

MINUTES

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, July 14, 2014

6:00 P.M. Workshop with the Ordinance Committee re: dogs at large on Town owned property.

7:00 P.M. Call to Order

Present: Councilors Gruber, Stiles, Copp, Edes, Turner, Storey-King and Bingham

I. APPROVAL OF MINUTES

Motion by Councilor Storey-King, seconded by Councilor Stiles, to accept the June 30, 2014 minutes as presented.

VOTE: 6-0-1 (Bingham abstained) MOTION PASSES

II. MANAGER'S REPORT

Town Manager Shane said that he would hold his report until New Business.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

14 – 117 To hold a Public Hearing to consider and act on a Contract Zone Agreement with Justin M. Fletcher, Inc. for property located at 3 Longwoods Road, to create two lots and convey to the Town of Cumberland, a right of way from Longwoods Road to Harris Road, as recommended by the Planning Board.

Town Manager Shane presented the following:



Harris Road CZA
July 14, 2014





Chairman Gruber opened the Public Hearing.

Public Comment:

Brian Leighton asked if the road could be widened to make it easier to enter from Route 9. He suggested leaving the road as it is, remove the gate, and give it a try to see how much the traffic increases.

Chairman Gruber said that any Town road has to be built to standards. We cannot leave it as it is.

Lalla Crothers of Main Street commented that perhaps this road would be an opportunity to make a safe area for cyclists and pedestrians.

Chuck Staples of 232 Harris Road said that Harris Road is a great place to walk and cycle. What is the public benefit of getting this access road when the neighborhood currently has a dead end where they can recreate? This will all go away with the increase in traffic. He suggested a 3-way stop at Rock Ridge Run. Mr. Staples asked if the Council could make changes to the Contract Zone Agreement (such as not allowing Mr. Fletcher to build 2 duplexes).

Town Manager Shane said yes, the Council will decide if they want to allow a duplex or a single family home.

Coleen Higgins 59 Harris Road asked that the Council represent her as well as Mr. Fletcher. The Comprehensive Plan survey indicated that 47% of residents did not care if Harris Road went through to Route 9. She has lived on Harris Road for many years and is very passionate that it remains a dead end road. The majority of Harris Road residents are against this.

Chris Lindsay of 286 Harris Road is concerned and not happy that her daughter will not be able to ride her bike after this road is opened. If the Council would look at this as a preservation issue and not a progress issue, their thinking may be turned around. She wants to be very sure that this progress will be worth it.

Aaron Amirault of 244 Harris Road said that he and his wife bought a house on Harris Road after doing their research and determining that the paper street was a dead issue with Falmouth, and there was no chance of this road going through to Route 9. 74 families bought a house on a dead end road and one man comes along with a

proposal for profit and nobody is considering the families that live on this dead end road. Once you do this, it is done and gone forever. He urged the Council not to allow this to happen. Harris Road will become a super highway to Twin Brook.

Amy Gautschi of 14 Willow Lane said that listening to all the families this evening is very moving to her. To hear that one developer's needs are being put before all these family's needs is odd to her.

Meg Housman of Puddle Duck Road said that the public benefit of opening up this road will not really change from the way it currently is. The neighborhood has worked with the community to open the gate when it needs to be open.

Chairman Gruber closed the Public Hearing.

Councilor Bingham said that he has been a resident of Harris Road since 1970 when it was a dirt road. The way of life for the lower part of Harris Road went away when Rock Ridge was built. He has tried to be a good neighbor, allowing other neighbors to hunt on his property and walk the trails. As a Town Councilor looking at the situation, he has been involved in 3 Comprehensive Plans and it has been considered in our Comp Plans to eliminate dead-end roads. He is hopeful that we can come to some mitigation for the potential speed issues, but feels that the concerns for greater Cumberland outweigh the local concerns, and he is in favor of it.

Councilor Storey-King said that she would prefer only single family homes on each of the lots and not a duplex, in keeping with the character of the neighborhood.

Councilor Edes said that the desirability of the property on a scale of 1-10 is about 1. In order to make this work, Mr. Fletcher is considering duplexes. Any improvement to the property is going to be a good one and he is in favor of allowing duplexes.

Councilor Copp said he would prefer one single family home and one duplex.

Councilor Bingham agreed with Councilor Copp.

Councilor Stiles would be in favor of what the State allows. He is not certain that two duplexes would be allowed due to plumbing restraints. He would be in favor of one single family home and one duplex.

Councilor Turner said he is in favor of one single family home and one duplex. He would prefer 2 single family homes, but can live with one of each.

Chairman Gruber said that he is in favor of the connector road and would prefer two single family homes.

Motion by Councilor Edes, seconded by Councilor Copp, to authorize the Town Manager to execute a Contract Zone Agreement with Justin M. Fletcher, Inc. for property located at 3 Longwoods Road, to create two lots and convey to the Town of Cumberland, a right of way from Longwoods Road to Harris Road, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

Motion by Councilor Bingham, seconded by Councilor Copp, to allow one duplex on one lot, and one single family home on the property.

VOTE: 4-3 (Edes, Storey-King & Turner opposed) MOTION PASSES

14 – 118 To hold a Public Hearing to consider and act on amendments to Chapter 200 (Roads and Public Property), Section 2 (Animals at large), of the Cumberland Code.

Councilor Storey-King presented the following on behalf of the Ordinance Committee:

New Rules

- Chapter- 200 Public Property
 - a. Where Dogs Allowed & When
- Chapter 17- Animal Control
 - a. Definitions
 - b. Dogs at Large
 - c. Animal Noise
 - d. Violations & penalties

Rules will be posted at all Active Town sites (mailboxes) & distributed w/ license renewals

New Rules

- Voice Control = Within Sight & Carry a Leash
- Leash Only = 15' or less in length- no electronic leashes
- Not Allowed Certain Times of the Year Dogs are not permitted on the Site
- No more than 2 Dogs per person

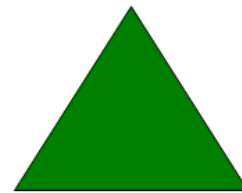
There is Always an Option for Voice Control

Where and When You Can Walk Your Dog



A general rule for all Town facilities:
No more than **2 dogs** under control of one person.

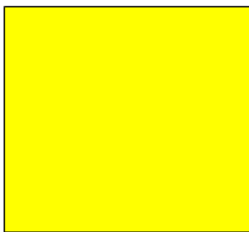
Voice Control



A dog is **within sight of their owner at all times and returns immediately** to and remains by the side of the owner in response to a verbal command.

Owners must have leash with them even when dog is under voice control.

Leash



A dog must be on a physical leash.
(No longer than 15ft and cannot be an electronic control collar.)

Not Allowed



Dogs are **not permitted** on the posted Town Property.

Twin Brooks (Tuttle Road Side)



March 1st– December 1st

Voice Control



Open-12 PM

Leash



12 PM–Close

December 2nd–February 28th

Not Allowed



Twin Brooks (Greely Road Side)



March 1st– December 1st

Voice Control



12 PM–Close

Leash



Open-12 PM

December 2nd–February 28th

Voice Control



Open–Close

Town Forest



January 1st– December 31st

Voice Control



12 PM–Close

Leash



Open-12 PM

Rines Forest



January 1st– December 31st

Voice Control



Open–Close

West Cumberland Athletic Complex



January 1st– December 31st

Leash



Open–Close

Val Halla



April 1st– December 1st

Not Allowed



December 1st– February 28th

Voice Control



Open–Close

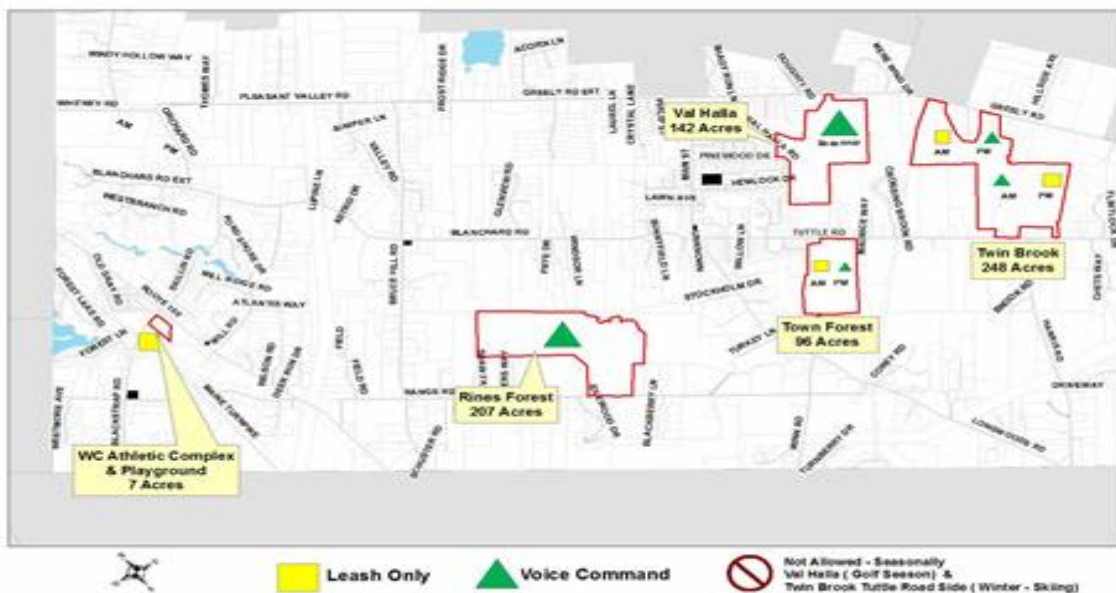
Who do I contact to report a problem?



- **Cumberland Police Department (829-6391)**

- **Animal Control Officer-Zach Copp**
(zcopp@cumberlandmaine.com)

- **Cumberland Town Hall (829-2205)**



Councilor Bingham said that he would be in favor of a 1-year trial of this proposal, amending the number of dogs allowed per person to 3, and seeing how that goes.

Chairman Gruber opened the Public Hearing.
Public discussion:

Jamie Andrews of Valley Road said that unless the Town agrees to fix the trails on the Greely Road side of Twin Brook, this Ordinance proposal is not equitable. There are some elderly people who cannot use the trails on that side. It is wet and unsafe.

Patrick Williams of Lawn Avenue asked if there was any consideration given to splitting the paths by certain days as opposed to time of day.

Councilor Storey-King said that was not considered.

Mr. Williams said that it would be similar to urban parking and would be easier for people to remember.

Joyce Monjo of Greely Road said that she likes to walk her dog in the open field near the tree line in the summer while the sun is setting. Since accommodations are being made for various groups in the parks, she would ask that the Council support evening hours in the field portion of Twin Brook.

John Leavitt, Chairman of the Twin Brook Advisory Committee said that this is not a new issue and he feels that is a problem on all Town owned property, not only Twin Brook.

Jackie Stowell of 385 Greely Road Extension said that she would like there to be more openness with the nature of the complaints. She would like to know what problem is attempted to be solved with this ordinance. If we could legislate kindness and respect, that would be the way to go.

Dave Lebel of Pine Lane said that he has never inquired a problem with a dog at Twin Brook. He would like to know what the complaints have been and the method they were delivered to the Town.

Amy Gautschi asked if there was data that could be shared with the public.

Councilor Storey-King said that there is data, but she doesn't have it with her. Every Council member has heard a story about an incident with a dog. The Ordinance Committee has considered everything and is trying to make the park user friendly for everyone.

Ms. Gautschi said that she hopes that there are not assumptions being made (about people not wanting to use Twin Brook because of the dogs) with faulty logic, and no data to back it up.

Nick Witte of 179 Tuttle Road said that the dogs and kids playing sports is a non-issue in his opinion. This ordinance seems very harsh. He is not happy with 50% use of Twin Brook when there is no problem.

Linda Collins requested that the Council consider taking the policy, beef it up with what off-leash means, make that the Ordinance and see how it goes. People want to be good stewards of our parks.

Chairman Gruber closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Stiles, to amend Chapter 200 (Roads and Public Property), Section 2 (Animals at large), of the Cumberland Code as recommended by the Ordinance Committee, with the exception of amending 2 to 3 dogs allowed.

VOTE: 7-0 UNANIMOUS

14 – 119 To hold a Public Hearing to consider and act on amendments to Chapter 17 (Animal Control), Section 3 (Dogs at Large) and Section 5 (Violations and Penalties), of the Cumberland Code.

Motion by Councilor Bingham, seconded by Councilor Turner, to amend Chapter 17 (Animal Control), Section 3 (Dogs at Large) and Section 5 (Violations and Penalties), of the Cumberland Code as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

14 – 120 To hear a report from the Town Manager, re: Payson Property & public beach access and to set a Public Hearing date (July 28th) to consider and act on authorizing bonds for the purchase of a portion of the Payson Property, following a November Referendum.

