

MINUTES
CUMBERLAND TOWN COUNCIL MEETING
Cumberland Town Hall
Monday, September 24, 2007
6:00 p.m. – WORKSHOP
7:00 p.m. – CALL TO ORDER

WORKSHOP – Sewer Program Administration and Fees

Present: Chairman Porter, Councilors Copp, Storey-King, Perfetti, Turner, and Moriarty

Excused: Councilor Stiles.

I. APPROVAL OF MINUTES

September 10, 2007

Motion by Councilor Moriarty, seconded by Councilor Perfetti, to accept the minutes as printed, with changes.

VOTE: UNANIMOUS PASSAGE 5-0-1 (Councilor Turner abstained)

September 17, 2007

Motion by Councilor Storey-King, seconded by Councilor Copp, to accept the minutes as printed.

VOTE: UNANIMOUS PASSAGE 6-0

II. MANAGER’S REPORT

a.) Police grant for security system at High School:

Chief Charron addressed this item later in the evening.

b.) Acceptance of gift of historical maps:

Mr. Dave Bouffard, Boundary Points Survey has donated maps he discovered at the Registry of Deeds. The Manager explained the maps, which were on display during the meeting, dated back to 1727, and showed the boundaries of North Yarmouth and Falmouth. Both maps referenced the “white rock” which “served as a starting point of the northern boundary of Massachusetts” until 1668. The donated maps will be housed at Cumberland’s Prince Memorial Library.

c) Mailboxes on Blackstrap Road:

Manger has visited the site but has not yet been able to meet with the Post Master. The safety risk from the sheer numbers of mailboxes in one location “is absolutely amazing.”

d) Mary Dickenson-Wood:

Owner of property located at the corner of Tuttle Road and Main Street intends to plant over a thousand tulip bulbs on her property as a breast cancer awareness project. She intends to donate the flowers and will receive assistance from some members of local scout troops.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

07 – 119 To hear an update from the Code Enforcement Officer re: Cumberland Salvage and Greenlaw Salvage junkyard/recycler permits.

Code Enforcement Officer, William Longley, explained the junkyard/recycler permits are considered each year at this time. Cumberland Salvage and Greenlaw Salvage are the only two license holders in town. With respect to the Cumberland Salvage permit, Mr. Longley stated he “found it to be a very neat, very professional, very viable type business. I have had no complaints about the operation.” He added that this location has added a berm at the rear of its property where a recent subdivision has been created.

With respect to Greenlaw Salvage; however, the Code Enforcement Officer described it as “kind of an apples and orange comparison.” He provided the council with photos showing debris which he believes has been on site “for many, many years. I don’t see a lot of new stuff that’s come on site. The state wants “junk to come in; junk to go out.”” He expressed uncertainty as to the frequency in which material is rotated off the lot. He has spoken with Mr. Greenlaw regarding his need to provide documentation of business “viability.” He further explained that there are animals, including chickens and a goat, on the property, about which he has received at least one noise complaint.

Questions regarding the storage of mercury switches, fluids and batteries were posed. Mr. Longley indicated he had not inspected to determine whether any of these items have been removed. “The scope of my inspection is to report to you...to be your eyes and ears as to what’s out there.” Councilor Moriarty questioned whether there exists a residence in addition to the business. Mr. Longley believes there are residents; however, he does not believe Mr. Greenlaw resides at this residence. With respect to the animals, Mr. Longley explained the regulations require “some form of fencing” or “confined area” for the chickens. However, he noted upon his visit that the condition of the fence provides free range to the chickens. “The key issue” of viability is a concern for Councilor Moriarty. “I think you’ll wrestle with it again this year. It will be your determination...,” replied Mr. Longley. In response to the question regarding compelling records in response to the question of viability, Mr. Longley believes the town council may compel such records. “Your request should be to have an environmental impact study” in addition to the production of sales records. Chairman Porter express his belief that “nothing has changed” over last year. “Where can we hang our hat? Councilor Storey-King requested a log of all motor vehicles handled and dates the switches, batteries and fluids were removed. “I would really like to see that” before we move to consider permit renewal. Councilor Perfetti questioned whether the subject of viability is “discretionary” by the town council. It is, the Town Manager explained. However, receipts and tax records are acceptable documentation. When asked by Councilor Perfetti “what’s our remedy” if the license is not renewed, the Manager suggested it would “take a court injunction. The reality is if we don’t do something soon it’s going to be there forever.” Councilor Moriarty requested the council receive as much “objective input as possible” with relation to actual violations and potential concerns that may or may not rise to the level of violations. “I hope to hear back with as much depth of input as you can give us.”

Chairman Porter indicated he would not vote for a license renewal without an environmental impact study. "I'd be very interested to see where he is in the aquifer zone." Councilor Turner concurred, noting, "substances migrate. We owe it to the public to make sure they're not in jeopardy of having wells polluted."

