

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, January 11, 2016

6:30 P.M. WORKSHOP re: Request for mixed use development in the Office Commercial South Zone

7:00 P.M. CALL TO ORDER

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

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Edes, to accept the December 28, 2015 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

On January 26th, we will be holding a neighborhood meeting regarding parking on Orchard Hill Road near the apple orchard. Several months ago, we discussed the parking problem at a Council meeting and said that the Town will be working with the owner to try to fix the problem this spring/summer.

Another neighborhood meeting will be held on January 28th to discuss the stop sign at the intersection of Blanchard Road and Skillin Road (the sign on Blanchard Road, not Skillin Road). We had a traffic study done and it was recommended that the stop sign be removed. Neighbors will be notified and invited to the meeting to voice their concerns or comments.

III. PUBLIC DISCUSSION

Chairman Bingham said that there has been a request from the Lands & Conservation Commission for the Town Council to reconsider the vote from the last meeting pertaining to the Snowmobile Club being allowed to access trails in the Town Forest. Since it is not an agenda item, he will allow the formal request to be made during Public Discussion and it will be responded to under New Business, which has become practice by the Council.

Sam York, Chairman of the Lands & Conservation Commission, requested that the "snowmobile issue" be reconsidered by the Council. The Lands and Conservation Commission directed Mr. York, as Chairman, to request to the Town Council that they reconsider their action of December 28th to allow the Moonlite Sno-Skimmers Club use of the Town Forest Trails. Out of respect to the Snowmobile Club, if the Council does allow this item to be reconsidered, Mr. York respectfully requested that Council action be delayed to the January 25th meeting to allow both the Lands & Conservation Commission and the Snowmobile Club to have time to prepare their arguments for and against the matter.

Sally Merrill of 12 Drowne Road said that the residents of 12 Drowne Road are concerned because their building is very close to several entrances to the trails. The residents have enjoyed using the trails, but feel that they will not be able to continue to do so if snowmobiles are allowed there. Many of the residents have mobility and vision problems and will not be able to move out of the way of an oncoming snowmobile quickly enough. They respectfully request that the Town reconsider their decision of December 28th regarding snowmobile access. The residents of 12 Drowne Road appreciate the trails and use them frequently.

Shawn McBreairty of the Moonlite Sno-Skimmers Club said that he wanted to provide the Council an update as to what the club has done to date on the trails. They have put up signage, cut some small trees and groomed the inner and outer loops. They have had some good interaction with others using the trails who said that they were very happy that the trails would be groomed in the winter by the snowmobile club.

IV. LEGISLATION AND POLICY

16 – 001 To consider and act on a charge for a Central Fire Station Reconstruction Committee.

Town Manager Shane explained that the Central Fire Station is nearly 50 years old and it is time to explore expansion of the building. He is recommending forming a committee to develop a recommendation and report back to the Town Council on needs, size, design, etc. The funding would come from the natural gas project TIF funds, not the general fund balance.

Motion by Councilor Gruber, seconded by Councilor Storey-King, to adopt the Central Fire Station Building Committee Charge as presented and authorize staff to advertise for committee members.

VOTE: 7-0 UNANIMOUS

16 – 002 To consider and act on authorizing the Town Manager to execute a contract with the Town of Gray for shared assessing services.

Town Manager Shane explained that a few months ago, the Board of Assessment Review and the Town Council strongly agreed that it would be in the Town's best interest to go back to a shared Assessor model. We have come to an agreement with the Town of Gray to share the cost of an Assessor (John Brushwein) and an administrative assistant for the Assessor (to be hired).

Motion by Councilor Turner, seconded by Councilor Copp, to authorize the Town Manager to execute a contract with the Town of Gray for shared assessing services.