Town Manager Shane presented the following:

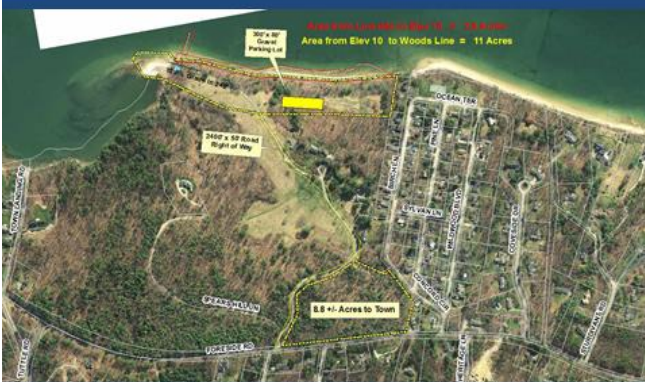


Payson Property July 2014
Manager's Overview to
Town Council

Chronology of Events

- Early May – I found out Payson Estate was for Sale- Contacted Bateman Group
- Bateman Group signs P&S in early June (around the 10th) and begins to present Town with potential Options for participation
- Ultimately 2 proposals are rejected and current proposal being developed for Council consideration July 28th

Town's Request



Town's Request



Town's Request

- This is the 1st presentation to the Town Council
- The Town is seeking Public Access to the water as a Town Park and intends for passive recreation as allowed under the Conservation Easement on pg. 13- section 4n
- 100 Acre parcels under Conservation Easement
 - a. Allows for 7 more homes
 - b. Allows for the Sale to the Town
 - c. **USES** – approved by the Land Trust

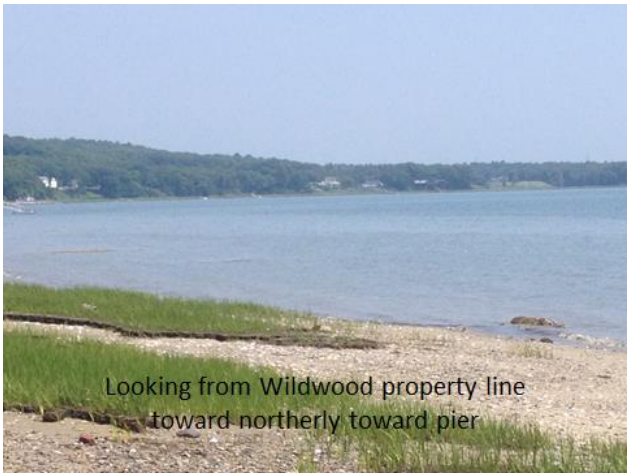
I will post photos and Conservation Easement on line in the morning- www.cumberlandmaine.com

Next Steps

- Post P&S, if available, for Public review on July 28th (hopefully we will have P&S by 7/23)
- July 28th possible meeting with Town Attorney
- Public Hearing on moving ahead w/ P&S
- Set Public Hearing for Sept. for a Nov Referendum
- Begin developing a charge and advertising for a Committee to develop Facility Use Policies with Land Trust assistance (Similar to TB #1 and Rines Forest)
- Await the outcome of November referendum
- Cost = \$3 Million to be bonded = \$240k x 20 years



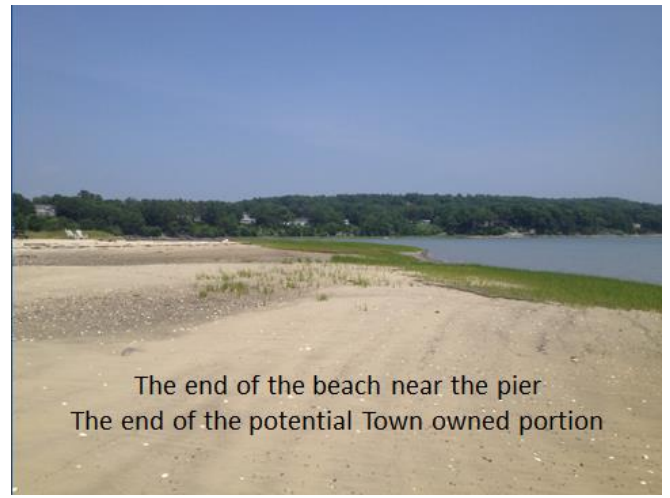
Looking from Wildwood property line
toward northerly toward pier



Looking from Wildwood property line
toward northerly toward pier



Ramp & Float at end o 220' Pier



The end of the beach near the pier
The end of the potential Town owned portion



Potential future Changing Room- Bathroom



Pathway to the Beach area



Walkway back to the potential future parking area
13.8% Grade

Chairman Gruber assured the public that this process will not be done in a vacuum, it will be very public. There will be an Executive Session to review the Purchase & Sale Agreement since that is considered confidential until the Council has the opportunity to review it.

Motion by Councilor Bingham, seconded by Councilor Turner, to set a Public Hearing date of July 28th to consider and act on authorizing a Purchase & Sale Agreement for approximately 22 acres of the Payson Property along the Foreside.

VOTE: 6-0-1 (Edes abstained) MOTION PASSES

Councilor Edes explained that his wife works for Peter Robbins, so he will abstain from any vote pertaining to this property.

