

**MINUTES**  
**CUMBERLAND TOWN COUNCIL MEETING**  
**Cumberland Town Hall**  
**Monday, August 27, 2007**

7:01 p.m. – CALL TO ORDER

**Present: Chairman Porter, Councilors Copp, Perfetti, Storey-King, Turner, Stiles, Moriarty.**

- I. EXECUTIVE SESSION** - pursuant to M.R.S.A. Title 1 § 405 (6)(A) re: evaluation of an appointed body, and 405 (6)(E) consultation with Town Attorney re: legal rights and duties of the Town Council and Planning Board.

Motion made by Councilor Turner, seconded by Councilor Stiles, to recess to Executive Session pursuant to M.R.S.A., Title 1, section 405 (6)(A) re: evaluation of an appointed body, and 405 (6)(E) consultation with Town Attorney re: legal rights and duties of the Town Council and Planning Board.

VOTE: UNANIMOUS PASSAGE 7-0

TIME: 7:03 P.M.

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

VOTE: UNANIMOUS PASSAGE 7-0

TIME: 8:45 p.m.

**II. APPROVAL OF MINUTES**  
**July 23, 2007**

Motion by Councilor Copp, seconded by Councilor Moriarty to approve the minutes as presented.

VOTE: UNANIMOUS PASSAGE 6-0-1 (Councilor Stiles abstained)

**August 13, 2007**

Motion by Councilor Storey-King, seconded by Councilor Stiles to approve the minutes as presented.

VOTE: UNANIMOUS PASSAGE 6-0-1 (Councilor Perfetti abstained)

**III. MANAGER'S REPORT**

- The MDOT Doughty Road Bridge public hearing will be held at Town Hall on August 28, 2007 @ 7:00 p.m. The bridge is north of J. Brothers on Route 100 and is scheduled to be replaced next summer. The road will be closed entirely for 14 days and will be detoured down Blackstrap Road through Falmouth.
- There is a construction crew on Blanchard Road, just below the fairgrounds, that has been there for sometime now. They are relining a large culvert crossing and are installing large concrete wing walls to

prevent the road from washing away in a flood. This is a DOT project, not a Town project. It is expected to be completed within next few weeks.

- Reminder that September 8<sup>th</sup> from 8:00 a.m. to 2:00 p.m. is Household Hazardous Waste Disposal Collection day at North Road Fire Station in Yarmouth.

#### **IV. PUBLIC DISCUSSION**

None

#### **V. LEGISLATION AND POLICY**

##### **07 – 110 To hold Public Hearing to fill Committee/Board vacancies.**

Chairman Porter requested this item be tabled as he and Councilors Moriarty and Turner did not have an opportunity to meet to discuss this item.

Public Comment - None

Motion by Councilor Turner; seconded by Councilor Stiles, to table this item.

VOTE: UNANIMOUS 7-0

##### **07 – 111 To accept donations on behalf of the Fire Department.**

Town Manager Shane explained that this is a continuation of the donations that were started several months ago to purchase a piece of mobile fire suppression apparatus that will be shared by Cumberland and Yarmouth. It will be used at large events, such as the Cumberland Fair and the Yarmouth Clam Festival. We have now accepted an additional \$760.00 in donations toward the purchase.

Public Comment - None

Moved by Councilor Storey-King, seconded by Councilor Stiles to accept \$760.00 in donations, in the name of Bud Stratton, to the Cumberland Fire Department to be used toward the purchase of an ATV mounted fire suppression unit.

VOTE: UNANIMOUS 7-0

##### **07 – 112 To hold Public Hearing to amend the Property Tax Assistance Ordinance re: Senior Circuit Breaker Program.**

Town Manager Shane explained that the only changes to this ordinance are date extensions for applications and receipt of payments.

Councilor Stiles said that these changes bring the ordinance more in line with what the State is doing with the Circuit Breaker Program.

Public Comment - None

Moved by Councilor Stiles, seconded by Councilor Copp to amend the following sections of the Property Tax Assistance Ordinance:

Section 4, *Application and Payment Procedures*, changing the application deadline from August 15<sup>th</sup> to November 15<sup>th</sup>; Section 5, *Determination of Eligibility and Amount of Eligibility*, changing the month that the Town Manager shall report to the Town Council projected payment amounts and number of eligible applicant requests from October to December; and Section 8, *Timing of Payments*, changing the deadline that the funds will be mailed to qualifying residents from November 15<sup>th</sup> to December 15<sup>th</sup>.

VOTE: UNANIMOUS 7-0

**07 – 113 To set Council Workshop date (September 10<sup>th</sup> @ 6:00 p.m.) to hold informational session re: Municipal Sex Offender Ordinance.**

Councilor Perfetti asked if we had commitments from those invited to sit on the panel.

Town Manager Shane said that we do not. 4-5 experts have expressed some willingness to attend if their schedules permit. There should be a total of 7-8 panelists. Chairman Porter will facilitate the meeting and Councilor Moriarty will talk about municipal ordinances in general.