The Town Manager suggested his purpose this evening was informational only. "This gives us the opportunity to put the applicant on notice that we've got some concerns." He proposed a meeting between he, the Code Enforcement Officer, and Mr. Greenlaw to address the list of concerns which include oil spills, building lumber, tires, maintenance of buffer, and logs. "If we can not have a positive response or mitigation plan...we will be recommending to table the license," and seek legal remedies if needed.

No public input received.

07 – 120 To hear an update from the Police Dept. re: underage drug/alcohol use.

Police Chief Charron informed the council that the department's underage alcohol use forum has been well received. The department has made repeated efforts to install security equipment at the high school over the past several years. "I think it's to the betterment of the school and department as a whole." The town received \$33,846 to purchase and install 9 high quality cameras, 1 digital recorder, and 1 video monitor to be located in a secure location inside the school, as well as all the necessary cabling. The Chief believes this equipment will help to deter illegal and/or inappropriate activity on the school grounds. The system will be capable of monitoring all exterior activities including the parking area, the back and front of the building, as well as the back of the middle school. "These are the top quality available right now."

Chairman Porter thanked the Chief for his efforts and the SAD Board for their support. Councilor Moriarty asked whether the SAD has committed to its match. The Chief indicated they have, and the "proposal and the grant is a starting point." Councilor Moriarty also questioned who holds responsibility for watching or monitoring the videos? "Where does that expense fall?" The Chief explained the system will require no ongoing expense other than maintenance. "If we have an incident overnight, that will be an opportunity to review the video."

Officer Peter Volk provided an update to his presentation in May regarding the underage drinking grant. "Since we last met" the department has issued nearly nineteen summons and arrests for under age alcohol violations and 7 drug violations. Officer Volk has received administrative authority to write premise violations instead of having to refer it to the liquor bureau, and he has initiated training other officers for this purpose as well. The department is considering the use of educational programs in the community. "A lot of these activities are occurring out of town, which makes the enforcement part hard. We're focusing on the education" as well as enforcement, and hope to reach kids at an earlier age. The department is planning or initiating many programs, including: a Halloween Party for all ages at the Middle School this year and a "day camp" in April with various educational programs; a first offender program for youth charged with alcohol possession (this program will require participation by both the juvenile and parent); presentations through the High School health classes, and to teachers of younger children as well. Officer Volk encouraged use of the department's website Wecare@cumberlandmaine.com for information and posting of comments related to youth issues. The "first offender program" is a trial program that will be mirrored at the county and state level eventually. The District Attorney's Office has expressed interest in this program as

part of their sentencing process. “When it comes to violations we are going to be strict with our enforcement.”

Chief Charron referenced the loss of the department’s “foundation program - the 5th grade DARE program.” He has challenged Officer Dalbec, School Resource Officer, to video record his DARE presentations for broadcast over the local access channel during meal times and available for classroom use as well. “It’s not the same as in the class room,” but it would provide an opportunity to allow the schools to record and show them. Councilor Storey-King echoed her support for the DARE program. “It only takes a few years of us not having it to see maybe it did work.” In response to Councilor Perfetti’s question regarding the department’s interaction with parents when “they claim to not know” about a party at their residence. “Actually we do have the key program up and running” and he anticipates adding a link for more information about this program to the town’s website and access channel.

The Town Manager highlighted the efforts and success of the department, stating, “Those little things that might not cost a lot but mean a lot...are extremely important. The motorcycle is at a lot of the little league games. The challenge is...getting the parents involved...and connected.” Chairman Porter asked the Chief to provide the council with the cost of the Boot Camp and DARE program, and the Chief thanked him for the opportunity to provide that information.

Mr. shared thanks to the town and school board. “We should be very proud of the school board to implement those cameras inside the school in common areas. That will lessen the number of visits the PD makes to the school department in the future. I think it’s a great thing for our PD to be involved at the earliest possible stage they can be.” He encouraged the police to find a “person with alcohol addiction/behavior” to speak to the youth.

07 – 121 To set a public hearing date (October 8th) for sewer program revisions.

Motion by Councilor Perfetti, seconded by Councilor Copp, to set an October 8th Workshop date to consider revisions to the sewer program. (Workshop to be televised)

VOTE: UNANIMOUS PASSAGE 6-0

07 – 122 To set a public hearing date (October 22nd) to accept Route 100 zone changes.

Motion by Councilor Moriarty, seconded by Councilor Turner, to schedule October 8th to receive a report from the Town Manager and schedule an October 22nd public hearing to receive and act on the recommendations of the committee as passed on to us by the Planning Board.

VOTE: UNANIMOUS PASSAGE 6-0

07 -123 To hold a public hearing to consider and act on Committee/Board vacancies.

Motion by Councilor Moriarty, seconded by Councilor Storey-King to move the slate of nominees (below) on behalf of the Nominating Committee:

BOARD OF ADJUSTMENTS & APPEALS: Sam Wilkinson - to serve the balance of Peter Wilson’s term and Ed Kirstein to serve the balance of Sam Wilkinson’s term as Alternate.

