

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, May 13, 2019

5:30 P.M. Finance and Ordinance Committee Workshop with full Town Council

- Greely Woods Conservation Easement
- Fire Department Ladder Truck
- Shellfish Ordinance

7:00 P.M. Call to Order

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

Excused: Councilor Edes

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Bingham, to accept the April 22, 2019 meeting minutes as presented.

VOTE: 6-0 UNANIMOUS

Motion by Councilor Gruber, seconded by Councilor Bingham, to accept the May 7, 2019 special meeting minutes as presented.

VOTE: 6-0 UNANIMOUS

II. MANAGER'S REPORT

The Brown Tail Moth spraying will begin this Thursday at 11:59 p.m. In an attempt to spray more affected streets, Whitney Tree will be starting work at midnight and finishing by 7:00 a.m. until the project is completed. They will working seven days a week, weather permitting, and will use two trucks with spray apparatus and spot lights. One truck will be moving along Route 88 and the other will be spraying on the side streets. Spraying will start near the Falmouth town line and work its way north toward Yarmouth. Whitney will complete as many streets as possible, but this work is all weather and wind dependent.

III. PUBLIC DISCUSSION

Terry Philbrick of 6 Baxter Lane asked for an update on anything that is new in regard to moving operations at the Public Works garage.

Town Manger Shane said that tomorrow evening, the Farmer's Club will be discussing our proposal to build a compost pad on their property at the fairgrounds. This meeting will direct what happens next. If they accept our proposal, we will begin working with them to construct a 2-acre compost pad behind the horse barns. This will assist them in removing 2,500 yards of horse manure that they generate. If the response is negative, we will have to begin looking for another site. In regard to the sand/salt shed, we have two interested parties on Middle Road that we are presently negotiating with and we hope to have something to present at one of the June Council meetings. In regard to the school buses, we met with the Town of North Yarmouth several months ago and they asked if we would endorse the relocation of the school buses to North Yarmouth, which we did. After the Memorial School closed, North Yarmouth had no connection to MSAD 51 and they thought that since they were going to expand their Public Works garage, it would be a good time to relocate the school buses to North Yarmouth. There was no opposition from the Town of Cumberland whatsoever, despite the rumors going on out there. The Planning Board will form a small subcommittee to talk about a redevelopment plan of the garage facility and making it more of a

maintenance facility rather than a full industrial operation. With the compost pad and sand/salt shed gone, and if the buses stay or go, we will have a plan in place by fall.

Josh Houghton of 99 Bruce Hill Road said that he has empathy for the Village Green residents. Clearly, the plan was to move the Public Works facility and develop that site, and it is too bad that that idea never happened. The million dollar question is why would anyone ever choose to buy a house next to a Public Works facility? The key word being “choose”. There was no plan to move the garage, but they chose to move there anyway. Given the picture that the Village Green neighborhood paints about the garage and living next to it, nobody else wants it near them. If the brush dump moves to the fairgrounds, the salt shed will likely soon follow. With those two eco-disasters devaluing the land, there will be no choice for the farmer’s club but to finish it off and take the garage and buses. This is all to their financial disadvantage that will start with the brush dump and it is a slippery slope that should be stopped now. He asked the Town to please think differently when trying to solve this problem. You are taking away people’s choice and making his neighborhood feel less than the rest of the community. Try to come up with a plan that puts each piece in different parts of the community and keep open communication with the neighbors as plans develop.

Councilor Storey-King responded that she wants to address any misinformation that is out there. There has never been any intent to move the sand/salt shed to West Cumberland. We are only talking about moving the composting operation to the fairgrounds because she was approached by someone in the farmer’s club who said that they had purchased some additional acreage and they might be willing to talk about the composting pad relocating there. We are not looking to purchase land from the farmer’s club. We are looking to enter into a mutual, beneficial agreement to compost. This is a 2-day a week operation, May through November.

Cassie Pitassi of 30 Rosa Way and 129 Bruce Hill Road, where her 80 year mother lives, is directly across the street from the proposed fair grounds site. She is not happy about this decision and she did not realize that the Town could make a deal when it has so much environmental impact on their neighborhood. The Bruce Hill Road neighborhood have been great neighbors to the fairgrounds and she feels that they should take that into consideration when they’re deciding what they are going to be doing with that parcel of land. She respectfully asked the Council to consider a different location.

A resident of 129 Bruce Hill Road (did not state her name) spoke about the need to protect our environment.

Brad Knowles of 97 Bruce Hill Road said that he does not understand why we are moving the compost pile from its current location. It is on a site that cannot be used for any other means.

Town Manager Shane said that we do not know at this point if it will be moved. We will know more at our June 3rd meeting. He is hopeful that by June, we will know if we have two different locations for the compost pad and the sand/salt shed.

Cathy Wright of 60 Skillin Road asked if there is a plan to put a left turn light from Main Street to Blanchard Road. The other three roads have left turn arrows, but Main Street does not.

Town Manager Shane said that it make sense and we will take a look at it once the construction is done.

Laura Huddy of 5 Ridge Drive said that her property is the closest to the horse barns at the fairgrounds. She understands the position that the Town is in and that this is all very preliminary, but she wants to voice her concerns about the noise, the odor, and all the issues raised tonight by others. She would be interested in hearing about the financial implications of this proposal.

Dave Harding of 90 Bruce Hill Road wondered if there was a way to make issues such as these more transparent. He only found out about this by the signs that appeared on his road.

Penny Houghton of 99 Bruce Hill Road said that she is concerned about water being polluted and she does not want this for her street.

IV. LEGISLATION AND POLICY

19 – 064 To hold a Public Hearing to consider and act on amendments to Chapter 223 (Shellfish Conservation) of the Cumberland Code, as recommended by the Shellfish Conservation Commission.

Motion by Councilor Storey-King, seconded by Councilor Stiles to remove this item from the table.

VOTE: 6-0 UNANIMOUS

Chairman of the Shellfish Conservation Commission, Mike Brown, reviewed the amendments to the Shellfish Conservation Ordinance, explaining that the changes are fairly minimal. The Department of Marine Resources has also reviewed the amendments and have approved them.

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Gruber, to amend Chapter 223 (Shellfish Conservation) of the Cumberland Code, as recommended by the Shellfish Conservation Commission.

VOTE: 6-0 UNANIMOUS

19 – 065 To consider and act on allowing the Sunnyfield Lane Homeowners Association to landscape the Town owned land at the entrance to Sunnyfield Lane, as recommended by the Lands & Conservation Commission.

Town Manager Shane explained that the Sunnyfield Lane Homeowners Association made a request to landscape the Town owned open space at the entrance of Sunnyfield Lane. Since it is Town owned land, it requires Lands & Conservation Commission and Town Council approval. The Lands & Conservation Commission has approved the plan.

Chairman Copp asked if there was any public comment.

Ann Sawchuck of 44 Sunnyfield Lane is the President of the Homeowners Association, and is here to represent the homeowners association on this request and answer any questions.

Motion by Councilor Bingham, seconded by Councilor Gruber, to authorize the Sunnyfield Lane Homeowners Association to landscape the Town owned land at the entrance to Sunnyfield Lane, as recommended by the Lands & Conservation Commission.

VOTE: 6-0 UNANIMOUS

19 – 066 To consider and act on authorizing the Town Manager to execute a Conservation Easement with Chebeague & Cumberland Land Trust for Greely Woods, as recommended by the Lands & Conservation Commission.

Town Manager Shane explained that this easement will put three properties that have been in foreclosed status for quite some time, into a conservation easement. It has taken us about 3-years to get here and this conservation easement document is very similar to Knight's Pond and Rines Forest. We will continue our efforts to conserve land and encourage public use of Town owned land.

Chairman Copp asked if there was any public comment.

Penny Asherman, President of the Chebeague and Cumberland Land Trust said that some of the conservation value and public benefits that they see with this conversation easement is recreational access for a very densely populated area of our Town, the trail connectivity that it provides as well as habitat protection for wildlife, protection to our watershed and aquifer, and educational opportunities. She thanked the Town Council for the opportunity to work with the Town again to protect this property.

Mike Schwindt and John Jensenius of the Lands & Conservation Commission both spoke in support of the conservation easement.

Motion by Councilor Gruber, seconded by Councilor Turner, to authorize the Town Manager to execute a Conservation Easement with Chebeague & Cumberland Land Trust for Greely Woods, as recommended by the Lands & Conservation Commission.

VOTE: 6-0 UNANIMOUS

19 – 067 To accept donations for the purchase of benches for the Town Forest and Knight's Pond, as recommended by the Lands & Conservation Commission.

Town Manager Shane said that we have 3 bench donations, 2 at the Town Forest and 1 at Knight's Pond. The Lands & Conservation Commission heard the request for bench donations and recommends acceptance and issue a gift letter to both donors.

Chairman Copp asked for any public comment.

Mike Schwindt, Chairman of the Lands & Conservation Commission said that this is the second donation by the Foreside Garden Club and it is for 2 benches and bird and bat houses. The second donation is from Martha Ehrenfeld for a bench at Knight's Pond in honor of her sister's 60th birthday. The benches are made by the Yarmouth Rotary Club.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to accept donations and issue gift letters for the purchase of benches for the Town Forest and Knight's Pond, as recommended by the Lands & Conservation Commission.

VOTE: 6-0 UNANIMOUS

19 – 068 To consider and act on cancelling the May 27th (Memorial Day) Town Council Meeting.

Chairman Copp asked for any public comment.

No public comment.

Motion by Councilor Bingham, seconded by Councilor Stiles, to cancel the May 27th (Memorial Day) Town Council Meeting.

VOTE: 6-0 UNANIMOUS

19 – 069 To consider and act on moving the June 10th and 24th Town Council meetings to June 3rd and 17th due to the election and swearing in of newly elected Town Councilors.

Chairman Copp asked for any public comment.

No public comment.

Motion by Councilor Bingham, seconded by Councilor Stiles, to cancel the June 10th and 24th Town Council meetings and set June 3rd and 17th as new Town Council meeting dates.

VOTE: 6-0 UNANIMOUS

19 – 070 To set a Public Hearing date of June 3rd to authorize the Town Manager to transfer inter-departmental operating funds for FY'19, as recommended by the Finance Committee.

Chairman Copp asked for any public comment.

No public comment.

Motion by Councilor Gruber, seconded by Councilor Turner, to set a Public Hearing date of June 3rd for discussion and authorization of the transfer of inter-departmental operating funds for FY'19, as recommended by the Finance Committee.

VOTE: 6-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – The Town Council Nominating Committee consists of himself and Councilor's Copp and Turner. A majority of the work that is done by this Council is really done by our committees. These are the people who play a significant role in running this Town and we are lucky to have them.

Councilor Gruber – We had our annual new resident orientation recently and it was very well attended. Thank you to Councilor Bingham for the idea.

Thank you to Teri Maloney-Kelly for the work that she did for The Day of Caring, which assists senior citizens with chores around their house.

Councilor Storey-King – She attended a meeting of the K-5 Task Force. They are looking at school space and learned that the school numbers are increasing.

She attended the new resident orientation and thanked Eliza Porter for organizing it. It was an awesome event.

She encouraged people to get out and vote on the school budget on May 23rd. She thinks that the school has done a fantastic job with their budget this year.

Chairman Copp – He has been on the Council for 13 years and it amazes him how many people come to the podium that are misinformed about things going on in Town. Rumors spread in this Town like wildfire and it is shameful how many people are misinformed. He owns the lot across from Stratton Hardware on Route 100, which Storey Brothers is currently stumping then will grade it to flatten it out. He heard from someone yesterday that they thought there was going to be a gravel pit there. Not true. Then he heard that Section 8 housing was going in there. Not true. There is nothing

planned for that property other than it being graded so that the undergrowth won't grow back. The rumors are unbelievable to him.

Councilor Stiles – If he wanted to make a request to a property owner to put something on their land, until that landowner agreed, it would not be possible. How is this any different than the Town making the same type of request? Until we get an answer and something is agreed upon, there is nothing to talk about.

The Library/Historical Society Building Committee will be interviewing architects this Wednesday evening. We have received 4 great proposals from architectural firms.

He reminded everyone that he continues his efforts to collect \$10 from 1,000 Cumberland and North Yarmouth residents for the 4-H auction fund that will benefit our food pantry with meat.

Councilor Turner – He applauded all the volunteerism that we have in this Town, as Councilor Bingham alluded to.

He is sure that Councilor Bingham will do as good a job on the School Board as he did on the Town Council. He is proud of him.

Town Manager Shane – He asked the Chairman to consider if we get into long debates under Public Discussion on items that are not on the agenda, we might move Public Discussion to the end of the agenda out of respect to those sitting in the audience to speak on an item that is on the agenda.

- VI. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation.
Motion by Councilor Bingham, seconded by Councilor Gruber, to recess to EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation.
VOTE: 6-0 UNANIMOUS
TIME: 8:30 P.M.

Reconvene to regular session at 8:46 P.M.

- VII. ADJOURNMENT**
Motion by Councilor Bingham, seconded by Councilor Gruber, to adjourn.
VOTE: 6-0 UNANIMOUS
TIME: 8:46 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary