaller busses. If they notify them, they are still in for a year. If they don't notify them, they are going to subsidize them for two more years.

Councilor Rodden explained that, as the bus goes to the outer edges of the route, you don't see many people on it. She has been on the bus a number of times when it was standing room only.

Councilor Payne felt that a 7% increase didn't justify this.

Chair Pierce observed maybe they needed more routes at regular hours, so people could have more consistency. She knew that would be more of an investment. Councilor Payne said that would be double the cost. Chair Pierce pointed out that it might triple the ridership; they didn't know.

Councilor Payne said it was his intention to introduce an order to discontinue the METRO service. He invited residents to contact Councilors regarding this issue. He thought the only compromise to his mind was to have service to and from Wal-Mart only.

Councilor Armitage pointed out that Oceanview and Wal-Mart were two of the largest taxpayers in town and benefited from the bus. Their contribution to the tax base is more than sufficient to cover the cost of METRO.

Councilor Chase thought Wal-Mart didn't want the bus stop on their property. Councilor Rodden said she attended the Planning Board meeting, and Wal-Mart was only concerned with potential liability due to the location of the bus stop.

The Council will hold a public hearing.

Item 10 Order to authorize the Town Manager to execute a quit claim deed for parcel U14-028.

Councilor Armitage moved to adopt the order; Councilor Rodden seconded. Motion carried 7-0.

Item 11 Discussion about future Council agendas.

On December 12 there will be a public hearing on both the Sex Offender ordinance and Harbor ordinance amendment. A public hearing will be held on November 28 for the railroad. The call for offers will be discussed on December 12.

The Council discussed a public hearing for the bus. It was scheduled for November 28.

Adjourn

Councilor Payne moved to adjourn; Councilor Armitage seconded. Motion carried 7-0.

Respectfully submitted,

Melissa Tryon
Recording Secretary