BOARD OF ASSESSMENT REVIEW – Jeff Daigle to serve the balance of the vacant term.

SEWER APPEALS – Ed Kirstein, Don Fischer and Steve Sloan

HOUSING AUTHORITY - Norman Maze and Eileen Wyatt

GREELY SCHOLARSHIP COMMITTEE – Karen Finnegan

RECREATION/COMMUNITY EDUCATION ADVISORY COMMITTEE - Alberta Haynes,
Dick Campbell, Joe Silvestri and Phoebe Chandler.
VAL HALLA – Frank Sola
LANDS & CONSERVATION – Don Borchert

07 – 124 To accept a gift of a 2000 4WD pick-up truck from Steve Broadhead to the Cumberland Fire Dept.

The Manager assessed the value of the truck at between eight and twelve thousand dollars. Mr. Broadhead is a Cumberland resident and business owner. The pick-up truck will be utilized to assist Kevin Foster in his collection of toys during the department’s Christmas Toy Drive. During the “non toy collection season,” the fire department will use the truck for other department uses. The Manager thanked Mr. Broadhead for his donation.

Motion by Councilor Storey-King, seconded by Councilor Perfetti, to authorize the Town Manager to accept the gift of a 2000 four-wheel drive pickup truck from Steve Broadhead to the Cumberland Fire Department and to authorize the Town Manager to send a charitable contribution letter to Mr. Broadhead.

VOTE: UNANIMOUS PASSAGE 6-0

IV. NEW BUSINESS

Councilor Copp – Cumberland Fair is in full progress; a banner day Sunday; thanked the Police Chief for his work in acquiring the grant money.

Councilor Perfetti – received comment on “how great the town looked” from a Yarmouth resident.

Councilor Storey-King - she and Councilor Turner attended their first School Consolidation Workshop presented by Drummond and Woodsum and sponsored by the Dept of Education; outlined 13 steps and decisions for the consolidation committee to make in the next 9 weeks; important referendums facing us in the next 3 to 6 or 8 months; met with Yarmouth and Falmouth at 3:00; meeting again 10/03; many public hearings to be held; seems to be a lot not known by the general public; falls upon us to get that word out; for voting purposes the SAD budget will need to be broken out by a number of line items; once approved the board for that school unit is not allowed to spend more than 5% above the particular line item.

Councilor Turner – consolidation meeting - extraordinary day; made me more optimistic; work may be done in time to have a January referendum; he is “ecstatic” about the part of the law that says starting immediately the school budget will be voted by secret ballot.

Chairman Porter – thanked Councilors Turner and Storey-King; mentioned library’s programs around yardscaping, composting and community supported agriculture; requested Town Manager look into “perpetual yard sale” on Main Street and area behind Moss Side which backs up to Prince and Crestwood – some youth are congregating.

Councilor Moriarty – announced that on Saturday a team of men ages 50+ competed in a relay and placed 7th out of 86 teams.

Town Manager – received a copy of an easement deed and map from DEP outlining the Twin Brook conservation easement area - this area is a wetlands area that DEP wants us to protect in perpetuity; we can place trails there “but it’s hands off for other uses”; the easement and map will be an item for the 10/08 agenda – council asked for clarification on what will be closed and open to hunting in this area.

Motion by Councilor Moriarty, seconded by Councilor Copp, to schedule an October 8th public hearing for consideration of execution of the proposed declaration of covenants and restrictions.

VOTE: UNANIMOUS PASSAGE 6-0

TIME: 8:56 p.m.

The architect’s rendering of the Twin Brooks maintenance building went before the Planning Board last week and the board asked the council to reconsider the building façade to “soften the appearance.” The proposal is for cement board siding “which looks like cedar shingles” and costs approximately \$25,000 more. We could also plant a lot of additional trees “and really hide the building.” Chairman Porter deferred the request until October 8th in order to allow the council to consider the requested revisions. Councilor Copp feels it’s important to improve upon a metal building, noting there are nine metal buildings in town, and “the town owns 8 of them.”

V. EXECUTIVE SESSION – pursuant to M.R.S.A. Title 1, Section 405 (6)(c) re: real or personal property.

Motion by Councilor Storey-King, seconded by Councilor Copp, to recess to Executive Session pursuant to M.R.S.A. Title 1, Section 405 (6) (C) re: real or personal property.

VOTE: UNANIMOUS PASSAGE 6-0

TIME: 9:23 p.m.

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

VOTE: UNANIMOUS PASSAGE 6-0

TIME: 9:55 p.m.

VI. ADJOURNMENT

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

VOTE: UNANIMOUS PASSAGE

TIME: 9:55 p.m.

Respectfully submitted,

Nadeen Daniels, CMC
Town Clerk