

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, November 24, 2014

6:40 Finance Committee Meeting re: Review of Road Acceptance of Bud's Trail and Rooster Ridge

7:00 P.M. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Bingham, seconded by Councilor Stiles, to accept the November 10, 2014 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

Chairman Gruber announced that there was an Executive Session scheduled this evening that has been cancelled.

II. MANAGER'S REPORT

Town Manager Shane announced that he would like to allow public comment during Manager's Report this evening to allow those affected by the recent developments in the natural gas project and the sudden closing of Dave Ireland Builders. This is an extremely unfortunate event and the Police Chief is present with some information.

Police Chief Charron reported that the Police Department has been in touch with the Attorney General's Office and they advised the Chief that they had more than 10 complaints against Dave Ireland Builders as of this morning (deposits given with no work done). Those who feel that theft has occurred should contact the Fraud Division of the Attorney General's Office and a report should be given to the Cumberland Police Department as well. All forms can be found on the Town's website.

Mike Duguay of Summit Natural Gas said that Summit had only heard about this situation late Thursday evening. Summit has also reached out to the Attorney General and is speaking to them daily. He also reiterated that anyone affected should contact the Police Department and the Attorney General's Office. Because Dave Ireland is an independent contractor, Summit does not have a list of which residents are using what contractor in their individual gas conversions. Mr. Duguay encouraged anyone who had work done by Mr. Ireland or was in the process of having work done, to contact Summit at 621-8000. A group of contractors who work with Summit have reached out and understand the situation that these people are in and they may have a different margin in which to work, and would like to review the information that people have to determine if they are able to help them.

Councilor Edes asked Mr. Duguay to explain the relationship that Summit has with Dave Ireland Builders.

Mr. Duguay said that Summit does not have a relationship with Dave Ireland Builders. He is an independent contractor.

Councilor Edes referred to a flyer that said Dave Ireland Builders and Summit Natural Gas are “Partners in Energy Efficiency” and wondered if “Summit’s fingerprints” are on any of Mr. Ireland’s issues.

Mr. Duguay reiterated that Summit is not affiliated with Dave Ireland Builders.

Dave Ginsberg of 268 Main Street spoke to Mr. Duguay saying that everyone who has been fleeced by Mr. Ireland probably does not have an extra \$2,500 to start the conversion process all over again. He also referred to the flyer that was in the Summit information packet, showing hands’ shaking, which to him refers to a partnership between Mr. Ireland and Summit. He is now out \$2,500 and is very upset. He has already contacted the AG’s office as well as the PUC. Mr. Ginsberg said that he feels that Summit is responsible for this as they were clearly pushing advertisements and propaganda endorsing Dave Ireland Builders. He feels that Summit should be reimbursing all those customers who were taken advantage of.

Dave Goldman of Crossing Brook Road said that he attended a meeting at Town Hall with Summit Natural Gas and he was also given a brochure from Summit with literature listing Dave Ireland as one of the approved vendors. Since Mr. Ireland was doing a lot of work in his neighborhood, they contacted him, and gave him a check for \$2,500 as a deposit. After many postponements by Mr. Ireland’s office to do their conversion, they learned last week that he had gone out of business. Since Mr. Goldman is an attorney, he filed a lawsuit for himself. He also feels that Summit should try to do something to help all those affected.

Mary Cusick, who traveled here from Gardiner, said that she met with Summit representatives last January and had intended to use a local contractor. Her sales representative from Summit said that Summit recommends that she use Dave Ireland Builders because they are the largest contractor, are familiar with the rebate system, and that Summit has done a lot of work with them. She was led to believe that Dave Ireland Builders were the experts, and she wanted to work with the experts because gas was going into her mother’s house. She began having trouble reaching Dave Ireland Builders in November and lost her \$3,275 deposit.

Town Manager Shane said that John Napolitano, Business Manager for the United Plumbers Union, has advised him that they are in discussions to determine how their contractors can work with those residents that were impacted by this situation. We should have a proposal by Monday, which will be posted on the Town website. It’s nice to hear that contractors who are doing the work are reaching out and understand the impact. It is very frustrating how one person can set this whole project back. These are going to be lifetime customers for Summit and he hopes they can figure out how to make this right for those affected.

Councilor Copp said Summit has the power to make this right and encouraged Mr. Duguay to go back to Summit, talk to them and figure out a way to make this right for all the people affected. Unless they do, he will not become a customer of Summit.

Chairman Gruber said that the Town went into a relationship with Summit Natural Gas and the Council has its fingerprints on the project. He said that Summit has to make this right.

Jim Marcisso, part owner of Pine State Services said that he believes that the popularity of Dave Ireland is due to the fact that he was low priced contractor, and being new to this field, he likely did not realize what it would cost to safely and professionally install these systems. Perhaps 20 installations in, he then realized that he underbid these projects and decided to pull the plug. He urged the community not to choose the lowest bid contract for their conversion. The only thing that could make this situation worse would be a safety disaster.

Alice Ames a Cumberland resident and Executive Director of the Maine Association of Plumbing, Heating and Cooling Contractors said that she would be able to assist in recommending contractors who have been in business for a number of years and who have a lot of experience in gas conversions.

III. PUBLIC DISCUSSION

Jean Gribbin of Longwoods Road said that she understands that Justin Fletcher will be issued permits soon to develop his property on Harris Road. She is concerned because he plans to build homes on a site that is a DEP contaminated water area. If Mr. Fletcher digs a well and disrupts the aquifer, it is a possibility that he will contaminate more wells.

Town Manager Shane said that he was shocked that none of the Harris Road neighborhood had any knowledge of this because of the majority of the neighborhood who opposed the connection of Harris Road to Route 9. It most certainly would have come up then. The Town does not regulate everything. The DEP regulates water issues. The Town has no records of anything going on in that area. He spoke to the DEP today and they sent him a hand drawn sketch depicting the affected area. He advised the DEP that prior to the construction of the connector road, the Town will require well testing. This is consistent with any major road project. The DEP recommended that we also test for VOC's (volatile organic compounds). He will continue to work with the DEP to attempt to get more information, but this may not be a matter that the Town will be involved in. It may be a civil matter between neighbors. Mr. Shane said that he will confer with the Town Attorney to see what can be done, if anything.

IV. LEGISLATION AND POLICY

14 – 172 To hold a Public Hearing to consider and act on the road acceptance of Bud's Trail and Rooster Ridge Road.

Town Manager Shane said that the Finance Committee has met and reviewed the criteria in the Road Acceptance Ordinance. They are recommending acceptance.

Chairman Gruber opened the Public Hearing.

Public discussion: none

Chairman Gruber closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Edes, to accept as a town road "Bud's Trail" generally described as 1150' in length by 50' in width and "Rooster Ridge" generally described as 275' in length by 50' in width and more specifically described in a deed from Walnut Hill Investments, LLC of Cumberland, Maine, dated November 2014, being the parcel identified as "Morrison's Hill Neighborhood" shown and laid out on a plan of Morrison's Hill Neighborhood prepared by Gorrill Palmer Engineers, Inc. and further accept those related easements required by the road acceptance ordinance and described in a deed from Walnut Hill Investments, LLC, of Cumberland, Maine dated November 2014.

VOTE: 7-0 UNANIMOUS

14 – 173 To appoint Tamara O'Donnell as Registrar of Voters from January 1, 2015 through December 31, 2016.

Motion by Councilor Bingham, seconded by Councilor Turner, to appoint Tamara O'Donnell as Registrar of Voters from January 1, 2015 through December 31, 2016.

VOTE: 7-0 UNANIMOUS

14 – 174 Discussion re: Town owned properties and to set a date of December 22nd for a Public Hearing.

Town Manager Shane explained that the Town Council held a site walk on Greely Road Extension and Range Way Town owned properties and staff is now looking for some direction. Easements across private properties will have to be obtained in order to connect trails.

Councilor Bingham thanked the neighbors for showing the Council the property. It is amazing what is there and it would be a great resource for the entire Town to enjoy.

Councilor Storey-King said that during the site walk she noticed that there were deer fences on Town owned property. She has concerns about the deer population and people hunting too close to the residences.

Councilor Stiles said this is a beautiful area and will be a great place for everyone to enjoy. Anyone hunting in the area is required to stay 100 yards away from any homes.

Brad Hilton of Blanchard Road said that for many years the citizens have made and maintained trails for the public to enjoy. He feels it is unfair if the Town does not take some action with Town owned property such as this. He suggested that the Town make a resolution that says leave the land as it is. He does not see any need for easements.

Town Manager Shane said that the easements take the liability away from the property owners. That is important.

Motion by Councilor Bingham, seconded by Councilor Turner, to set a Public Hearing date of December 22nd to consider and act on next steps for Town owned properties.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Copp – a year ago, he felt that the Town owned land that we just discussed should be sold. Since taking the site walk, he has changed his mind. There is not a huge tax value, but a great value to the entire Town if we keep it.

Councilor Storey-King – she is thankful for working in the schools and serving the community this Thanksgiving.

Councilor Edes – he agreed with Councilor Copp that he always felt that the Town should sell the property in the Greely Road Extension/Cottage Farms Road. He will make it a point to walk the property and keep an open mind.

Happy Thanksgiving to everyone. We truly are blessed and our Town Council always tries to do what is in the best interest of everyone. He is very thankful to live in this community.

Councilor Bingham – Murray Boyce of North Yarmouth passed away recently. Murray was the timekeeper at the Greely soccer games and cross country meets. He has always been an avid supporter of our youth and a wonderful man.

He read a note that he received from a Greely Middle School student (and second grade buddy) who sent thank you notes to Veterans on Veterans Day. It really meant a lot to him.

Chairman Gruber – The Aging in Place Committee continues to meet. The committee recently appointed Peter O'Donnell as Chairman of the committee, and Teri Maloney-Kelly as Vice-Chair. This is a very hard working committee.

John Ferland will be stepping down from the Planning Board. He said that he has the deepest respect for John. He has served 2, 3-year terms and he will be difficult to replace.

Councilor Stiles – The Library Board met last week. Circulation and business at the library is up. The Board will be putting together a survey to see what the public wants in regard to programming.

He wished everybody a Happy Thanksgiving.

Councilor Turner – he would like to remind everyone that the majority of those involved in the natural gas project have worked diligently in trying to get the work done in a timely manner. As one of the victims of the Dave Ireland Builders “deposit scandal” he knows that there are other people filling the gap by minimizing the losses that people may be incurring.

Happy Thanksgiving to everyone.

Town Manager Shane – presented the following in regard to the Girl Scouts help with making Thanksgiving baskets for the Food Pantry, and the Middle School “Fill a Bus, Fill a Belly” food delivery to the Food Pantry:







Girl Scouts to the Rescue!
Thanksgiving 2014




Thank you !
 Boy Scouts – 12 Pies
 Girl Scouts Donated 50 Pies
 Cumberland - North Yarmouth
 Family Network
 Donated 50 Pies



Fill a Bus – Fill a Belly
Renee Dusch
Cumberland – North Yarmouth PTO

All Photographs by Jim Dusch





Thank you
Photographer Jim Dusch
Renee Dusch &
The Cumberland &
North Yarmouth PTO

Over 5,000 lbs. of FOOD!

VI. ADJOURNMENT

Motion by Councilor Bingham, seconded by Councilor Turner, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME: 9:16 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary