

MINUTES
CUMBERLAND TOWN COUNCIL MEETING
Town Council Chambers, 290 Tuttle Road
Monday, February 27, 2006

7:00 p.m. – CALL TO ORDER

Present: Chairman Stiles, Councilors Turner, Damon, Storey, Kuntz, Moriarty and Porter.

I. APPROVAL OF MINUTES

February 16, 2006

Motion by Councilor Storey; seconded by Councilor Moriarty, to accepted the minutes as printed.

VOTE: UNANIMOUS 7-0

II. MANAGER'S REPORT

Town Manager Shane reviewed preliminary budget information. Meetings with department heads will begin this Saturday and continue to the next Saturday. "This is just the starting point." Later this month a neighborhood meeting will be held with the Orchard Road/Blanchard Road residents. Abatement work has begun in earnest at Prince Memorial Library and is proceeding well. Middle Road drainage work will occur in the next couple of weeks, weather permitting. This will serve as "preparation ahead of the final pavement this summer." Dearborn Construction has been awarded the Skillins Road project work. MDOT will place the Skillins/Route 100 project out to bid in the next two weeks. "Those safety improvements are scheduled to begin and we're 95% to signalizing that intersection once those are done. I'm very confident in a short period of time we'll be able to see traffic lights in that area." The Manager has received many concerns regarding the conditions of the sidewalks along Tuttle Road from Main Street to the Common area. He expects to budget those repairs this year.

III. PUBLIC DISCUSSION

None.

IV. LEGISLATION AND POLICY

06 – 026. To hold Public Hearing to consider and act on amendments to the Traffic Ordinance re: West Branch Road, Kerri Farm Drive, Stonewall Drive and Hilltop Road.

The Town Manager stated the Police Chief, Public Works Director and he are requesting the addition of these roads to the Traffic Ordinance. Chairman Stiles requested the number of signs that will be installed. A total of seven will be installed. No public comments received.

Motion by Councilor Porter, seconded by Councilor Damon, to amend Article VII, Schedule I, of the Cumberland Traffic Ordinance to add West Branch Road, Kerri Farm Drive, Stonewall Drive, and Hilltop Road.

VOTE: UNANIMOUS PASSAGE 7-0

06 – 027. To hold Public Hearing to consider and act on Chebeague Island Secession Agreement.

Town Manager Shane explained this hearing will serve as the third public hearing to date regarding the secession agreement. “We are in support of the agreement; all sides have agreed to that agreement.” No public comments were received.

Councilor Storey suggested he had “no other way to vote rather than to vote for this agreement” expressing concerns with the level of debt to be incurred by the new Town of Chebeague. “I don’t think it will affect the Town of Cumberland,” but “I think it’s a big terrible mistake” for the Town of Chebeague to leave the Town of Cumberland. Chebeague will begin with “over six million dollars in debt” and he encouraged islanders to “really look at that very closely.”

Councilor Turner stated he had concerns “early on...mostly about how good an idea this was for the Town of Chebeague,” but the long-term effect will not be known for a number of years. It’s important the council “differentiate between...private feelings...and make it clear to the public that in coming to this agreement we all participated. It was a yeoman’s effort...It can’t be argued in my view that this is anything but a good agreement for the town of Cumberland. Whether it ultimately proves to be a wise move on the part of the island, I don’t really think it’s part of this council’s concern. I think we do have unanimous agreement that this agreement that’s been reached is an equitable one on both sides.”

Chairman Stiles believes this “was a very well negotiated talked-about situation where both parties, the island and mainland came together.” He also expressed disappointment in the “lack of participation” by mainland and some island residents. “I too feel like a parent...and you always wonder whether it’s the right thing. There’s only way you’re ever gonna find out, and that’s to let them do it. But, some things are irreversible and that’s the thing that makes me very, very sad. I am also very disappointed to lose this part of history.”

Councilor Moriarty commended the council and negotiating team for their diligence “having brought us to the point at which we are tonight. I am no better at reading the future than anyone else...but I am convinced...that this community can do it. It’s going to be a difficult challenge to be sure. We’ve all seen the energy and dedication that Chebeague residents bring to their community...to enhance the life of their community and the quality of life for island residents. I sincerely hope and trust that things will work out very well for the island community. I’m prepared tonight to endorse both the agreement...and the draft legislation.”

Councilor Damon clarified the participation by islanders. “We had this room filled on numerous occasions about this issue. And after the vote it really was the role of the negotiators” to communicate with the council. “There have been meeting after meeting on Chebeague” with the numbers ranging from 40 to 120 on a regular basis. “I don’t want anybody to leave here with the impression” there are only a small number in support of secession. “I would say that from my take...the bulk of that 86% is still behind us.”

Chairman Stiles explained the bill will go before the legislative committee Friday, March 3, 2006, and several councilors are planning to attend. He encouraged attendance from the public. In response to Councilor Moriarty's inquiry regarding the "interim agreement," Mr. Stevens replied there was not.

Motion by Councilor Porter, seconded by Councilor Moriarty, to endorse the secession agreement between the Town of Cumberland, MSAD 51 and Chebeague Island.

VOTE: UNANIMOUS PASSAGE 7-0

06 – 028. To hear a presentation from State Rep. Chris Barstow re: Cumberland County Redistricting.

Gorham State Representative Chris Barstow spoke to this issue as Chair of the Cumberland County Redistricting Committee. The committee has been working over the last year to increase the number of commissioners. The county board is made up of three representatives representing nearly 270,000 residents compared against, for example, the Town of Cumberland which has seven representatives for a population of 7,500 residents. Increasing the number would allow "more participatory actions with councils and make it so that democracy is improved." The committee will recommend the creation of a task force to increase the number of county commissioners to either 5 or 7 by the year 2008. The committee will report back to the legislature in 2007, who will then decide to send the question to referendum. The creation of new districts would require action by the county electorate, likely during the 2008 election. Representative Barstow requested council endorsement "in recognition and support of this endeavor."

Councilor Moriarty questioned whether there are any counties that are currently comprised of more than three commissioners. York County consists of five commissioners. Redistricting occurred in York County in the early 1990's. "Every other county in Maine has three commissioners." Chairman Stiles referred to a mailer, questioning response data. "We ended up with about only three percent of returns." 83% responded favorably to an increase; 14% were unfavorable, 1% were uncertain. Of the 83%, 73% believed there should be 7 commissioners within 7 districts, and 27% were in support of 5 Commissioners within 5 districts. The remaining percentage supported a combination of either with at-large districts for both.

John Aramondo questioned the budgetary impact due to an increase. The salary would be increased by \$10,000 per Commissioner per year. "It's less than a percent increase in the total budget for Cumberland County. There wouldn't be any increase in staffing concerns." The commissioners will hold the same duties, but "we could have county government deliver more services and be more effective."

Councilor Porter stated he is "one hundred percent behind this. I think that any way we can move this forward, I'm supportive." Councilor Damon believes "it must be difficult to do business with three people...especially if one person is absent. If in fact we are really serious about regionalization, at some point we're going to have to enter into ... a dialogue with the county...to provide quality services on a regional basis." Councilor Kuntz shared his support as well, suggesting seven representatives "would be quite appropriate." The Town Manager noted that Cumberland County is "the 106th largest county in the country." He referred to cost savings as a result of working with the Portland Water District board of trustees, stating "all those things happened because there's communication. I think this is long overdue. Three people just can't carry the load."

Councilor Porter moved, Councilor Damon seconded, to support the county going up to seven representatives for Cumberland County.

VOTE: UNANIMOUS PASSAGE 7-0

06 – 029. To refer to the Conservation Commission for its review and recommendation the sale of tax acquired property located on Range Way, Map R03, Lot 26 and Map R01, Lot 48.

The Town Manager explained there are numerous town-acquired properties he will seek to sell during the next two years. Two properties are located on Range Way, consisting of a nine and 17 acre parcels. The properties are valued at 65,000 and 20,000. He recommended a process begin to determine if these parcels should be placed on the tax rolls again. Per the town's tax acquired property, he recommends a review and recommendation by the Lands & Conservation Commission. Abutting neighbors will be notified before any consideration by the council.

Councilor Porter questioned the buildability of either lot. Both lots are buildable, however, "one lot would be extremely challenging because of the width, it's one hundred foot wide. The seventeen acre parcel would be less challenging." There are "a couple of houses within four or five hundred feet but large landowners abut us on all sides."

Councilor Kuntz requested the timber value be reviewed by the town or Conservation Commission. Councilor Storey requested the Manager bring attention to the assessor that the driveway on the Harris Road is "a continuation of the Range Way." The town gave permission for the homeowners "to build the driveway on the Range Way Road. I would like to have it considered the Range Way Road rather than the driveway because over the years things have a way of getting lost. The driveway was built on the Range Way Road by special exception." Any land owner, on either end, has the right to haul logs over that driveway. The Town Manager agreed that getting these easements properly placed on the tax maps is an important process that should be undertaken during the next year and he has addressed this issue through funding in the Assessor's FY 07 budget.

Councilor Moriarty moved, seconded by Councilor Kuntz, to refer this item to the Lands & Conservation Commission for their recommendation.

VOTE: UNANIMOUS PASSAGE 7-0

06 – 030. To set public hearing date of March 13, 2006 to consider and act on an Off-premise retailer with Malt & Wine license for Basil Provisions, 137 Main Street for the period 03/06 – 03/07.

Motion by Councilor Moriarty, second by Councilor Storey, to set a March 13, 2006 public hearing date.

VOTE: UNANIMOUS PASSAGE 7-0

06 – 031. To set public hearing date of March 13, 2006 to consider and act on amendment to Zoning Ordinance Section 204.6.2 (Local Business district) to add Religious institutions as a special exception use, subject to Site Plan Review.

Councilor Porter expressed his lack of support, noting "We have so little land in the Town of Cumberland we allow to be used for business development. I don't see the advantage to...changing the zoning to allow a church to operate when we have such a miniscule amount of property in this community for business development. It has nothing to do with the church." Councilor Turner added he is uncertain of his ultimate position but "well to bear in mind when we consider changing uses...through special exceptions. "Special exceptions aren't particularly special any more. They're really tantamount to a permitted use, so the burden's on the board to turn down a request. I think we ought to give a little pause to this." Councilor Storey questioned the tax status of the church.

The Town Manager indicated the building will become tax exempt “once they file for their tax exemption certificate.”

Motion by Councilor Moriarty, seconded by Councilor Kuntz, to set a March 13, 2006 public hearing date.

VOTE: UNANIMOUS PASSAGE 7-0

06 – 032. To set public hearing date of March 13, 2006 to consider and act on amendments to Zoning Ordinance Section 606 re: Contract Zoning to more clearly define the contract zoning process.

Motion by Councilor Kuntz, seconded by Councilor Storey, to set a public hearing date of March 13, 2006 to consider and act on an amendment to Zoning Ordinance Section 606 re: Contract Zoning to more clearly define the contract zoning process.

VOTE: UNANIMOUS PASSAGE 7-0

V. NEW BUSINESS

Councilor Turner – none

Councilor Damon – none

Councilor Kuntz – none

Councilor Storey – email re: Village Improvement meeting changed from March 7th to March 6th.

Chairman Stiles – the budget before you is very preliminary. Val Halla - lot of good things going on; tremendous Sunday brunch from 8 to 1, Friday nights serving food from 3 to 8, donation program seeking donations to support flags, fences, etc. on the course. Excited about the new and upcoming year at Val Halla. Thanked the Manager for all his work on the secession efforts.

Councilor Moriarty – workshop with the Planning Board tomorrow evening.

Councilor Porter – He and Councilor Moriarty holding interviews tomorrow evening; more openings still available. Noted he is not receiving as much input from the public as in the past, noting “we’re elected officials” and encouraged sharing concerns.

Manager Shane – his feelings that neighborhood meetings are the best catalyst to get to issues of concern. Many issues ahead - Route 88, Route 100, Comp Plan, and a host of issues throughout the year. Usually a very positive result in the end. “The first invitation will open the floodgates again.”

VI. EXECUTIVE SESSION – pursuant to 1 M.R.S.A., Section § 405 (6) (c) re: real estate disposition.

Motion by Councilor Kuntz, seconded by Councilor Moriarty to recess to Executive Session.

VOTE: UNANIMOUS PASAGE 7-0

TIME: 8:00 p.m.

Motion by Councilor Moriarty, seconded by Councilor Porter to return from Executive Session.

VOTE: UNANIMOUS PASSAGE 7-0

TIME: 8:52 p.m.

VII. ADJOURNMENT

Motion by Councilor Storey, seconded by Councilor Moriarty to adjourn.

VOTE: UNANIMOUS PASSAGE 7-0

TIME: 8:52 p.m.

Respectfully submitted,

Nadeen Daniels, CMC
Town Clerk