

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, September 13, 2010

7:00 p.m. Call to Order

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

Excused: Councilor Moriarty

I. APPROVAL OF MINUTES

August 23, 2010

Motion by Councilor Stiles, seconded by Councilor Copp, to accept the minutes as presented.

VOTE: 6-0

UNANIMOUS

II. MANAGER'S REPORT

Project Update:

- Route 88 - 400' slab removal and future change order.

We are beginning to get into a portion of the project that can be a "little tricky". Cross culverts have to be finished by October 1st per the DEP permit. It may appear that the contractor is jumping around a bit, but this is in order to meet the requirements of the DEP permit. Some exploratory excavation near Tuttle Road has revealed 400 feet of concrete slabs that must be removed. There is minimal gravel under the slabs. A change order will have to be issued to remove the slabs, excavate the material out, and add gravel. The cost will be \$50,000 - \$60,000. It will be brought to the Council in October to consider and act on. To date, the project cost has been on budget.

There is a small section of Range Road where the water tests continue to come back too high with bacteria. A lot of different things could cause this to happen. The solution is to flush the line with high pressure water and then fill it with chlorine in an attempt to kill the bacteria. The contractor and Portland Water District are working on a plan to bring it into conformance.

The waterline extension project on Route 100 is scheduled to begin in the next couple of weeks.

Public Works will be in the Orchard Road area doing some ditching, catch basin, and cross culvert installation. This work will be going on through the month of October.

Cumberland Fire Department is an American Heart Association affiliated training center. Classes in community and healthcare provider CPR are available on the first Tuesday of every month. AHA instructor in first-aid, advanced cardiac life support, pediatric advanced life support, and Red Cross babysitter classes are also offered. More information can be found on the town website under the Fire Department link. The fire department continues to offer infant & child car seat installation.

When the Mass Gathering Ordinance was amended from 1000 to 500 people in attendance at any one event, there were events that “got caught in the net”. Two of those events are the Girls Lacrosse Tournament and the Southwestern Cross Country meet, scheduled at Twin Brook on September 25th. Since a Public Hearing is required and the next regular Town Council meeting is on September 27th, there are two options for the Council to consider in order to deal with this issue. Hold a Special Town Council meeting on September 22nd to vote on this one item, or move the entire September 27th meeting to September 22nd?

Motion by Councilor Stiles, seconded by Councilor Copp to hold a Special Town Council meeting on Wednesday, September 22nd and cancel the September 27th Town Council Meeting.
VOTE: 5-0-1 (Chairman Storey-King abstained) UNANIMOUS PASSAGE

III. PUBLIC DISCUSSION

Robert Storey, of the Cumberland Cemetery Association, explained to the Council that several months ago, he received a note from Robert Field explaining that he was looking for a community service project as part of his obligation to become an Eagle Scout. He asked about the possibility of a project in the Cumberland cemeteries. Mr. Storey met with Robert and his parents at the Foreside Cemetery to discuss what might be done. Robert submitted a plan to his Scoutmaster and the Pine Tree Boy Scout Council for approval. The work took place over three days in August. All the proposed work was completed in a professional manner and looks great. The local troop requires that a minimum of 100 hours be spent on community service projects. Robert, his parents, and approximately 20 other scouts spent over 200 hours on this project. Mr. Storey thanked Robert, the other scouts, and Mr. & Mrs. Field for this great gift to the community. Mr. Storey invited Robert Field to come forward to show the Council a slide show of the improvements to the cemetery. Robert thanked Storey Brothers for the donation of crushed stone, thanked his parent, the other scouts, and his friends from North Yarmouth Academy for their help on the project.

Rita Yavinsky of Ole Musket Road commented on Robert Field’s project, “That was very nice.” She then asked the Town Manager why the concrete slab issue on Route 88 near Tuttle Road was not “understood better by Gorrill-Palmer Engineers during the extensive time that they had to understand the engineering required to make the road go correctly”.

Town Manager Shane explained that there were no utility cuts across that particular section. When test paving was being done, it was discovered that there was minimal gravel, if any, through most of those slabs. Discoveries such as this are why the contingency was put in place.

Mrs. Yavinsky asked why the pavement on the inland side, 300’ from the Falmouth line, had to be repaved? Why not use the paving that was already there?

Town Manager Shane responded that they tried to save the pavement, but the State said that the gravel that was underneath that section of road was insufficient and did not meet specification. If we had left it as it was, we would not be eligible for any future repaving of that section of road.

Mrs. Yavinsky asked why we have the curbs?

Town Manager Shane responded that the curbs assist with the collection of drainage to avoid ditch and yard washout.

Mrs. Yavinsky also questioned the extent of pavement for an area near the Falmouth line on the shore side. Mr. Shane assured her that pavement was not covered up by dirt and grass.

IV. LEGISLATION AND POLICY

- 10 – 122** To hold a Public Hearing to consider and act on a permit request by the Greely Football Boosters Club to hold a bonfire at the Twin Brook Recreation Area on Thursday, October 28, 2010.

Town Manager Shane explained that this is an annual request. All permits are in place and staff is recommending approval.

Motion by Councilor Stiles, seconded by Councilor Perfetti, to approve the permit request by the Greely Football Boosters Club to hold a bonfire at the Twin Brook Recreation Area on Thursday, October 28, 2010.

VOTE: 6-0 UNANIMOUS PASSAGE

- 10 – 123** To set a Public Hearing date (September 22nd) to consider and act on amending Section 104 (Definitions) of the Cumberland Zoning Ordinance to add a definition for Railroad Facility.

Motion by Councilor Porter, seconded by Councilor Perfetti, to set a Public Hearing date of September 22nd to consider and act on amending Section 104 (Definitions) of the Cumberland Zoning Ordinance to add a definition for Railroad Facility.

VOTE: 6-0 UNANIMOUS PASSAGE

- 10 – 124** To set a Public Hearing date (September 22nd) to consider and act on a junkyard/recycler permit renewal for Cumberland Salvage for the period of October 1, 2010– September 30, 2011.

Motion by Councilor Perfetti, seconded by Councilor Stiles, to set a Public Hearing date of September 22nd to consider and act on a junkyard/recycler permit renewal for Cumberland Salvage for the period of October 1, 2010 – September 30, 2011.

VOTE: 5-0-1 (Copp abstained) UNAMIOUS PASSAGE

- 10 – 125** To set a Public Hearing date (September 22nd) to consider and act on amendments to the Cumberland Mass Gathering Ordinance.

Motion by Councilor Turner, seconded by Councilor Stiles, to set a Public Hearing date of September 22nd to consider and act on amendments to the Cumberland Mass Gathering Ordinance.

VOTE: 6-0 UNANIMOUS PASSAGE

10 – 126 To set a Public Hearing date (September 22nd) to consider and act on forwarding Section 104.138 (setback definition) of the Cumberland Zoning Ordinance to the Planning Board for a Public Hearing and recommendation.

Motion by Councilor Copp, seconded by Councilor Perfetti, to set a Public Hearing date of September 22nd to consider and act on forwarding Section 104.138 (setback definition) of the Cumberland Zoning Ordinance to the Planning Board for a Public Hearing and recommendation.

VOTE: 6-0 UNANIMOUS PASSAGE

10 – 127 To hear a report from the Ordinance Committee re: PACE program and ordinance and to set a Public Hearing date of September 22nd to consider and act on the adoption of PACE Ordinance and authorization agreement.

Alex Kimball explained the Property Assessed Clean Energy (PACE) program, administered by Efficiency Maine Trust. Each municipality participating in the program must pass an ordinance. Property owners can access financing for energy saving improvements to their properties. A lien would be placed on the property in case of default on the loan.

Councilor Porter attended an event recently explaining the program in detail. He feels that this is a great program. The only purpose of the PACE Ordinance is to allow our citizens to apply and get access to this money. There is no liability to the town.

Councilor Stiles asked why the town has to be involved at all if Efficiency Maine Trust administers the program and places a lien on a property in case of default.

Councilor Porter responded that it is the law. If we want our residents to participate and have access to this money, then we have to pass this ordinance in a form that we (the Council) feel comfortable with as well as meets the requirements of Efficiency Maine. The town's only involvement is passing the ordinance to allow our citizens access to the program, and agreeing to do an educational campaign on the program.

Motion by Councilor Turner, seconded by Councilor Perfetti, to set a Public Hearing date of September 22nd to consider and act on the adoption of PACE Ordinance and authorization agreement.

VOTE: 6-0 UNANIMOUS PASSAGE

- 10 – 128** To hear a report from the Cumberland/North Yarmouth Joint Liaison Committee re: meeting with North Yarmouth and pending agreements (ACO, sidewalk snow plowing and Channel 2).

Town Manager Shane explained that he, Councilors Turner and Stiles, and representatives from North Yarmouth met to review the agreements. Discussions will continue regarding Recreation and Library services, and there are other models to be considered at future meetings.

Councilor Perfetti suggested reviewing the agreements in a workshop. He is concerned that the agreements, as they are written, can be terminated. This is a concern due to potential budgeting issues.

A workshop was set for October 11th to review and discuss the agreements.

- 10 – 129** To set a Public Hearing date (September 22nd) to consider and act on the annual “blanket” Mass Gathering Permit for all fall events at Twin Brook.

Motion by Councilor Copp, seconded by Councilor Turner, to set a Public Hearing date of September 22nd to consider and act on the annual “blanket” Mass Gathering Permit for all fall events at Twin Brook.

VOTE: 6-0 UNANIMOUS PASSAGE

- 10 – 130** To set a Public Hearing date (September 22nd) to consider and act on authorizing the Town Manager to accept delinquent taxes for property identified as Tax Map U22/Lot 65A in the amount of \$827.42.

Town Manager Shane explained that the property equals .07 acres. It is a sliver of land with the majority located in Windham. The owner claimed not to have received the tax bills and has agreed to pay the back taxes. It is practice for the Town Council to allow the Manager to accept the taxes.

Motion by Councilor Copp, seconded by Councilor Stiles, to set a Public Hearing date of September 22nd to consider and act on authorizing the Town Manager to accept delinquent taxes for property identified as Tax Map U22/Lot 65A in the amount of \$827.42.

VOTE: 6-0 UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – Attended Betty Surgi’s funeral last week. Betty’s sons did a wonderful job remembering her and organizing her funeral. Betty was the daughter of Mr. Rand who set up the Town Forest and Betty was very proud of that. She will be missed by many.

Councilor Copp – Reminder to residents that bow hunting season (for deer) has begun. He noticed that the Veterans Monument donation thermometer doesn't seem to be moving up anymore. A resident suggested placing a donation bucket at the fair.

Councilor Porter – Betty Surgi was a longtime member of the Cumberland Historical Society, the Town Forest Committee, the Cumberland Mainland Island Trust, as well as other committees. As older residents pass away, we are forgetting a large portion of our history and the people who made this community what it is today...it truly is a loss.

Councilor Perfetti – None

Chairman Storey-King – Reminder that there are a lot of fall sporting events to attend now. She referred to a thank you note from Nadeen Daniels, thanking the Council for the lovely chair that she was presented on her last day.

Councilor Stiles – Asked the Town Manager when Range Road would be paved for the 2nd time. Town Manager Shane said that it was due to be paved this month.

Town Manager Shane - None

VI. ADJOURNMENT

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

VOTE: 6-0 UNANIMOUS

TIME: 8:12 p.m.

WORKSHOP: re: Budget FY'12 policy discussion

- Enterprise and Reserve Funds
- Deficit Funds
- Overlay

Respectfully submitted by:

Brenda Moore
Executive Assistant/Council Secretary