Councilor Perfetti asked if we do not have a panelist from the Dept. of Corrections, are we able to access statistics?

Town Manager said that he believes so, but Police Chief Charron will be in the audience and answering questions as they come up.

Moved by Councilor Moriarty, seconded by Councilor Copp, to set Council Workshop date of September 10<sup>th</sup> @ 6:00 p.m. to hold informational session re: Municipal Sex Offender Ordinance.

VOTE: UNANIMOUS 7-0

**07 – 114 To set Council Workshop date (September 24<sup>th</sup> @ 6:00 p.m.) to discuss changes to sewer connection policies and future sewer rates.**

Town Manager Shane said that the purpose of this workshop is for the Council to meet with the Sewer Appeals Board to get their input on policies, such as looking at an amnesty program which would waive connection fees (currently range from \$2,000 - \$7,000) to \$0 for the next 18 month. This should help to encourage people to connect into the system and to help lower some of the operational costs. Our system is nearly built to capacity, with only 1 or 2 more line extensions. For the most part, it is going to be an in-fill system so everything that is there now will have the opportunity to fill in over the next few years. If we offer incentives, we will be able to bring the costs down or slow the rate of increase that we have had over the last 5 years.

Councilor Turner asked for clarification of the criteria for ready to serve fees. There are many people who have the sewer go by their properties and do not pay a ready to serve fee.

Town Manager Shane said that some residents were never assessed a ready to serve fee. Those are essentially the residents with line extensions that the Town put in and they didn't have to buy a permit or pay a connection fee, and currently don't pay a ready to serve fee. That may have to be looked into as well. The fee is about \$350/year currently.

Moved by Councilor Perfetti, seconded by Councilor Storey-King to set Council Workshop date of September 24<sup>th</sup> @ 6:00 p.m. to discuss changes to sewer connection policies and future sewer rates.

VOTE: UNANIMOUS 7-0

## **VI. NEW BUSINESS**

**Councilor Copp** – reminded residents about Household Hazardous, Universal and Bulky Waste dates/times. Info posted on Town website.

**Councilor Storey-King** – how did the Doughty Bridge get its name? Call town hall if you know the answer to that. As of 9/20/07 children under the age of 16, who are riding a bicycle without a properly fitted and buckled helmet, are subject to a \$25 fine. Free helmets may be available through the Maine Brain Injury Organization.

**Councilor Stiles** – noticed that since bike ordinance discussion, bike behavior (especially on Range Road) has changed; going single file and in smaller groups. It appears that people have listened to some of the concerns and are voluntarily taking some control. He thanked them for that.

**Councilor Perfetti** – said that he was out on Greely Road and there were 3 cyclists abreast in the road. People should still be aware that single file helps drivers.

**Councilor Moriarty** – on September 17<sup>th</sup>, at Val Halla, the Cumberland Town Council and the Falmouth/Cumberland Community Chamber are sponsoring a “Commercial Development Opportunities in Cumberland”, focusing on the Route 1 and Route 100 corridors.

**Chairman Porter** – requested Attorney Dunn give the Council a primer as to what they can discuss in Executive Session.

**Attorney Dunn** – if the Council goes into Executive Session to talk about process, that is essentially all that can be talked about, i.e. the type of process the Council might follow in certain circumstances, what you can do, how best to proceed, while not taking about specific situations.

## **VII. ADJOURNMENT**

## **VIII. EXECUTIVE SESSION**

Motion made by Councilor Moriarty, seconded by Councilor Turner, to recess to Executive Session pursuant to M.R.S.A. Title 1 § 405 (6)(E) Consultation with Town Attorney re: legal rights and duties of the Town Council.

VOTE: UNANIMOUS PASSAGE 7-0  
TIME: 9:21 P.M.

Motion by Councilor Stiles, seconded by Councilor Perfetti, to return from Executive Session.

TIME: 10:07 p.m.  
VOTE: UNANIMOUS PASSAGE 7-0

Motion by Councilor Copp, seconded by Councilor Moriarty to adjourn. However, motion was withdrawn as other Councilors wanted to discuss a motion with the Town Attorney present.

Councilor Storey- King asked for assistance from the Council and Attorney Dunn, in developing a motion to hold a removal Hearing. Councilor Storey-King made the following motion, "I move that the Town Council hold a hearing to determine if cause exists to remove an appointed Board Member." Seconded by Councilor Turner.

Attorney Dunn explained to the Council that all communication regarding this matter is private unless the person involved elects a public process.

Council discussion continued around the pros and cons of holding a removal hearing.

Upon request of Chairman Porter the motion was re-stated, and the Chairman called for a vote.

VOTE: FAILED 3-4 (Porter, Moriarty, Perfetti, Copp)  
TIME: 10:38 p.m.

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

TIME: 10:40 p.m.  
VOTE: UNANIMOUS PASSAGE 7-0

Respectfully submitted,

Brenda Stiffler  
Executive Assistant  
and  
William R. Shane  
Town Manager