14 – 121 To set a date of July 28th to hear a report from the Tax Assessor and to hold a Public Hearing to set the FY'15 tax rate.

Motion by Councilor Stiles, seconded by Councilor Turner, to set a date of July 28th to hear a report from the Tax Assessor and to hold a Public Hearing to set the FY'15 tax rate.

VOTE: 7-0 UNANIMOUS

14 – 122 To set a Public Hearing date (July 28th) to set rates at which interest will be paid for delinquent taxes, and to authorize applying tax payments to the oldest unpaid taxes.

Motion by Councilor Stiles, seconded by Councilor Bingham, to set a Public Hearing date of July 28th to set rates at which interest will be paid for delinquent taxes, and to authorize applying tax payments to the oldest unpaid taxes.

VOTE: 7-0

UNANIMOUS

14 – 123 To set a Public Hearing date (July 28th) to consider and act on a Mass Gathering Permit for the 143rd Cumberland Fair to be held from September 21st – 27th, 2014 at the Cumberland Fairgrounds.

Motion by Councilor Bingham, seconded by Councilor Storey-King, to set a Public Hearing date of July 28th to consider and act on a Mass Gathering Permit for the 143rd Cumberland Fair to be held from September 21st – 27th, 2014 at the Cumberland Fairgrounds.

VOTE: 7-0

UNANIMOUS

14 – 124 To set a Public Hearing date (July 28th) to consider and act on a Mass Gathering Permit for the annual Labor Day Soccer Tournament August 30-31, 2014.

Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of July 28th to consider and act on a Mass Gathering Permit for the annual Labor Day Soccer Tournament August 30-31, 2014.

VOTE: 7-0

UNANIMOUS

14 – 125 To appoint a member to the Coastal Waters Commission and Shellfish Conservation Commission.

Motion by Councilor Turner, seconded by Councilor Bingham, to appoint John Berrett to the Coastal Waters Commission and Shellfish Conservation Commission.

VOTE: 7-0

UNANIMOUS

14 – 126 To set a Public Hearing date (July 28th) to consider and act on authorization of revenue bonds for The Friends School of Portland project.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to set a Public Hearing date of July 28th to consider and act on authorization of revenue bonds for The Friends School of Portland project.

VOTE: 7-0

UNANIMOUS

V. NEW BUSINESS

Councilor Copp – he asked the Manager when Blanchard Road will be paved. It appears that they are grinding and patching now preparing for the final coat of pavement.

Town Manager Shane said that it was scheduled for tomorrow, but because of the impending rain, it will likely be Wednesday or Thursday of this week.

Councilor Storey-King – the Land Use Committee met last week and began developing a survey. The next meeting is July 31st and the public is always welcome to attend.

Councilor Edes – reminder that the clam flats are now closed.

Councilor Bingham – he also attended the Land Use Committee meeting last week. The committee is making some good progress and should be ready to tackle the 2 acre vs. 4 acre issue soon.

Chairman Gruber – he and the Manager met with the new Superintendent of Schools, Jeff Porter. The meeting went well and it was a pleasure to meet Mr. Porter.

On the 4th of July, he is almost positive that Cumberland was the only food pantry open in Cumberland County. Thank you to Town Manager Shane, Linda Shane and Jean Lamson for working on the holiday.

Councilor Stiles – the University of Maine Cooperative Extension is sponsoring a 2014 Backyard Locavore Tour. This will show how vegetables can be grown in different growing situations. The Cooperative Extension offers our community many different programs.

Councilor Turner – in regard to the comments about the data on dog incidents, this Council spends a lot of time on a lot of issues and they certainly don't conjure up reasons to have to deal with Ordinances. The antidotal data does not mean much. The entire Council has had complaints come before them.

Town Manager Shane – when the gas utility came down Tuttle Road, it was discovered that there is very little gravel underneath the pavement, causing it to basically cave in after Summit opened the road for the gas lines. The Town will work with DOT to look at remediation for the problem. The State has said that they would like to make the trench repairs and make the road passable for the winter. More to come on this issue.

He was approached by a concerned citizen recently complaining about the cost of the natural gas mailing that went to every resident. The entire mailing cost approximately \$3,500 and the Credit Union paid \$1,000 toward the cost. He believes very strongly that was an appropriate use of the money. TIF monies were used to pay for the mailing.

Thank you to Sally Laughlin for stepping into the interim Superintendent role. Sally has done a great job during a tough time and she led us through the process of choosing the new Superintendent.

VI. ADJOURNMENT

Motion by Councilor Copp, seconded by Councilor Storey-King, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME: 10:04 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary