

**MINUTES**  
**CUMBERLAND TOWN COUNCIL MEETING**  
**Town Council Chambers, 290 Tuttle Road**  
**Monday, April 10, 2006**  
**7:00 p.m. – CALL TO ORDER**

**Present:** Chairman Stiles, Councilors Turner, Storey, Kuntz, Moriarty present. Councilor Damon arrived at 7:03 p.m.

**Excused:** Councilor Porter

**I. APPROVAL OF MINUTES**

March 27, 2006

Motion by Councilor Storey, seconded by Councilor Turner, to approve the minutes with the addition of the words “soda and hot dogs” to item 06-041.

**VOTE:** UNANIMOUS 4-1 (Councilor Kuntz abstained, Councilor Damon absent)

**II. MANAGER’S REPORT**

The Manager referred to the passage of LD 1735, stating it “is paving the way for Chebeague Island to become a town on July 1, 2007.” In the interim, there “are a lot of details that need to be worked out.” A committee of nine elected voters will “convene and begin preparations to set up the new government.” Councilor Moriarty, the Town Manager and Town Clerk have offered to provide assistance if needed during the next year. “Be patient, the 90 days will go by very quickly. We look forward to working with our future neighbors.” Councilor Damon thanked the council “for being incredibly professional in the negotiations. I think that everyone felt it was a fair distribution of debts and assets.” Councilor Damon wished to especially thank Councilors Moriarty, Porter and Manager Shane for their efforts during the legislative hearings. “There were various barriers being added to the bill along the way... and they were very helpful. This is an opportunity for us to go forward and be more as equal partners.”

The Manager continued his report. Skillins Road water line is underway. The sweeping program is nearly complete. Work at the Congregational Cemetery is underway, with the majority of tree stump grinding complete. We will move to Moss Side Cemetery next week. Survey work for the Tuttle Road sidewalk is nearing completion - project may begin in June. Alyssa Daniels, intern for the Town Manager, has been accepted to the Maine School of Law. She has managed the overhaul of the town website, organizes and produces the local community channel, negotiated a contract renewal with Time Warner at a reduced cost, and has handled safety compliance projects for the town. “We wish her the best.” The Manager requested an appointment of Susan McGinty this evening as the Cumberland representative, and himself as the Alternate, to the ECO-Maine board. This request was received today from RWS and is a necessary formality as RWS becomes ECO-Maine.

**III. PUBLIC DISCUSSION**

Mr. Doug Pride, announced the second annual Safe Passage walk, to occur beginning at 8:00 a.m., April 29, at Greely High School. The route is generally confined to the east side of Route 9. Safe Passage was started by Greely Graduate Hanley Denning and is an educational program serving the underprivileged children of Guatemala City. “The program she’s developed is nothing short of a miracle.” Hanley will return for the race this year. The race raised nearly \$9,000 last year and it has become a “quality community event.”

#### **IV. LEGISLATION AND POLICY**

##### **06 – 050. To set a public hearing date of April 24, 2006 to consider and act on realignment of the Orchard/Blanchard Road Intersection.**

The Town Manager showed a computer rendering of the existing conditions at the intersection, referring to the intersection as dangerous. “There’s a lot of things wrong with this intersection.” The concept creates a configuration that wouldn’t require traffic from Blanchard Road Extension to make a stop. Two neighborhood meetings have been held and this design received predominant approval. The traffic engineer will be present at the public hearing.

Motion by Councilor Moriarty, seconded by Councilor Kuntz, to set a public hearing date of April 24, 2006 to consider and act on realignment of the Orchard/Blanchard Road intersection.

VOTE: UNANIMOUS PASSAGE 6-0

##### **06 – 051. To set a public hearing date of April 24, 2006 to consider and act on a Local Business District Zone line change for proposed Castle Rock Business Park, Map R07C, Lot 1A.**

The Planning Board will hear this proposal tomorrow evening. The applicant is requesting a zone extension along the stream into the RR zone in order to create a commercial business park. Three areas become dedicated open space as part of the project. The proposal will allow for 9 commercial lots, 1 residential lot, and leave 11.91 acres, or 41.4 percent, as open space. The alternative preferred by the neighbors would permit 5 commercial lots, 3 residential lots, and leave 3.12 acres, or 10.8 percent of open space. In response to a question by Councilor Damon, the applicant’s engineer, Jeff Amos, replied that the open space will be offered to the town. “There’s no intention to take it out of open space” at a later date. Councilor Damon questioned if there will be a buffer between the lots and open space? Mr. Amos noted the “sliding hill” is located on an abutting property, but it will abut the open space.

Motion by Councilor Kuntz, seconded by Councilor Turner, to set a public hearing date of April 24, 2006 to consider and act on a Local Business District Zone line change for proposed Castle Rock Business Park, Map R07C, Lot 1A.

VOTE: UNANIMOUS PASSAGE 6-0

##### **06 – 052. To set a public hearing date of April 24, 2006 to consider and act on a Mass Gathering Permit and Victualer’s License (s) for United Maine Craftsmen, August 10-13, 2006.**

Motion by Councilor Storey, seconded by Councilor Kuntz, to set a public hearing date of April 24, 2006 to consider and act on a Mass Gathering Permit and Victualer’s License(s) for the United Maine Craftsmen Fair, August 10-13, 2006.

VOTE: UNANIMOUS PASSAGE 6-0

##### **06 – 053. To set a public hearing date of April 24, 2006 to consider and act on amendments to the Solid Waste & Recycling Ordinance re: container/bag weight.**

The present ordinance allows for waste containers to weigh as much as 75 pounds, however, the new 30 gallon bags are designed for a maximum of 35 pound weight limit.

Motion by Councilor Turner, seconded by Councilor Damon, to set a public hearing date of April 24, 2006 to consider and act on amendments to the Sold Waste & Recycling Ordinance re: container bag/weight.

VOTE: UNANIMOUS PASSAGE 6-0

**06 – 054. To set a public hearing date of April 24, 2006 to consider and act on Bond Issuance for Municipal Waterline and other projects.**

Projects including the replacement of Engines One & Four, and a new computer system, were approved during the present budget year. Engine Four will be purchased via a one year lease-purchase agreement with the balance paid from monies received from Chebeague Island in the second year. The construction of Water lines 1 & 2 were also recently approved. Water line 1 is currently under construction. The second phase, Water line 2, connects the two and “actually puts water in the lines.” Other projects included in this bond issuance are the replacement of Engine Two for West Cumberland, which will occur in the next two years, and possible improvements at Twin Brooks. These projects total approximately 4 million. The Manager is “looking to roll them into one bond and save approximately \$60,000 in issuance costs.” He will request a May, 2006, bond issuance.

Motion by Councilor Kuntz, seconded by Councilor Damon, to set a public hearing date of April 24, 2006 to consider and act on Bond Issuance for Municipal Waterline and other projects.

VOTE: UNANIMOUS PASSAGE 6-0

**06 – 055. To hold Public Hearing to consider and act on a Mass Gathering Permit for the Cumberland Soccer Club Labor Day Tournament, 9/2 & 9/3, 2006.**

The Labor Day Tournament is an annual event. All permits are in place and staff recommends approval. Mr. Scott Pellerin, Co-Chair of the tournament, described the tournament as “the only fund raiser that the club does” held for the purpose of reducing the overall costs incurred by the club. “We are the second largest travel soccer club in the state of Maine and one of the least expensive.” Chairman Stiles noted the tournament has been a very well run event providing exceptional play.

Motion by Councilor Moriarty, seconded by Councilor Turner, to approve a Mass Gathering Permit for the Cumberland Soccer Club Labor Day Tournament, September 2 & 3, 2006.

VOTE: UNANIMOUS PASSAGE 6-0

**06 – 056. To hold Public Hearing to consider and act on a Recycler License for Cumberland Salvage, Inc. for the period April, 2006 through April, 2011.**

The Town Manager indicated that Cumberland Salvage recently received approval for a junkyard/graveyard license and is requesting a Recycler’s License as well. Unlike the Junkyard/Graveyard license, which is authorized for one year, the Recycler’s License is issued for a period of five years. Councilor Kuntz noted that a recycler’s license was recently issued to Copp Motors, and he feels Cumberland Salvage is “a very well run business.”

Motion by Councilor Kuntz, seconded by Councilor Storey, to approve a Recycler License for Cumberland Salvage, Inc., for the period April 2006 through April 2011.

VOTE: UNANIMOUS PASSAGE 6-0

**06 – 057. To hold Public Hearing to consider and act on amendments to the Traffic Ordinance to add the following stop sign locations:**

- Oak Ridge at Greely Road Ext
- Bea Lane at Grove Street
- Hedgerow Drive at Route 9
- Candlewick Lane at Country Charm Lane
- Country Charm Lane at Val Halla Road
- Hedgerow Drive at Val Halla Road
- Sparhawk Lane at Cottage Farms Road
- Prince Street at Farwell Ave (west)

- Prince Street at Farwell Ave (east)
- Spruce Lane at Route 88

The Town Manager stated Cumberland’s ordinance requires Town Council authorization to place stop, yield, and parking signs throughout the community. He recommended the above group of streets be approved for stop signs, noting, however, that many have stop signs in place currently. This order “creates that authority officially.”

Councilor Turner asked if the signs must be placed within the right of way. The Manager indicated the town makes every attempt to place them in the right-of-way. “We may place the stop sign and street sign on one pole. We will make an attempt to do this at Spruce Lane.” The chair read the list of streets included in the order.

During public discussion, Spruce Lane resident, Ms. Susan Bisbing, questioned what precipitated the installation of the stop sign. “Is there demonstrated need?” The Manager reiterated the policy that any public road will have a stop sign at an intersecting road. Ms. Bisbing feels there has been no safety reason to precipitate the need for a sign. The Manager responded that access to the road is available to all on Spruce Lane and the town considers placement of these signs as a safety precaution. Ms. Bisbing responded that installing a stop sign is “like putting a billboard up. We are against it. It’s pretty much government at its most wasteful.”

Chairman Stiles questioned if stop signs will be installed on all public roads. The Manager responded that “Every road in town...that has a green sign...is treated the same. We have a responsibility for a safe road for the public. We can place the smaller 24 inch signs.” Councilor Turner asked if there is a differentiation of liability for the town on a private versus public road. The Manager replied “We have no rights at all” on the private roads. Councilor Storey noted that a stop sign was placed recently on the Range Road. “It’s happening all over.” Councilor Damon asked if the concern is aesthetic or what the town will do in the future? Another Spruce Lane resident, Mr. George, responded the lane has the look of “a driveway” and “there’s not enough room for two cars to pass one another. It’s absolutely ridiculous to put a stop sign there.” Referring to the difference between a public easement and public access, he stated his assumption that the easement was given only for the purpose of plowing and trash pick-up.

Councilor Moriarty explained the Spruce Lane property owners had the option to give or not to give a public easement, noting, however, “It’s not irreversible. The public easement basically means the public has the right to jog, walk, or drive as if it were a full public street.” Councilor Moriarty questioned “the harm” in placing the stop sign and Mr. George replied “the harm is that it takes a charming little country road and makes it look like a regular development. I don’t want to live in a development.” Councilor Kuntz felt the town should go forward with signage that can be removed, stating if the signs were later removed the cost should be born by the neighborhood. If the public easement on Spruce Lane is rescinded, “they would have to pay for” any expenses incurred by the town. Councilor Turner stated if the residents are serious about reversing the public easement, “it’s not a tremendous burden on the town to place that stop sign at the end of the list.” Councilor Moriarty stated the issue of when an easement may be discontinued is beyond the scope this evening. If a public easement is rescinded, “the savings the town will receive will be much greater than the cost of recording the deed. This is all premature.”

Councilor Kuntz motioned, seconded by Councilor Storey, to approve the amendments to the traffic ordinance to add the stop sign locations as previously stated by the chair.

VOTE: UNANIMOUS 6-0 PASSAGE

**06 – 058. To Authorize the Town Manager to submit endorsement of the restructuring of GPCOG.**

The Town Manager stated GPCOG has requested the town’s endorsement to seek a restructuring. The restructuring will provide for the designation of GPCOG and the Southern Maine Regional Planning Commission as separate Economic Development Districts. GPCOG believes the new designation will “strengthen the focus and delivery of

economic development services within each of their respective areas.” The Manager believes this has little to no impact on Cumberland.

Motion by Councilor Moriarty, seconded by Councilor Kuntz, to endorse the restructuring.

VOTE: UNANIMOUS PASSAGE 6-0

**06 – 059. To set a date of April 24, 2006 to consider and accept taxes and penalties and release property at Map I03, Lot 141.**

The Town Manager indicated the property taxes have been paid in full and recommended issuance of a quitclaim deed to release the foreclosure on the property.

Motion by Councilor Storey, seconded by Councilor Damon, to consider and accept taxes and penalties and release property at Map I03, Lot 141.

**06 – 060. To hold Public Hearing to consider and act on the 2006-2007 Municipal Fiscal Year Budget.**

This is the first of two public hearings. The next hearing will be held at the April 24<sup>th</sup> council meeting. Chairman Stiles stated the budget process is complete. Sessions between the council and the department heads were held. He summarized the budget accordingly. Expenses have increased by \$425,736 or 5.42% as follows - Fuel, 60,000; Wages, 3%; Insurance, 10%, Revaluation budgeted at 55,000; Comprehensive Plan budget of 40,000; County tax, 13,000; CIP, \$100,000 for the Tuttle Road sidewalk from the intersection of Main Street to the Commons. The revenues are increasing by \$3 million. The mil rate is projected to be \$19.46, or a 60 cent per thousand increase. This represents a 3.19% increase to the tax rate. Councilor Storey questioned the solid waste savings. The Manager stated the savings are close to \$200,000 in RWS costs and additional savings in recycling “avoided costs. We’ll be close to \$470,000 in two years.” The Manager estimated nearly \$200-250,000 additional solid waste costs if the town had not instituted the pay per bag program.

Mr. Bob Couillard questioned the benefits and insurance increase and asked if town employees contribute toward the health program. The Chairman responded that the majority of the increase is related to health insurance premium increases, and responded affirmatively to contributions by the employees. Mr. Couillard also requested clarification on the parks and recreation budget, questioning whether the town is reimbursed for services provided to the SAD. The Manager explained the town and the SAD “swap” vehicle and janitorial services.

**V. NEW BUSINESS**

**Councilor Turner** – curious about response from North Yarmouth re: unwillingness to contribute toward cost of Resource Officer position – “It’s a ludicrous vote.” Chairman responded he and Manager met with North Yarmouth and subsequently the Manager and SAD Superintendent reached an agreement. Manager clarified North Yarmouth was not opposed to the position, but the financing structure. They felt it was a school program and should be funded through that vehicle. Superintendent will cover the additional monies through the SAD budget this year and look to fund it in the SAD budget next year.

**Councilor Damon** – none

**Councilor Storey** – none

**Councilor Kuntz** – notified Manager of construction debris in Skillins Road.

**Chairman Stiles** – May 3<sup>rd</sup> meeting of Habitat For Humanity open to the council.

**Moriarty** – requested a workshop regarding bond issue prior to vote. Motion to nominate Susan McGinty as Cumberland representative to ECO-Maine and Manager Shane as alternate, seconded by Councilor Storey.

VOTE: UNANIMOUS PASSAGE 6-0

**Town Manger** – none

**VI. EXECUTIVE SESSION:**

Motion by Councilor Storey, seconded by Councilor Kuntz, to recess to Executive Session to discuss personnel and real estate disposition.

VOTE: UNANIMOUS PASSAGE 6-0

TIME: 8:20 p.m.

Chair declared a five minute recess.

Motion by Councilor Kuntz, seconded by Councilor Turner, to return from Executive Session.

VOTE: UNANIMOUS PASSAGE 6-0

TIME: 8:45 p.m.

**VII. ADJOURN**

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

VOTE: UNANIMOUS PASAGE 6-0

TIME: 8:46 p.m.

Respectfully submitted,

Nadeen Daniels, CMC  
Town Clerk