

**MINUTES**  
Cumberland Town Council Meeting  
Town Council Chambers  
**MONDAY, October 10, 2011**

**Present:** Chairman Perfetti, Councilors, Turner, Copp, Storey-King, Moriarty, Stiles & Gruber

**I. CALL TO ORDER @ 7:00 P.M.**

**II. APPROVAL OF MINUTES**

**September 19, 2011**

Motion by Councilor Moriarty, seconded by Councilor Copp, to accept the September 19, 2011 as presented.

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

**September 26, 2011**

Motion by Councilor Moriarty, seconded by Councilor Storey-King, to accept the September 26, 2011 as presented.

VOTE: 5-0-2 (Stiles & Turner abstained)      MOTION PASSES

**III. MANAGER'S REPORT**

Town Manager Shane said that the gates and new tracks have been installed at the railroad crossings on Tuttle Road and Route 9. Both roads are state roads, and the railroad and state are working together to lessen the bump at those crossings. This should be completed this week.

Weather permitting, road center line, and edge striping will take place this week. The state is responsible for the striping on the newly paved section of Tuttle Road and that is scheduled to be done at the same time.

Bulky waste pick up week reminder: if it fits in a bag, it should be disposed of in a bag. This is going to be a common theme that will be addressed during the upcoming bulky waste pick up week.

**IV. PUBLIC DISCUSSION**

None

**V. LEGISLATION AND POLICY**

**11 – 160 To hear a report from Public Services Director, Chris Bolduc re: Bulky Waste Pick Up Week.**  
Public Services Director, Chris Bolduc presented the following re: Bulky Item Pick Up Week:

# Bulky Waste Pickup Week Is Now Bulky Item Pickup Week



1

## Bulky Item Pickup Week

October 17<sup>th</sup> through the 21<sup>st</sup>, 2011

Items will be picked up on your  
regular trash pickup day

2

The name of the event has been changed  
and  
the message is clearer.:

- This is not a free trash pickup week
- Only oversized items will be picked up

Our goal this year is to educate the residents of  
Cumberland on the correct use of this service.

3

This basic list has not changed



### Items that will be picked up:

Bicycles



Mattresses



Chairs & Couches



Rolled Carpets



Washers & Dryers



### Items that will NOT be picked up:

Computers



Televisions



Refrigerators



Microwave Ovens



Propane Tanks



It is our goal to remind and educate residents that street scenes like this are *not acceptable* and not the intended purpose of Bulky Item week.



5

Bulky Items are okay,  
Bulky Waste is not!



6

What are we doing  
to better educate  
residents of the  
purpose of Bulky  
Item Pickup Week?

7

Information about  
Bulky Item Pickup Week  
was posted on the  
Town's web site under  
*Events*  
and again under  
*Highlights*  
In August and again in September

8

A PDF was  
Posted on the  
Town's web site  
under  
Public Services



9

Information was broadcast  
in the Crier  
in August and again at the beginning of October

**Fall of 2011 Bulky Item Pickup Week is scheduled for the week of October 17th through the 21st.**

A Bulky Item Pickup Week was designed to assist the Residents of Cumberland in the disposal of large, oversized items that cannot fit into the Town's PAYT bags in the weekly trash or be recycled in regular curbside recycling.

Examples of items that could be included in the Bulky Waste Pickup are chairs, couches, mattresses, large metal items such as water heaters and bicycles.

This program is not designed to be a free trash disposal week. Smaller items that could fit into a PAYT bag should be disposed of with your weekly trash. Generic bags and boxes of household materials will no longer be accepted.

Phones, computers, TVs and appliances containing freon should be disposed of at Riverside Recycling for a small fee or donated to a charitable organization like Goodwill.

2 Tires per household will be accepted if the rim has been removed.

Paint Cans that are OPEN and DRY will be picked up during Bulky Waste Week only, at no other time during the year.

For a more extensive list of items that will and will not be picked up this time, please see the Town's Web Site at [www.cumberlandmaine.com](http://www.cumberlandmaine.com) or Call Cumberland Public Services at 629-2220.

10

## Informational Mailer has been sent to all Residents



Informational  
Door Hanger was  
developed  
for educating after  
the event



- **Cumberland is one of the last remaining towns to provide this service.**
- **The cost to the taxpayer on average is \$30,000 per year**
- **As a Town, we need to work on reducing this cost before this bi-annual event becomes cost prohibitive.**



Councilor Stiles said that any metal items placed out will likely be picked up by metal pickers before the trash truck comes to pick it up. This is a savings to the Town.

Councilor Moriarty asked Mr. Bolduc if it still policy that shingles and demolition debris are not allowed to be placed out for pick up.

Mr. Bolduc said that is correct. Those items are not eligible to be picked up during bulky item pick up week.

Chairman Perfetti asked Mr. Bolduc if residents will be allowed to put anything out that they feel someone will take and use ("free yard sale" items).

Mr. Bolduc said that would be permitted as long as those residents dispose of anything left over that Pine Tree Waste will not accept.

Councilor Gruber thanked Mr. Bolduc for making this presentation, clarifying what is, and what is not accepted.

**11 – 161 To hold a Public Hearing to authorize the Town Manager to enter into a labor contract agreement with the Cumberland Police Benevolent Association for the period of July 1, 2011 to June 30, 2014.**

Town Manager Shane explained that the Police Union and their representative had planned to meet and review the contract by the end of last week, but that did not happen. We hope that they will be ready for the October 24<sup>th</sup> Council meeting.

Public discussion: none

Motion by Councilor Copp, seconded by Councilor Gruber, to table this item to October 24, 2011.

VOTE: 7-0 UNANIMOUS PASSAGE

**11 – 162 To hold a Public Hearing to consider and act on junkyard/recycler permit renewal for Cumberland Salvage for the period of October 1, 2011 – September 30, 2012.**

Town Manager Shane explained that this is an annual permit and staff is recommending approval.

Public discussion: none

Motion by Councilor Stiles, seconded by Councilor Gruber, to approve the junkyard/recycler permit renewal for Cumberland Salvage for the period of October 1, 2011 – September 30, 2012.

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

**11 – 163 To hold a Public Hearing to consider and act on the rezoning of the Drowne Road School property from Rural Residential One (RR1) to Village Mixed Use (VMU) zone, as recommended by the Planning Board.**

Town Manager Shane explained that the Drowne Road School, Town Hall, and the Town Forest all sit on the same lot of land that is in the Rural Residential One (RR1) District. In order to lessen the amount of acreage that needs to be dedicated to the Drowne Road School conversion project (into 38 units of senior housing), staff has worked with the Planning Board to determine that the Drowne Road School property, plus approximately 7.5 acres be connected to the Village Mixed Use zone. By doing this, it will give the project all the acreage that it needs to be a permitted use in that zone. Had it been left in the RR1 zone, it would have required 36 acres be dedicated to the project. This change is administrative in nature and the Manager is hopeful that this zone change will be approved this evening.

Public discussion: none

Motion by Councilor Turner, seconded by Councilor Gruber, to amend the Cumberland Zoning map to rezone 7.5 acres of the Drowne Road School property from Rural Residential One (RR1) to Village Mixed Use (VMU) zone, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS PASSAGE

**11 – 164 To hold a Public Hearing to consider and act on a property tax abatement request for property identified as Map R04/Lot 32B.**

Town Manager Shane explained that he met with the property owner who felt that the parcel was being taxed at a high level for farmland. The landowner met with the Tax Assessor and it was discovered that approximately 5 acres of the parcel was held out as a single family house lot in error. The Assessor made the correction on the tax card and was able to abate the taxes for the present tax year, but tax abatements on previous tax years (up to 2 years) requires Council action. The Assessor is not recommending an abatement for the past 2 years because the adjustment made was based on a review of the property valuation, not an error in assessment. He also feels that any property owner has a responsibility to review their tax bill and this error had been in place since 2005. Town Manager Shane said that he has a different opinion than the Assessor. He recommends an abatement of 2010 (\$2,208.69) & 2011 (\$2,322.54) tax years.

Public discussion: Kay Fowler, the owner of the property, said that there was one 5-acre lot that was “cut off” from their farmland by the railroad tracks. They kept this lot as a residential lot and it was not part of the farm. In 2004, that lot was transferred to her daughter’s name. She suspects that this may be when the Assessor at that time made the mistake and she had no knowledge of it.

Motion by Councilor Copp, seconded by Councilor Storey-King, to approve the property tax abatement request for property identified as Map R04/Lot 32B for FY’10 in the amount of \$2,208.69 and for FY’11 in the amount of \$2,322.54.

VOTE: 7-0

UNANIMOUS PASSAGE

**11 – 165 To hold a Public Hearing to consider and adopt the MMA Model General Assistance Ordinance and Appendixes A-C for the period of October 1, 2011 - October 1, 2012.**

Town Manager Shane explained that the General Assistance Ordinance is renewed annually and he recommended that this be adopted this evening.

Public discussion: None

Motion by Councilor Moriarty, seconded by Councilor Gruber, to adopt the MMA Model General Assistance Ordinance and Appendixes A-C for the period of October 1, 2011 - October 1, 2012.

VOTE: 7-0

UNANIMOUS PASSAGE

**11 – 166 To set a workshop and Public Hearing date of October 24<sup>th</sup> to discuss railroad quiet zones on Muirfield, Longwoods, Greely and Tuttle Roads.**

Chairman Perfetti explained that this will be a one hour workshop to discuss railroad crossing options. There will be a Public Hearing during the regular Council meeting to allow the public the opportunity to speak to this item.

Motion by Councilor Stiles, seconded by Councilor Copp, to set a workshop and Public Hearing date of October 24<sup>th</sup> to discuss railroad quiet zones on Muirfield, Longwoods, Greely, and Tuttle Roads.

VOTE: 7-0

UNANIMOUS PASSAGE

**11 – 167 To hear a report from the Town Clerk re: election update.**

Town Clerk, Tammy O’Donnell said that she attended an election workshop recently and highlighted the following new laws:



- LD 1376 “An act to preserve the integrity of the voter registration process”
- Public Law 2011, c.40 “An act to prohibit the issuance of a duplicate absentee ballot under certain circumstances”
- Public Law 2011, c.342 “An act to amend the election laws and other related laws. Section 4 (Title 21-A §1.21) adds the year of birth to the list of data to be included on the incoming voting list used at the voting place to check in voters.
- Section 29 (Title 21-A § 753B) establishes new restrictions on absentee voting in the presence of the Municipal Clerk (this is a very big change for us – voting at Town Hall only).

## **VI. NEW BUSINESS**

**Councilor Turner** – has received some complaints from residents re: the corner of Tuttle Road and Route 88. He travels that road every day and it took some getting used to, but he feels it is much safer now.

**Councilor Copp** – reported to the Manager that there is a hole on the northbound side of Route 100 near Morrison’s Hill. It is very large and will likely cause an accident if not taken care of.

The mailboxes for Forest Lake residents that are on Blackstrap Road are being moved to Goose Pond Road. This is a huge improvement to traffic safety on Blackstrap Road.

**Councilor Storey-King** – in regard to the General Assistance Ordinance that was passed this evening, she has an issue with the fact that these types of ordinances are passed with county to county cost of living guidelines and differences. Some people who live on fixed incomes, such as Social Security, do not have adjustments in their income. She will follow up with Representative Burgess to attempt to get an explanation.

She was walking in Twin Brook recently and observed a busload of young runners from Bath being dropped off at Twin Brook. She was under the impression that the new athletic director would advise other directors around the state that Twin Brook is not a public practice facility. She feels that this needs to be addressed in the Twin Brook Policy by the committee.

**Councilor Moriarty** – the Manager and staff are aware of the issue at Twin Brook that Councilor Storey-King spoke of, and are working on finding a solution.

**Chairman Perfetti** – he and his family visited Douglas Mountain last weekend. There is no cost to use that facility and he noticed a box for donations. The Fort Williams area in Cape Elizabeth has also struggled with the issue to charge admission or not. He agreed that busing in teams from other towns for cross country practice is very different from general family use.

Councilor Gruber has expressed interest in serving on the M.S.A.D. 51 Strategic Thinking Committee. Chairman Perfetti appointed Councilor Gruber to serve on the committee.

**Councilor Stiles** – he had a great time at the fair this year with his pig club kids. The children involved in the pig races did very well.

**Councilor Gruber** – the Shellfish Conservation Commission will be working on a public outreach stenciling event on October 14<sup>th</sup>. Approximately 30 Environmental Science students will be stenciling storm drains on Route 88.

The Lands and Conservation Commission has been working on a Forest Management Plan for the Town Forest and may be ready to present it at the next Council meeting.

He attended the Employee Appreciation luncheon last week. Chairman Perfetti did a great job on his comments to the employees. Tammy O'Donnell did a great job planning the event and the employees really enjoyed it.

He attended the Jensen-Baird Municipal Client Seminar recently and found it very informative.

**Town Manager Shane** – approximately 2 weeks ago, the Towns of Cumberland, Falmouth, & Yarmouth held a joint meeting with Maine Gas to look at the possibility of expanding the gas main from the fairgrounds to Route One. The three Towns are looking at all the possibilities and there is still a lot more information to gather. So far, it looks like there would be significant savings to homeowners as well as to the Town and Schools.

There was a neighborhood meeting last week with the residents of True Spring Farms, Fox Ridge, and representatives from Maine Standards. Maine Standards explained the project to the neighbors. They are hopeful that they will be before the Planning Board by the first of next year to present their proposal for a 35-40,000 square foot biotech facility. This is a very exciting project for the Town.

## **VII. ADJOURNMENT**

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

VOTE: 7-0

UNANIMOUS PASSAGE

TIME: 8:05 p.m.

Respectfully submitted by,

Brenda Moore  
Council Secretary