

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, December 28, 2015

6:00 P.M. WORKSHOP re: future addition to the Central Fire Station

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 Stiles, seconded by Councilor Turner, to accept the December 14, 2015 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Town Manager Shane said that he will hold his report until the New Business portion of the meeting.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

15 – 179 To hold a Public Hearing to consider and act on a request from the Moonlight Skimmers Snowmobile Club to allow access to the trails in the Town Forest for snowmobiling.

Shawn McBreairty of the Moonlight Skimmers Snowmobile Club presented the following:

**Town Forest Snowmobile Trail Proposal
Presentation to Cumberland Town
Council - 12/28/15**



Stewards of the local trails and landowners for 43 years

**Moonlite Sno-Skimmers, Cumberland and
North Yarmouth Snowmobile Club.**

- Active Club for 43 years, working to safely provide over 30 miles of multi-use trail access to Club Members, as well as benefiting non-members, dog walkers, snowshoers, cross country skiers, horse riders, mountain bikers, hikers and many other folks who are not members who use the private property where the trails are.
- Club has 25 or so Family and Business Members (\$33, \$43), ½ dozen or so of whom dedicate hours and hours each pre-season and during the short winter weeks for trail access, putting up and taking down nearly 300 trail signs, working with landowners, re-routing trails, administrative efforts, grooming, brush & tree cutting, etc.
 - 200+/- sleds registered in both towns, so a little more than 10% are members. Similar rates to other towns and Clubs.
- We have one of the most difficult trail areas to maintain in the State, given the amount of new housing and re-routes that occur.



Highlights:

- These new multi-use trails intersect 3x with the "old" snowmobile trail.
 - These intersections may cause a safety issue. Both from going from soft ground to raised, hard pack trail crossings for the snowmobilers and potentially an intersection issue for walkers, skiers, etc.
- The beginning of the new multi-use trailhead at Drowne Road is on the snowmobile trail which may be the future location of the "Club House" where the grooming sleds, signs and equipment are kept.
- This trail provides access to Tuttle Road, Val Halla, Rachel's, etc.
 - Kids used to run the railroad tracks, prior to the Club re-opening the Tuttle Road crossing last year with Lonnie Allen and Rick Doane, after nearly 10 years of closure.
- This system also provides access to Route 9, Irving, Turkey Lane, Range Road and Falmouth currently over the "Bateman Trail".
 - Bateman "cut" a trail for us, but it's bumpy, stumpy and there are multiple drainage trail crossing issues from Drowne Road runoff.
 - "Beaver Bridge" to Route 9/Irving Trail was just re-routed this fall on the other side of Kim Waite's gray house on Route 9, due to the new "blue" house built in the field where the snowmobile trail used to run near the horse fence.

Current status of the old snowmobile trail – Poor



12/2/15 1.5 hour meeting with L&CC
Town Councilor Thomas Gruber and Town Councilor Peter Bingham in attendance.

Concerns from L&CC:

- 1) **Pedestrian Safety** – We travel and maintain over 30 miles of multi-use trails in Cumberland and North Yarmouth each winter with zero issues. (Biggest potential issues are dogs off leash.) It's an 8-10 week situation to work together on.
- 2) **Speed** – There isn't a straight-away on the "outer loop" trail for more than 50-100'. This will reduce speed greatly from snowmobiles. I'd estimate 25 mph as top possible speed. "Reasonable and prudent" for the conditions is the Maine Law. There is no speed limit we can enforce, but will properly sign and promote.
- 3) **Request to use aluminum nails for proper signs** – Not a problem.
- 4) **Noise/Change in "experience"** - (1) Every snowmobile manufactured after February 1, 1975...in this State must be constructed to limit total vehicle noise to not more than 78 decibels of sound pressure level at 50 feet... Other common decibel levels: City traffic (80), Vacuum Cleaner (80), Lawn Mower (90), Chain Saw (110). Snowmobiles currently use the Town Forest area. Never had a dog walker complain about their experience being ruined while walking on the trails we maintain.
- 5) **High School Ski Team usage** – They still have the use of Twin Brooks as primary (also no snowmobiling in Twin Brooks).



Proposal:

- Asking to use roughly .70 miles of the "outer loop" Town Forest Trail for seasonal, shared use with snowmobiles.
 - Similar to our partnership over in the Rines Forest.
 - This loop would be from M3ish on the Town map, around the outer loop, to M11 and down to Drown Road.
 - It could make sense to extend all the way over to the Town Hall parking lot as a "park and ride" or, for winter emergency access.
- We would also propose a new 100' connection from the Outer Loop, over to the "Beaver Bridge" and Route 9/ Irving Station trail (eventually ends up on private property).
 - This would eliminate the "Bateman Trail" located directly behind the Drown Road houses.
 - Request that the Town cover the cost to backfill with dirt and possibly extend that dirt to the town line of the trail toward the "Beaver Bridge".
- The inside loop would be signed as "No Snowmobiling" and be pedestrian only, etc. (M11-M16) and has similar mileage of the outer loop for walkers and skiers.
- We would ask the Town to put a 8' wide bridge across the open pipe culvert near M3, where the "Logging Road" trail hooks into the system.
- Ability for the Club to groom and pack the outer trail during the winter and provide easier access to groom over to Route 9, Irving, Turkey Lane and the Falmouth line on the other side of Range Road and also groom over to Tuttle, Val Halla, Greely Road, the pole line, etc.
 - This would provide a hard base for skiers, snow shoers or, walkers.
 - We would request that the "pole" and "bucket" be submerged (at each end?)



Other needs that should also be addressed



Next Steps:

- Request Town Council acceptance and support of proposal to continue and maintain our partnership across all trails.
- Club to sign the trails properly, affixing permanent signs to the trees on the Outer Loop, with wood backing and aluminum nails.
- Request the Town to backfill sand/gravel across the 100' "crossover" to the "Beaver Bridge" Trail and extend, if applicable, to property line, with a sign like in Rines Forest.
- Request the Town cover the open pipe/culvert from "Tuttle Road" trail to Outer Loop with an 8' wide bridge that will support snowmobiles and groomers.
- Educate our Members on the changes, promote via Facebook page (nearly 300 viewers), discuss at Club Meetings (1st and 3rd Wednesdays at Toddy Brook).
- Be responsible Stewards of the Town Forest, assisting in cutting downed trees, grooming the outer loop trail, assisting with maintenance as needed, etc.
- Future partnerships for Town trail use, changes, etc.? Support of 102 CMP pole line re-opening. Back corner trail behind mulch piles moved to allow access (Chris Buldock).

Snowmobile related accidents in Maine 2014

There were 28,896 traffic crashes on Maine public roads: 44,426 vehicles 62,130 vehicle occupants (drivers and passengers) 287 pedestrians 206 bicycles 28 ATVs 11 snowmobiles – 2014 Maine Highway Safety Facts

<http://www.themtsc.org/publications/databook/maine-highway-safety-facts.pdf>

<http://www.maineinjurylawyerblog.com/category/snowmobile-accidents>

<http://www.mesnow.com/pdfs/2015Guide.pdf>

Six fatal snowmobile crashes occurred during the 2013-2014 riding season, which is Nov. 30, 2013 to April 30, 2014: Jan. 31, Byron; Feb. 1, Dixfield (on public way so Maine State Police investigated); Feb. 23, Farmington; March 4, Dover-Foxcroft; March 7, New Portland (on a public way so Somerset County S.O. investigated); March 22, Hemen.

<http://www.dailybulldog.com/db/features/new-snowmobile-safety-campaign-unveiled/>

Last season, there were 177 snowmobile crashes in Maine. Six of these were fatal. According to the Maine Warden Service, the most common reasons for these crashes are speed, driving beyond one's ability, and driving outside the distance of people's headlights at night.

<http://www.maineinjurylawyerblog.com/2015/01/snowmobile-season-in-maine.html>

Chairman Bingham opened the Public Hearing.

Sam York, Chairman of the Lands & Conservation Commission said that the Commission met with the Snowmobile Club in November and had a very open and frank discussion about the use of the trails. The Commission recognizes that the Snowmobile Club will do what they agree to and will respect whatever rules are

put in place. This does not prevent those snowmobilers who are not members of the club to use it and not follow the same rules that might be put in place to protect the trails. The Lands & Conservation Commission does not recommend allowing this to take place at this point. We have a large population of people now using the new trails, and we do not know what the usage will be this winter. This is a safety issue and we want time to find out who is going to use the trails.

Brad Hilton of Blanchard Road said that he looks at the Town Forest trails as pedestrian trails. The existing snowmobile trail was infrequently used. He wants to see what pedestrian traffic the trails will get this winter before we allow the snowmobiles to use the trails.

Chris Neagle of Orchard Road said that he has some history with the Snowmobile Club and found that they are a good group, and thinks that snowmobiling is a wonderful activity. He enjoys Nordic skiing on snowmobile trails.

Chris Yale of Willow Lane said that the existing snowmobile trail is very wet and rutty and hard to maneuver. He agreed that you cannot police everybody on a snowmobile, but most are very respectful and will respect the trail and pedestrians.

Chairman Bingham closed the Public Hearing.

Councilor Edes said that he thinks this is a good idea and likes to include everyone in Town to be able to use the trails, including the snowmobilers. He is in favor of this and thinks that the Snowmobile Club does a great job.

Councilor Gruber said the Lands & Conservation Commission works very hard and have put a lot of sweat equity into these trails. He feels that waiting for a year to see who will use the trails this winter is a good idea.

Councilor Turner said that he agrees with Councilor Edes about being inclusive of everybody, but we also have to think about those who will not use the trails because snowmobilers are allowed there. Committees work very hard and when they come up with a recommendation they do not do it lightly. He is not inclined to vote differently than the Lands & Conservation Commission's recommendation.

Councilor Storey-King said that she personally does not like snowmobiles, but she likes snowmobile trails for skiing. The Snowmobile Club puts in many hours of work on trails throughout the entire town, which a lot of people use. This is difficult because we have two well-meaning groups looking to make the town a better place to live. We may get more users in the Town Forest due to the snowmobile tracks. She is going to support this and wants to monitor how it goes this year.

Councilor Copp said the Snowmobile Club is here asking for permission, not forgiveness and he admires that. Even if we do not allow them to use the outer loop, they will still intersect in 2 different spots on the trails. The Town is not going to police this, the Snowmobile Club will. They have always been good stewards of the community. He is willing to give them a chance and see what happens.

Councilor Stiles said the snowmobiles will only be using a small part of the trail system and he likes to see the residents get the most use out of Town owned property as possible. He feels that the snowmobiler's will be cautious of pedestrian traffic and he willing to support this and see how it goes.

Chairman Bingham said that he is on those trails about 5 times per week. There are very few straight stretches that would allow for a snowmobile to get up to speed and the trail is very highly visible in the winter. The trails are also wide enough for a snowmobile to pass a skier or someone snowshoeing. All those things being said, he would like to try it for a year and see how it goes. He is going to be out there quite a bit and can report what he is seeing back to the Council.

Motion by Councilor Copp, seconded by Councilor Stiles, to authorize the Moonlite Sno-Skimmers Snowmobile Club limited access in the Town Forest on the trails approved by the Town Council. All access will be discontinued once there is an inadequate amount of snow on any of the approved trails.

VOTE: 5-2 (Gruber & Turner opposed) MOTION PASSES

15 – 180 To authorize the Town Manager to accept a gift of 7.9 acres of land and to authorize the execution of a gift letter on the Town's behalf in the amount of \$47,400.

Town Manager Shane explained that there has been a change in plans and the owners are hoping to list the property in the New Year. He is recommending tabling this item.

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

VOTE: 7-0 UNANIMOUS

15 – 181 To hold a Public Hearing to consider and act on amendments to Chapter 200 (Roads and Public Property), Section 2 (Animals at large) of the Cumberland Code (dogs at the Broad Cove Reserve), as recommended by the Ordinance Committee.

Town Manger Shane explained that as part of the Management Plan of the property, the Ocean Access Committee recommended no dogs be allowed on the property. The problem becomes if someone is living in the cottage or the mansion and has a dog, they would have to drive their dog out to Route 88 in order to walk it. The Manager went back to the Ocean Access Committee and asked them to consider allowing leashed dogs only from the gate to Route 88. The Ocean Access Committee did not agree and voted to keep their recommendation as is. The Ordinance Committee met to discuss this and agreed that from the gate, east there would be no dogs allowed and from the gate, back to Route 88, dogs would be required to be on a leash. Without this being codified as an ordinance, it cannot be enforced.

Councilor Turner said that as an added use to the property, he is in favor of this. He likes adding as much as we can there and still keep dogs 200 feet away from the beach.

Chairman Bingham opened the Public Hearing.

Public discussion: none

Chairman Bingham closed the Public Hearing.

Motion by Councilor Edes, seconded by Councilor Stiles, to amend Chapter 200 (Roads and Public Property), Section 2 (Animals at large) of the Cumberland Code (dogs at the Broad Cove Reserve), as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

15 – 182 To hold a Public Hearing to consider and act on a Class I Liquor License application for Cumberland House of Pizza for the period of January 17, 2016 – January 17, 2017.

Town Manager Shane said that staff is recommending approval.

Chairman Bingham opened the Public Hearing.

Public discussion: none

Chairman Bingham closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Gruber, to authorize the Class I Liquor License application for Cumberland House of Pizza for the period of January 17, 2016 – January 17, 2017.

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

15 – 183 To hold a Public Hearing to consider and act on a Class I Liquor License application for Louie’s Grill for the period of January 8, 2016 – January 8, 2017.

Town Manager Shane said that staff is recommending approval.

Chairman Bingham opened the Public Hearing.

Public discussion: none

Chairman Bingham closed the Public Hearing.

Motion by Councilor Turner, seconded by Councilor Gruber, to authorize the Class I Liquor License application for Louie’s Grill for the period of January 8, 2016 – January 8, 2017.

VOTE: 7-0 UNANIMOUS

15 – 184 To appoint Tamara O’Donnell as Registrar of Voters for the term of January 1, 2016 through December 31, 2017.

Motion by Councilor Storey-King, seconded by Councilor Stiles, to appoint Tamara O’Donnell as Registrar of Voters for the term of January 1, 2016 through December 31, 2017.

VOTE: 7-0 UNANIMOUS

15 – 185 To consider and act on authorizing the Town Manager to notify Cumberland County that the Town will not continue Assessing services in FY2017.

Town Manger Shane explained that he met with the Board of Assessment Review and they unanimously supported going back to the shared Assessor model. The Town Council directed him to pursue that model and we have been successful in finding a partner with the Town of Gray. The Gray Town Council will be holding their second public hearing in January to vote on the matter. Part of the process requires us to notify Cumberland County prior to January 1st that we will no longer be contracting assessing services with them after July 1st.

Motion by Councilor Copp, seconded by Councilor Storey-King, to authorize the Town Manager to notify Cumberland County that the Town will not continue assessing services in FY2017.

VOTE: 7-0 UNANIMOUS

15 – 186 To appoint members to vacant Board & Committee seats.

Motion by Councilor Copp, seconded by Councilor Stiles, to appoint:

Sam York and Mike Schwindt to the Conservation Subdivision Committee and Peter Sherr as the Planning Board Liaison to the committee

Mike Schwindt and Paul Weiss to the Lands and Conservation Commission

Joshua Ottow and Brent Sullivan to the Ocean Access Committee

Brent Sullivan to the Coastal Waters Commission

Doug Pride, Kenneth Blanchard and Mary Porter to the Personnel Appeals Board

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Edes – Longtime Cumberland resident, Tim Stewart, passed away recently. Condolences to his family.

Please remember to drive slowly during the snow storm tomorrow.

Councilor Gruber – The Food Pantry distributed 88 Christmas baskets and 51 regular food distributions. Thank you to all the volunteers and Town employees who made it happen. 103 children received toys from our fire department this year.

A special thanks to the Mid-Coast Hunger Relief Program for donating 80 turkeys to the food pantry.

A very special thanks to Jack Mullin for collecting clothes and gift items for the food pantry patrons.

The Finance Committee met with the School Finance Committee to discuss each other's budget process and working together.

Councilor Storey-King – due to the storm tomorrow, trash pick-up will be moved up a day and because of the holiday, Friday's regular trash pick-up will be on Saturday.

She sent a special thank you to the Cumberland Fire Department who responded to her house recently for smoke backing up into her house due to a blocked chimney flue. They were amazing professionals and she is grateful for all that they do.

Councilor Turner – He wished everybody a happy New Year.

Chairman Bingham – He also wished everybody a happy New Year and he wished his wife, Connie a happy 47th wedding anniversary.

Councilor Stiles – he has noticed some large trash items left out around town. With the storm coming, if those items are left out, the plow trucks are going to get them.

He reminded everyone that donations for the 4-H auction continue throughout the year. This auction allows the food pantry to purchase meat.

He learned on Christmas that he will have another great grandchild soon. This will make 4.

Councilor Copp – please drive carefully tomorrow in the snow storm. If there is a fire hydrant near your home, help the fire department by shoveling it out.

Town Manager Shane – as Christmas baskets were being prepared for the Food Pantry last week, 2 student council members, Lauren Williams and Bree McClough brought bags and bags of food that they collected during a food drive that they held. It was amazing and he was very touched by the efforts of these girls and the Girl Scout troop that helped with the assembly of the Christmas baskets.

We are expecting a considerable amount of snow tomorrow. A reminder that winter parking is now in effect. No overnight parking on any town street from November 1st through April 1st or during any snow event.

- VI. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(A)(1) re: a personnel matter.
Motion by Councilor Copp, seconded by Councilor Stiles, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(A)(1) re: a personnel matter.
VOTE: 7-0 UNANIMOUS
TIME: 8:23 P.M.

Reconvene to regular session at 8:54 P.M.

- VII. ADJOURNMENT**
Motion by Councilor Copp, seconded by Councilor Gruber, to adjourn.
VOTE: 7-0 UNANIMOUS
TIME: 8:55 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary