

**Town Council
Meeting Minutes
November 28, 2011**

Roll Call

Councilors Chase, Payne, Rodden, Varney, Pierce and Orestis were present and answering roll call.
Councilor Armitage arrived late.

Pledge of Allegiance

Chair Pierce led those present in the Pledge of Allegiance.

Public Forum

Mike Doyle of Shady Lane spoke about the Falmouth Police Boat. He had a letter from the Coast Guard and has had a conversation with Lt. Wilcox from the Coast Guard. He asked if the police boat will remain in Town for use on behalf of Falmouth residents.

Melanie Collins of Middle Road spoke about the recent referendum about the school property on Lunt Road. She argued for the creation of a community center at the site, the expansion of community programs, moving the Town Hall services to the site and selling the current Town Hall. She felt keeping Town Hall and selling Plummer would be a bad business deal. She asked the Council not to sell the property.

Marna Miller of Philips Road spoke about the school property on Lunt Road. This property includes many acres of open space. It is a terrible real estate market, and the property is protected by a land and water conservation grant, which protections must be transferred to another site of equal value in Town if the Council decides to allow development on the site. She thought proposals that maintain community access to some open space on this site might be a better deal.

Michelle Lamb of Middle Road hoped the Council would consider proposals that will preserve the space.
Councilor Armitage arrived at the meeting

**Item 1 (a) Order to approve the minutes of the October 12, 2011, Town
(Consent Agenda) Council Special Meeting and Workshop.**

**Item 1 (b) Order to certify the November 8, 2011, State Referendum Election
(Consent Agenda) results.**

Councilor Varney moved to adopt the consent agenda; Councilor Rodden seconded. Motion carried 7-0.

**Item 2 Report from Council Committees and liaisons regarding updates
 on assignments.**

Councilor Rodden said ecomaine is looking for nominations for the eco excellence award to be submitted by Friday, January 20. METRO is hosting the annual charity donation "Stuff a Bus". The Bus will be parked at Town Landing on December 1 at 11am to collect unwrapped books and toys.

Councilor Varney said the Library Trustees have hired a transition consultant to help in the search for a new director. An interim executive director has been hired and will start January 2. A reception event will be held early in January to honor Lyn Sudlow.

Item 3 Report from the Appointments Committee and order relative to filling various vacancies on Boards and Committees.

Councilor Payne announced that the Town had vacancies on the following committees: Open Space, Recycling and Energy Advisory Committee, the Board of Zoning Appeals and the Shellfish Committee. He urged people to apply; applications are available on the Town's website.

Item 4 Public Hearing to receive input regarding the future of the Town of Falmouth partnership with the Greater Portland Transit District (METRO Bus).

Chair Pierce opened the public hearing.

28 people spoke during the public hearing. 23 people were in support of maintaining public transportation in Falmouth; 4 people asked the Council to end the service. 1 person suggested a compromise of reducing the service to serve the Route 1 corridor only.

Chair Pierce closed the public hearing. She disclosed that the Council received over 100 emails on the issue.

Item 5 Order to give written notice to the Greater Portland Transit District (METRO Bus) that the Town of Falmouth will withdraw from the District.

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

Councilor Chase spoke about a meeting he attended at OceanView. He spoke with 10 residents at that meeting and was told that 95% of the residents don't ride the bus. He was grateful for all the letters he received on the topic. He was concerned about the bus that goes into Hannaford, which is empty. He wondered why they didn't use smaller busses. He wanted to send a message to METRO that the Town is pulling out; they are still in for the next year anyway. He hoped this would push METRO to make some changes. The Town can go back in if they want to.

Councilor Payne felt that every line item in the budget has to have a rigorous review. He thought the numbers supplied provide metrics on usage. He has received 120 emails; 2/3 said to pull the plug on the bus, 6 said come up with a compromise, and the rest said keep the bus or even increase the service. He figured the monthly ridership average from the 10 months of information METRO provided; based on his calculation the monthly ridership was 21 people per round trip. This was the first time he has had good data in the 5 years he has been on the Council. He wondered what constituted success with the bus. He pointed out that \$137,000 is expensive; they are facing a \$500,000 cut in federal funding for the school. He wondered if there was any way to provide transportation more cheaply; he mentioned GO MAINE. He was willing to compromise by taking the next three years for analysis, alternatives and measurements to determine what constitutes success for Falmouth. He felt they needed more people to commit their support to the bus by actually using it.

Councilor Rodden thought they had to be careful when they talk about the numbers. It meant more to her to see all the people who ride the bus come to the hearing tonight. It wasn't up to METRO to decide what

constitutes success. The Federal Transit Administration considers a 1.9% increase a success; that is the only official federal standard she could find. She didn't feel that Councilor Payne knew what he wanted. She pointed out that a bus with 22 people on it is at 88% capacity; the busses hold 25 people. To Councilor Chase's point she argued that, just because there is only 1 person at the end of the bus route, doesn't mean that the bus wasn't full at the beginning. If they no longer served West Falmouth, they would only save \$1,000-3,000. They have already cut the number of bus trips there as a cost-saving measure. She didn't feel that they should spend outrageous money on the bus, but it makes up less than 1% of the total budget. There are people in Town that only use the transfer station once a year and some that never go to Town Landing. She supported METRO.

Councilor Varney received 124 emails; some of those people are here. 54 of those emails were for the bus, 70 were against it. She strongly agreed with the statements against keeping the bus, but would vote to keep it. The bus is a service and they need to give it. She was glad to have the dialogue.

Chair Pierce appreciated all the emails. It is always a balance between where they are going to spend their money, but she felt her goal as a Councilor was to foster community and meet the needs of the community members while maintaining a sustainable tax base. She felt the best way to get more tax revenue into Town was the further development of Route 1. It is a small amount of money, and she thought they would reap the benefit of having that service along their commercial corridor. She wanted to be part of the community that helped people to leave their house. She would not vote to discontinue METRO.

Councilor Orestis was impressed with the intelligence and the passion with which people came out to talk about the issues they face as a community. He pointed out that their community extended out beyond the Town's borders. He apologized for the anxiety caused by this being raised, but he valued the resulting dialogue. He found the service valuable. He has ridden the bus, with residents of OceanView, and saw how important it is to their lives. Falmouth is a community that is being watched on the local, state and national levels, and needs to be responsible with these kinds of dialogues. He supported the bus.

Councilor Armitage felt it was incumbent on them to make the difficult, long-term decisions. Past Councils have created, through zoning, a commercial corridor along Route 1 and Route 100. Those businesses rely on transportation for employees and consumers. He thought in the long-term they are going to need that. There is a greater potential for an economic return that the Town can benefit from. He felt the bus service was an investment in economic return. He pointed out that they cannot lock a future Council into anything.

Councilor Rodden called the question.

Motion failed 2-5 (Rodden, Varney, Pierce, Orestis, Armitage opposed).

Item 6 Public Hearing about railroad crossings along the Pan Am Railways line and the impact on neighborhoods from train whistles.

Chair Pierce opened the public hearing.

12 members of the public spoke at the public hearing. Only 1 was opposed to the quiet zone; he felt that the whistle would be safer. The other 11 speakers were in favor of the quiet zone and most spoke in favor of channelization specifically. One speaker in favor of the quiet zone represented the Homeowners' Association of the Falmouth Country Club, which has more than 100 members. Another presented the Council with a petition in favor of the quiet zone, signed by 15 residents of Paddock Way. David Gagnon pointed out that he has an agricultural crossing near Field Road that will require the trains to whistle, whether the quiet zone gets passed or not.

Town Manager Nathan Poore clarified that there will be no improvements made to Muirfield/Birkdale Road since it is a private road. The channelization will improve the safety for vehicular traffic, but it has not been demonstrated that it will be safer for pedestrians or children.

Chair Pierce closed the public hearing.

Councilor Rodden asked about a railroad safety program that they can show at the school for student drivers. Mr. Poore would pass the request on to the school. Councilor Orestis would reach out to the school board.

Theo Holtwijk, Director of Long-range Planning discussed the follow-up questions from the last meeting. Councilor Chase had asked if installing an arm that would block both lanes of traffic would be an economical and efficient alternative. Randy Dickenson with the Federal Railroad Administration (FRA) explained that it could be proposed, but would be subject to a formal application and approval process. It is not a common option. Channelization is a permit-by-rule process. Parks and Public Works staff looked at Falmouth Road and whether a gap in the channel allowing a left-hand turn from Falmouth Road to Leighton would allow for someone to turn from Leighton and avoid the gates at the crossing. They have shown that a regular car could indeed make that maneuver, but a larger vehicle, like a box truck, would not. Staff contacted Fairpoint Communications regarding Blackstrap Road and the intersection with Davis Farm Road, a private road. If Fairpoint agreed to make Davis Farm Road one-way, a similar gap issue as the Leighton Road intersection could be avoided. Official word has not been received, but it didn't seem likely at this point.

Councilor Armitage asked if Parks and Public Works had any concern about the plowing around the channelization.

Mr. Holtwijk said that the department, in consideration of the maintenance issue, came back with a revised design for the channelization, incorporating a 2.5 foot wide median with 45 degree granite edging, to protect the panels. They felt this would hold up better than the standard design. This design was built into the revised cost estimate.

Mr. Poore said the intersections at Davis Farm Road and Leighton Road are not included in the calculation to qualify for the quiet zone, as they do not meet the standard enhancements.

Mr. Holtwijk spoke about the Mr. Gagnon's agricultural crossing raised during the public hearing. The Town was notified by their consultant, Wayne Devitt of Tec Associates, that all private crossings within a quiet zone must be included in the quiet zone, be evaluated by the diagnostic team which includes the FRA, DOT, and PanAm Railways, and be protected according to their recommendations. The minimum protection within a quiet zone is cross bucks and stop signs. The agricultural crossing mentioned was not listed in the FRA's inventory.

Councilor Armitage asked about an extension of the channelization at Leighton and Davis Farm to prevent the gap issue.

Mr. Poore said the turning radius from Falmouth to Leighton is already difficult. They would review it and Davis Farm Road to see if they could extend it a little.

Councilor Varney asked if the Homeowners Association has considered channelization at the Muirfield/Birkdale crossing.

Councilor Chase was concerned about the speed of the passenger trains. He felt the crossings needed quad gates, and that the railroad should install them. He felt the railroad was dodging their responsibility.

Mr. Poore said that the Town has lost the whistle zone already at Blackstrap and Falmouth if they don't do anything by 2013, so these improvements, including those at Field and Woodville would have to be

made anyway to maintain the quiet zone. Field and Woodville improvements have to be made in order to qualify under the formula.

An order will be scheduled for the December 12 meeting.

Item 7 Request to amend the Zoning and Site Plan Review Ordinance relating to the dimensions of property identification signs.

This item was removed from the agenda pending further work by staff.

Item 8 Order to amend 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.

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

Adjourn

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

Meeting adjourned.

Respectfully submitted,

Melissa Tryon
Recording Secretary