VOTE: 7-0 UNANIMOUS

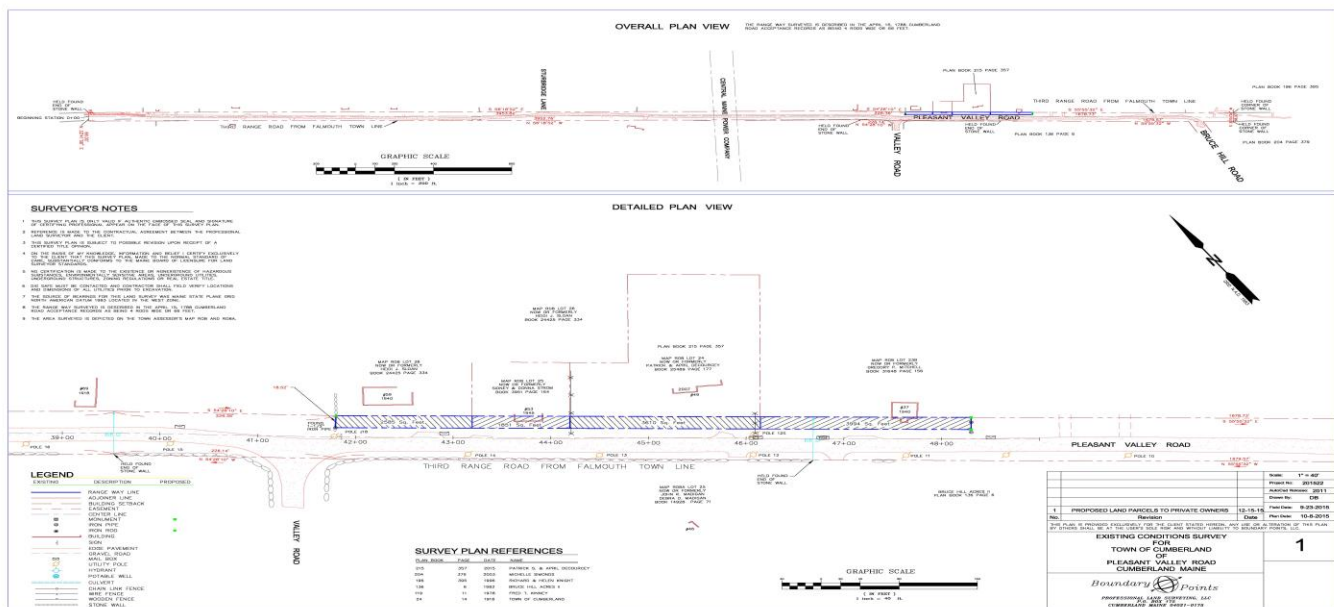
16 – 003 To appoint John Brushwein as Tax Assessor.

Motion by Councilor Copp, seconded by Councilor Stiles, to appoint John Brushwein as Tax Assessor.

VOTE: 7-0 UNANIMOUS

16 – 004 To hear a report from the Town Manager re: right-of-way issues on Pleasant Valley Road.

Town Manager Shane explained that there are 4 properties on Pleasant Valley Road that are affected by right-of-way issues. This was discovered when the Manager was looking into a boundary dispute between neighbors. These are generally civil issues that the Town is not involved in and he was there simply to determine where the Town's right-of-way was located. Pleasant Valley Road is one of the original Town roads. When we started looking at some of the surveys, it was determined that these homes were built 16.5 feet too close to the Town right-of-way (see map below). The easiest solution would be to deed back the 16 – 17 feet to the property owners for a nominal fee. He is requesting a Public Hearing on January 25th.



Councilor Edes asked the Manager how much was spent on legal fees so far on this matter.

Town Manager Shane responded approximately \$1,000.

Councilor Edes said that this should have been caught during mortgage surveys, etc. We are giving these people 16 feet of property and it is only fair that the money spent so far in legal fees should be divided by the 4 property owners.

Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of January 25th to consider and act on a reduction to the Pleasant Valley Road right-of-way between house #37 to #59 inclusive, as recommended by the Town Manager.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Copp said that on December, 28, 2015 with the 5-2 majority on Item 15-179 to allow the Snowmobile Club access through the Town Forest on trails requested during that meeting.

He said that he has not changed his mind, but would like to allow the Lands & Conservation Commission and the Snowmobile Club the opportunity to make their points to the Council and the public.

Councilor Copp made a motion to reconsider the Town Council action on Item 15-179 and requested that any action be delayed until January 25th so both parties can prepare. Councilor Turner seconded.

VOTE: 5-2 (Edes & Stiles opposed) MOTION PASSES

Councilor Storey-King said that she would like the Lands & Conservation Commission to come back with the answer to her question, why not allow snowmobiles there?

Councilor Turner said that the Lands & Conservation Commission spent a lot of time to come up with a unanimous decision and it should be very clear that their decision was wrong if the Council chooses to go against their recommendation.

Councilor Edes said that notices for all the Council meetings are well advertised and allowed for both parties to make their case, which they did. They both had great points, but he does not see the point to continue talking about this. The Council does take the recommendation of committees very seriously, but they make their own decision. We should stick by our decision.

Councilor Gruber said that he supported the LCC's recommendation. He has spent some time on the trails the past few days. He spoke to some people on the trails recently and asked how they felt about this issue. They responded that they knew nothing about it. This is an opportunity for the LCC to state the reasons why we should not allow snowmobiles. He thinks now that the word has gotten out, there will likely be a lot of people at the next meeting voicing their opinion.

Chairman Bingham said that he uses those trails frequently and will continue to do so and talking to people and continue to gather information.

Councilor Edes – Ken Hamilton of Chebeague Island passed away recently. Condolences to his family.

Councilor Gruber – he thanked Mike Schwindt for his help with the Aging in Place non-profit status paperwork. The letter granting non-profit status was received recently.

There will be a Tea and Talk session at 9:30 this Thursday at Town Hall.

Thank you to everyone who supports the Food Pantry.

Councilor Storey-King – Music and Muffins will resume at the Library this Saturday.

Dog licenses have to be renewed this month or there will be a late fee.

There is a new fence along the back of the cemetery on Main Street that borders the parking lot of Doc's Cafe. The Cemetery Association will be presenting plans to the Town Manager for granite signs to be placed at each cemetery in Town. Thank you to the Cemetery Association for their hard work.

Councilor Turner – he said that it appears that we seem to be using a lot of salt on our roads.

Town Manager Shane responded that salt is used to de-ice the roads and we have been dealing with a lot of ice recently.

On Wednesday, there will be a luncheon for Pam Bosarge who is retiring from the Planning and Code Enforcement office. Pam will certainly be missed.

Chairman Bingham – Ken Hamilton was a good man and the contributions that he made to Chebeague Island and the Town of Cumberland were great. He will be missed.

Councilor Stiles – the following dates are Finance Committee budget workshop dates:

- February 22nd - 6:00 Workshop
- March 7th - 6:00 Workshop
- March 14th - 6:00 Workshop
- March 19th or 26th Saturday Workshop
- April 11th Budget Public Hearing

Councilor Copp – said that there will be a neighborhood meeting on December 28th regarding the possible removal of the stop sign on Blanchard Road (at Skillin Road). He has been hearing from a lot of people who do not want that stop sign removed. If anyone has a strong opinion either way, they should attend the meeting.

Town Manager Shane – today, we received another affirmative verdict in the latest Broad Cove property. The court upheld the Code Enforcement Officer's decision that Municipal uses are permitted in the Limited Density Residential Zone. They now have 21 days to appeal to Supreme Court.

- VII. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.
Motion by Councilor Stiles, seconded by Councilor Storey-King, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.

VOTE: 7-0 UNANIMOUS

TIME: 7:55 P.M.

Reconvene to regular session at 8:04 P.M.

VIII. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:04 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary