

**MINUTES**  
Cumberland Town Council Meeting  
Town Council Chambers  
**MONDAY, October 24, 2011**

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

**I. CALL TO ORDER @ 5:30 P.M.**

**II. RECESS TO EXECUTIVE SESSION:** pursuant to 1 M.R.S.A., §405(6)(D) re: contract negotiations between the Town and the Cumberland Police Benevolent Association.

Motion by Councilor Stiles, seconded by Councilor Copp, to recess to Executive Session pursuant to 1 M.R.S.A., §405(6)(D) re: contract negotiations between the Town and the Cumberland Police Benevolent Association.

VOTE: 7-0

UNANIMOUS PASSAGE

TIME: 5:40 p.m.

Motion by Councilor Moriarty, seconded by Councilor Turner, to come out of Executive Session.

VOTE: 7-0

UNANIMOUS PASSAGE

TIME: 6:00 p.m.

**III. 6:00 P.M. WORKSHOP:** re: railroad quiet zones on Muirfield, Longwoods, Greely, and Tuttle Roads.

**IV. RECONVENE TO REGULAR SESSION @ 7:00 P.M.**

**V. APPROVAL OF MINUTES**

October 10, 2011

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

VOTE: 7-0

UNANIMOUS PASSAGE

**VI. MANAGER'S REPORT**

The Planning Board approved the Bateman project last week. The project includes the conversion of the Drowne Road School into 38 senior housing units. Bateman Partners is in the application process with Maine State Housing Authority and we are hopeful that by the end of the year, we will have positive news that this project has been funded. The other phase of the project that includes 58 houses on the Doane Property, is scheduled to begin in November.

The Planning Board has been very busy approving a lot of projects. Town Manager Shane said that he is very excited by the progress the Planning Board has made. If an applicant comes before the board with all their paperwork completed and are prepared, their application is approved the same night. This had never happened in the past. The Chairman, Chris Neagle has done a great job leading the charge and the other members have worked very well as a team. This speaks volumes to Cumberland's ability to be open for business and for people to come forward with projects.

The week of November 7<sup>th</sup> (Veterans Day week) the next phase of the Veterans Monument (the name stones) are scheduled to be set next to the main monument at Moss Side Cemetery. The names are scheduled to be engraved in time for Memorial Day 2012, but \$12-15,000 is still needed to be raised in order to fund this.

## **VII. PUBLIC DISCUSSION**

Robert Maloney, Blackstrap Road, thanked the Manager for getting the mailboxes moved from Blackstrap Road to Goose Pond Road. The new mailboxes look great and the safety hazard has been removed.

Town Manager Shane said that was a great effort by the association around the lake. The Town donated the land and graded the area so residents could get to their mail safely. Councilor Copp was also instrumental in getting this done by reminding the Manager often that if the mailboxes did not get moved, there would likely be a bad accident in that area.

Mr. Maloney said that he is concerned about speed on Goose Pond Road and would like the Town to consider installing rumble strips.

## **VIII. LEGISLATION AND POLICY**

### **11 – 168 To hold a Public Hearing to consider and act on railroad quiet zones on Muirfield, Longwoods, Greely and Tuttle Roads.**

Chairman Perfetti explained that the purpose of this item is a follow up by the Council as requested by residents. The Council directed the Manager to gather information pertaining to railroad quiet zones. The Manager organized a joint meeting with Falmouth that included a straightforward and honest presentation by the Federal Railroad Administration. Since that meeting, this is the first Town Council meeting that the entire Council is present and he wanted to be sure that the Council and the public had the opportunity to speak or ask questions pertaining to this issue.

Town Manager Shane presented the following re: railroad quiet zones:

#### **Railroad No Whistle Zones - Quiet Zones**

The Town Council has been asked by residents to consider petitioning the Federal Railroad Administration (FRA) for a Quiet Zone in Cumberland.

A Quiet Zone is an at grade crossing where trains are prohibited from blowing their horns as they approach and travel over a crossing within a public roadway.

1

#### **Railroad No Whistle Zones - Quiet Zones**

##### **FRA Statistics:**

- Train horn- ¼ mile from crossing or a maximum 20 second horn sounding
- Max 110 db and min 96 db sound level of horn
- 44% more accidents at crossings with whistle ban and gates than without a whistle ban in place.

2

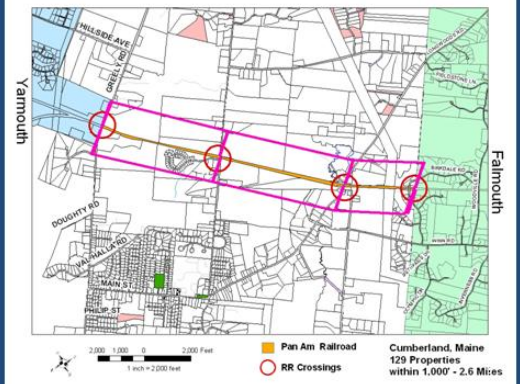
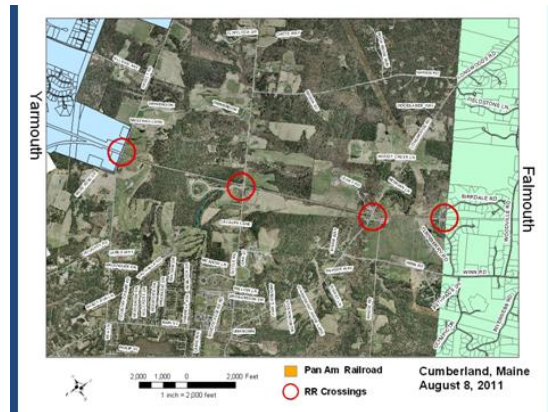
## Railroad No Whistle Zones - Quiet Zones

We have no recent (within 15 -20 years) accident data on accidents at any of our train crossings.

We have examined the possibilities of supplemental safety measures needed to qualify for a Quiet zone. Those measures are:

Quad Gates	\$150,000+
Wayside Horns	\$100,000 +
Channelization	\$ 40,000

3



Falmouth  
Country Club at  
Birkdale &  
Muirfield Rd

Private  
Crossing  
No Work Needed

6



Longwoods Road  
Near Corey &  
Cross Road  
Cumberland

7



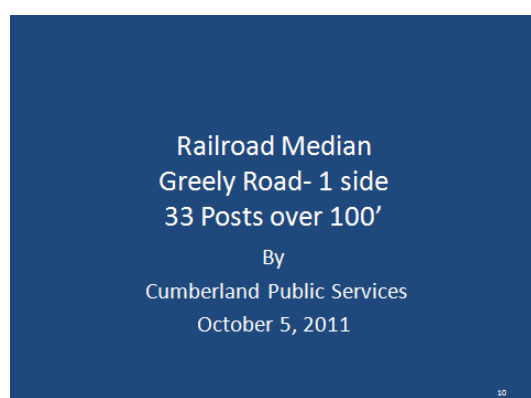
Tuttle Road  
At  
Crossing Brook Rd

8



Greely Road  
Spring Brook Farm  
&  
Twin Brook Park

9



Railroad Median  
Greely Road- 1 side  
33 Posts over 100'  
By  
Cumberland Public Services  
October 5, 2011

10





Manufactured barrier



Example of 100' barrier at Greely Road crossing



Greely Road is tight with barrier. Difficult for cyclist or pedestrian to maneuver safely.



Greely Road and Route 9 would require widening of shoulders if median barriers are installed.

### Railroad No Whistle Zones - Quiet Zones

The increase in safety is measured through a FRA Calculator that that uses a statistical formula to measure "risk". A SMALLER number translates to a safer crossing.

### Railroad No Whistle Zones - Quiet Zones

Avg of 3 Crossings	As Is	Train Horns	Chan.	Quiet Zone
Present Condition	18,506	8,600	4,627	3586
Present + 6 Trains	29,460	13,691	7,365	5709
Future + 45% more Traffic	34,307	17,910	8,579	7468

Today's NSRT = 14,007 a number that is adjusted annually

Remember the Quiet Zone is a much longer stretch of Railroad- Greely to Blackstrap (in Falmouth)

## Railroad No Whistle Zones - Quiet Zones

### Options for the Next Steps?

- Fund the cost of channelization in the FY 2013 (July 1, 2012) budget and send in the Notice of Intent to file for a Quiet Zone to the Federal Railroad Administration.
- Evaluate the noise impacts once the additional trains are implemented and reevaluate the need for channelization and a potential Quiet Zone request.
- Do nothing at this time.

11

Town Manager Shane said that he and the Falmouth Town Manager have talked at length about this type of channelization and the importance of keeping it consistent in both communities so people become familiar with them. It is estimated that each crossing would cost approximately \$40,000 (we have 3 crossings) to install this type of barrier.

Chairman Perfetti explained that the Council held an hour-long workshop on this topic this evening. He thanked his fellow Town Councilors for getting up to speed on this topic, and thanked the Manager and staff for the hours they spent researching information on this.

Chairman Perfetti opened the Public Hearing, noting that there were no members of the public present.

Public discussion: None

Motion by Councilor Turner, seconded by Councilor Gruber, to take no action on this item at this time.

VOTE: 7-0 UNANIMOUS PASSAGE

Councilor Stiles said that it is important for the public to know that the Council can take this up again at any time. This action is not a “drop dead situation”.

Councilor Moriarty said that there is no timetable or deadline on this issue. This can be revisited at any time based on whatever the new reality will be if and when the passenger trains start running. There is no need to commit to this kind of spending at this point. The number of train crossings through Town per day will only increase by 6, but the increase in speed will change (60+ mph). Before it is decided to do away with train whistles, we have to experience trains traveling at that rate of speed through our Town. Councilor Moriarty said that he feels it is appropriate not to take action at this time.

Councilor Gruber said that we are still waiting to see what Falmouth decides to do with their crossings. He prefers to air on the side of safety and quiet zones concern him. In addition, there is still federal funding that has to be approved for the Downeaster that may not happen.

### **11 – 169 To hear a report from the Finance Committee re: 1<sup>st</sup> quarter financials.**

Councilor Stiles explained that the Finance Committee met with the Finance Director and received a pleasing report on the 1<sup>st</sup> quarter. If we can keep this trend going, we will have a banner year.

Finance Director, Alex Kimball presented the following slides for the Council:

# Fiscal Year 2011-12 1<sup>st</sup> Quarter Budget Report

Town of Cumberland		Year To Date Expenses		
Through September 30, 2011				
Department	Budget	2011-12 YTD Expenses	Used	2010-11 Used
General Administration	\$ 1,018,843	\$ 323,662	31.8%	29.7%
Public Safety	\$ 1,865,778	\$ 467,091	25.0%	27.4%
Public Works	\$ 1,557,165	\$ 331,532	21.3%	21.1%
Parks & Recreation	\$ 658,242	\$ 226,412	34.4%	44.5%
Library	\$ 363,875	\$ 84,601	23.3%	25.8%
Other Expenses	\$ 351,355	\$ 89,978	25.6%	29.0%
<b>Controllable Expense Total</b>	<b>\$ 5,015,258</b>	<b>\$ 1,523,276</b>	<b>26.2%</b>	<b>27.9%</b>
Other Expenses		Budget	YTD Expenses	Used
MSAD #51	\$ 12,354,475	\$ 3,084,341	25.0%	25.0%
Debt Service	\$ 951,583	\$ 304,538	32.0%	27.2%
County Tax	\$ 601,242	\$ 601,242	100.0%	100.0%
Capital Imp. Plan	\$ 333,485	\$ 333,485	100.0%	100.0%
Insurance	\$ 263,275	\$ 155,869	59.2%	47.8%
<b>Other Expense Total</b>	<b>\$ 14,504,060</b>	<b>\$ 4,479,475</b>	<b>30.9%</b>	<b>30.5%</b>
<b>All Expenses Total</b>	<b>\$ 20,319,318</b>	<b>\$ 6,002,751</b>	<b>29.5%</b>	<b>29.8%</b>

## Revenues Through 9/30/11

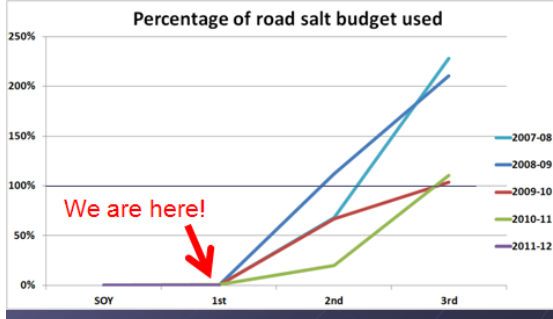
Description	Budget	2011-2012 Actual	Percent Collected	2010-11 %
Misc Revenues	\$ 2,401,116	\$ 639,542	26.6%	25%
Dept Revenues	\$ 1,061,300	\$ 168,241	15.9%	13%
<b>Total Revenues</b>	<b>\$ 3,462,416</b>	<b>\$ 807,783</b>	<b>23.3%</b>	<b>21%</b>

Selected Revenue Lines	Budget	Actual	%	10-11
Excise Tax	\$ 1,330,446	\$ 390,200	29%	30%
State Revenue Sharing	\$ 550,000	\$ 146,707	27%	27%
Bags/Universal Waste	\$ 300,000	\$ 22,045	7%	5%
Fall Recreation Revenue	\$ 44,103	\$ 29,314	66%	73%
After School Programs	\$ -	\$ 14,967	N/A	N/A

## This year versus last year

	1st Quarter		Year End	
	2011-12	2010-11	2011-12	2010-11
Revenues	23.3%	21.0%	??	101.0%
Expenses	29.5%	29.8%	??	100.2%

## Don't Celebrate Yet



**11 – 170 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 said that Police Department contract negotiations have been going on for approximately 15 months, have been very constructive with the common goal of getting to a positive place. There was give and take on both parts. The Manager credited HR Director, Alyssa Daniels for her hard work on the contract. We are very proud of the police officers that we employ and for the lowest crime rate in all of Cumberland County. The Manager said that he feels that this is a very fair contract and he is recommending approval this evening.

Public discussion: None

Motion by Councilor Stiles, seconded by Councilor Storey-King, 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.

VOTE: 7-0

UNANIMOUS PASSAGE

**11 – 171 To authorize the award of bid to CLH & Sons, Inc. for the re-lining of culverts on Val Halla Road.**

Town Manager Shane said that this is an emergency, un-budgeted project. It was discovered that two culverts on Val Halla Road have failed and are very close to collapsing. We have the ability (while there is still some life left in the culverts) to slide a smaller pipe in to line those culverts and get them functioning again. The recommendation is to fund up to \$75,000 for this repair. The contract is written for \$65,000 and the remaining \$10,000 is for contingency. It is recommended that the funds be taken from the Road Reserve Fund and making it up by the end of the year or use end of year fund balance to fund the project.

Motion by Councilor Stiles, seconded by Councilor Gruber, to authorize the award of bid to CLH & Sons, Inc. for the re-lining of culverts on Val Halla Road.

VOTE: 7-0

UNANIMOUS PASSAGE

**11 – 172 To proclaim the week of October 30<sup>th</sup> through November 5<sup>th</sup>, 2011 to be Childhood Cancer Awareness Week in the Town of Cumberland.**

Councilor Storey-King read the following proclamation:

*WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among children in the United States. This tragic disease is detected in nearly 15,000 of our nation's young people each and every year; and*

*WHEREAS, founded nearly twenty years ago by Steven Firestein, a member of the philanthropic Max Factor family, the American Cancer Fund for Children, Inc. and sister organization, Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and*

*WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at The Barbara Bush Children's Hospital at Maine Medical Center: Department of Pediatrics; Division of Hematology/Oncology in Portland, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and*

*WHEREAS, through its uniquely sensitive and comforting Magical Caps for Kids program, the American Cancer Fund for Children and Kids Cancer Connection distributes thousands of beautifully handmade caps and decorated baseball caps to children who want to protect their heads following the trauma of chemotherapy, surgery and/or radiation treatments; and*

*WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor nationwide Courageous Kid recognition award ceremonies and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.*



*Now therefore, we, the Cumberland Town Council do hereby proclaim the week of October 30 through November 5, 2011 to be Childhood Cancer Awareness Week in the Town of Cumberland, Maine.*

Motion by Councilor Storey-King, seconded by Councilor Stiles, to proclaim the week of October 30<sup>th</sup> through November 5<sup>th</sup>, 2011 to be Childhood Cancer Awareness Week in the Town of Cumberland.

VOTE: 7-0

UNANIMOUS PASSAGE

## **IX. NEW BUSINESS**

**Councilor Turner** – he feels that there are residents around town who are aware of the parameters around bulky waste pick up week, and still put item curbside (that would fit into a town trash bag) thinking that someone will take it. Until Pine Tree Waste refuses to take the extra items, we will continue to have this problem. If it fits in a trash bag, it should not be on the side of the road during bulky waste pick up week.

**Councilor Copp** – he attended a meeting last week with the Moonlight Snow Skimmers and CMP regarding a power line in North Yarmouth that was closed to snowmobiles. It was a connector trail that connected Cumberland and North Yarmouth to miles of trails. It was a positive, well attended meeting.

Greely Varsity Girls Volleyball finished the season 14-0 and are headed to the State Championship. Good luck to them.

**Councilor Storey-King** – Shellfish license holders received postcards letting them know that the clam flats are reopening from November 1<sup>st</sup> – December 31<sup>st</sup>. Licenses that were to expire on May 31<sup>st</sup> of this year will be valid until December 31<sup>st</sup> because of the temporary closure.

She has received a lot of questions about what is going at the former Dr. Hanson property. The building behind the main house has been torn down and will be rebuilt in a more stable and similar fashion.

A lot of people have also noticed the small red flags in the cemetery on the corner of Tuttle Road and Main Street. The flags are markers for potential available plots or plots that have no burial record.

The repair of Middle Road should be on the radar. It's full of dips and bumps and is falling apart. Anyone driving fast is at risk of going off the road or hitting something.

**Councilor Moriarty** – Councilors Turner, Stiles, and he make up the Cumberland delegation to the Joint Standing Committee with North Yarmouth. The committee started meeting in July and have had several monthly meetings, discussing primarily Recreation and Library services. There was a very successful meeting last Wednesday, the result of which is that North Yarmouth appears to be very interested in entering into a longer term contract (2-3 years) with Cumberland for Recreation and Library services. All the meetings were very positive and the committee will meet quarterly going forward.

**Chairman Perfetti** – referred to the following notice of Veterans events sponsored by Anderson-Mayberry Post #91 of the American Legion:



**SUPPORT FOR VETERANS NEEDED: WWII VETERANS  
TURKEY DRIVE  
BLUE STAR PROGRAM**

Anderson-Mayberry Post #91 of the American Legion in Yarmouth would like to bring three fall events to the attention of Cumberland, North Yarmouth and Yarmouth residents.

**FRIDAY, NOVEMBER 11, 2011 – VETERANS DAY**

We would like to recognize and honor all WWII veterans living in our towns. In addition to members of the Legion, AMVETS Post #2 and Veterans of Foreign Wars Post #10529, those knowing of other WWII vets should contact Carey Trimble at 846-9347.

**TUESDAY, NOVEMBER 22, 2011 – TURKEY DRIVE**

Each year the three posts have cooperated to collect donated turkeys to deliver to the Wayside Rescue Mission and Soup Kitchen in Portland before Thanksgiving. Last year over 65 turkeys and \$1,000 cash were donated. This year please bring your frozen turkeys or donations to the Yarmouth Hannaford parking lot between 9-11 AM on Tuesday, November 22<sup>nd</sup>.

**TUESDAY, DECEMBER 6, 2011 – BLUE STAR PROGRAM**

With the assistance of the Towns of Cumberland, North Yarmouth and Yarmouth, Post 91 wants to honor families with someone serving on active duty. Each family will be presented with a Blue Star Banner to recognize their serviceman or woman. Last year 11 area families were honored. Please call Bert Kendall at 829-8184 if you know of a Blue Star family and their service member.

**THANK YOU FOR SUPPORTING OUR VETERANS AND ACTIVE DUTY SERVICE MEMBERS AND FAMILIES!**

AMERICAN LEGION, POST 91, YARMOUTH  
AMVETS Post #2  
VFW POST 10529

**Councilor Stiles** – he reminded residents that archery hunting season has begun and firearm hunting will begin soon. Please be careful if walking in the woods.

There appears to be a lot of speeding around town lately. He requested that residents be mindful of their speed when driving around town.

**Councilor Gruber** – The Lands and Conservation Commission continues to struggle with recruiting new members. If any resident would like to join the commission, they can contact Brenda Moore at Town Hall.

He was appointed at the last Council meeting to represent the Town Council on the M.S.A.D. 51 Cumberland/North Yarmouth Strategic Thinking and Planning Committee. The committee will be meeting over the course of the next 6 months. The charge of the committee is to answer two critical questions related to preparing M.S.A.D. 51 students with the knowledge and skills necessary to meet the educational challenges of the 21<sup>st</sup> century.

**Town Manager Shane** – in the coming weeks, the Veterans names that have been collected for the Veterans Monument will be published in the Forecaster for the public to review for accuracy.  
The Cumberland Farmers Club will be hosting a community day in May to raise funds for the Barbara Bush Wing at Maine Medical Center and Camp Sunshine.

**X. ADJOURNMENT**

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

VOTE: 7-0 UNANIMOUS

TIME: 8:12 p.m.

Respectfully submitted by,

Brenda Moore  
Council Secretary