

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, April 22, 2019

6:00 P.M. Call to Order

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

Motion by Councilor Gruber, seconded by Councilor Stiles, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.

VOTE: 6-0 UNANIMOUS

TIME: 6:00 P.M.

Councilor Bingham arrived at 6:44 P.M.

Regular session called to order at 7:00 P.M.

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Bingham, to accept the April 8, 2019 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Councilor Storey-King said that she teaches 7th grade at Greely Middle School and her class has been learning about the United Nations Sustainability Goals. There are 17 sustainability goals that were adopted in 2015, each with measurable outcomes. All 7th grade students have learned about the 17 goals, have selected and researched their goal, have researched a change maker, and chose an action to execute. Many of them chose to do an action right here in our community. There will be a global goals exhibition tomorrow at Greely Middle School and she invited anyone who is interested to attend. She introduced her student, Henry Hale, who came to the Town Council meeting to observe, as part of his action.

Henry Hale explained that as part the action of his goal, he has been working on a public safety announcement about government corruption. He is studying a non-profit called The Creative Youth Initiative Against Corruption which was originally a group of Nigerian school children who saw the huge issues that corruption made in Nigeria. They wanted to fix this, but not through government action or arrests, but by educating the youths in their community on the dangers of corruption.

III. PUBLIC DISCUSSION

Cathy Harper of 102 Blanchard Road said that she would like to see the speed on Blanchard Road addressed. People drive 45 or 55 mph on Blanchard Road. It is ridiculous. You can't even walk on Blanchard Road without feeling like you're taking your life in your hands. Also, the condition of Route 9 is abominable. She has lost a tire and had to have her car re-aligned because of the condition of Route 9. These are issues that affect people every day and she would like to see them addressed. She added that when the Town proposed moving the Public Works garage over to Skillin Road, it was mentioned

that there could be a skating rink there. She thinks that a skating rink in the center of town near the gazebo would be a better location.

Stacey Daigle of 91 Bruce Hill Road said that she attended the Town Manager's lecture at the Library on the future of Cumberland. It was very informative and she appreciated it. He spoke about taking the problem at Drowne Road and moving it to other places. She heard about the compost, the manure, the salt and sand. The fairgrounds was mentioned as a possible location for one of these operations. She is not sure where any of these things are going to end up, but the Manager began a transparency that she would like to see more of. She asked the Council to open up and let residents know what is going on. It creates a stressful environment for people when they don't know what is going to happen.

Town Manager Shane responded that at first, we had attempted to find a new location for the entire Public Works operation, but now we hope to leave the building at Drowne Road as a maintenance operation and find new locations for the compost and the sand & salt building. The composting operation involves both the Town and the fairgrounds because we use approximately 2,500 yards of manure from the fairgrounds each year to enhance our compost. We have recently discovered that our DEP license does not allow us to use horse manure in our compost at the current location. He reached out to the Farmer's Club to see if there was any interest in having the compost pad at the fairgrounds because if we can't compost, they will have to deal with 2,500 yards of horse manure, and if it just sits there, it will become a bigger nuisance to the neighborhood. We are really at the infancy stage and it may not happen. We just don't know yet. It hasn't even been presented to the Farmer's Club board.

Joanne Fryer of 111 Bruce Hill Road said that when the Town previously approached the Farmer's Club about moving the Public Works facility there, they didn't notify the neighbors. Their perception of not being kept in the loop is something that should be fixed. The process is flawed on how all of these decisions are made. She feels that the issue is that there has been a failure to get buy-in from any of the proposed neighborhoods. Residents should have the opportunity to voice their concerns, both factual and emotional, mitigate their concerns if possible, and at least acknowledge their concerns if you are unable to mitigate them. It's very important to have everybody involved at the table. The Village Green neighborhood has been very vocal about all the negative reasons that they want it out of their neighborhood and now you want to put it in her neighborhood? Are they second class citizens? The Council is inadvertently pitting neighborhood against neighborhood. We need to look at the bigger issue with the entire Town of what are we going to do with the Public Works facility. Maybe we should put it to a vote. On a personal note, she has watched with great sadness one Councilor who has repeatedly disparaged the Bruce Hill Road neighborhood over and over again. She understands the frustration with this situation, but it is inappropriate and it felt like bullying. That is not an example of value driven leadership.

A resident of 139 Bruce Hill Road (did not state her name) said that she is concerned about the water being polluted and the environment being affected by moving the compost pad to the fairgrounds. We need to protect our environment. She is concerned about her well.

Josh Houghton of 99 Bruce Hill Road said that he is concerned about any portion of the Public Works operation moving to the fairgrounds area because of the aquifer. It is one of the 3 aquifer's in Town. He does not understand why the Town would even consider putting something on or near the aquifers that

could disrupt the clean water in the area. Perhaps the area of Middle Road near Storey Brothers would be a better location. If nobody wants a compost pad in their neighborhood, maybe we don't need it. Maybe the compost operation should be shut down and we could do what Yarmouth does and have a day every year where brush is picked up curbside, much like bulky item pick up.

Councilor Storey-King clarified that the Town is not proposing to put a compost pad on an aquifer, anywhere in Town. If we shut down the compost operation, the fairgrounds would still have the manure sitting there, so this feels to her like a win-win. The reason that we haven't talked about this location is because we have not even begun deliberations with the Farmer's Club yet. This has to go through a process before it is made public. She assured everyone that the Council has their best interest in mind, no matter what neighborhood you live in.

Clay Holtzman of 125 Bruce Hill Road said that he has heard a lot of comments this evening about advocating for collaboration and how we might be able to take a different approach to this. It is helpful for the entire community to hear about how the Council is going to deal with this issue. People are feeling tense about this topic and he encouraged everyone to take a step back and think about how more information will be helpful for the process and hopefully we can come up with a positive solution for everyone. He hopes that the open dialogue will continue.

Councilor Bingham said that longtime Planning Board Chairman, Mark Robinson, once said that if we listened to the neighbors when we were debating all the different housing developments and every other project in Town, half of you wouldn't be living where you are. Sometimes it does come down to neighbors versus neighbors. When we were debating the purchase of Broad Cove Reserve, the residents of the Foreside and Wildwood were very upset. There are many examples of neighbors that are going to be upset about something. The responsibility of the Town Council, School Board and Planning Board is to consider the welfare of the entire Town. In regard to his remarks about our good friends on Bruce Hill Road, if that is perceived as bullying it may be a result of the hypersensitivity of the world that we are living in today. Over the last 35 years, he has always tried to do this job with a sense of humor, and his remarks were in jest and he apologized to the Bruce Hill neighborhood and anybody else who may have been offended.

Chairman Copp said that there are 7 Town Councilors that represent the entire Town of Cumberland. Our neighborhood is the Town of Cumberland. He lives in West Cumberland, but that is not his neighborhood. His neighborhood is the Town of Cumberland. The Town Council has looked at numerous sites for the Public Works operations and every time a different location has been discussed, the Council chambers is full of people who don't want it in their backyard.

IV. LEGISLATION AND POLICY

19 – 052 To hold a Public Hearing to consider and act on renewing authorization for the Cumberland Police Department to make warrantless arrests outside of Cumberland.

Police Chief Rumsey explained that approximately 10 years ago, the Town Council voted to authorize members of the Cumberland Police Department to make arrests outside of our jurisdiction in certain circumstances. This simply reauthorizes that authority.

Chairman Copp opened the Public Hearing.
Public discussion: none
Chairman Copp closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Bingham, to authorize members of the Cumberland Police Department to make warrantless arrests outside the Town of Cumberland in conformance with M.R.S.A. Title 30-A, Section 2671-A and in conformance with M.R.S.A. 17-A, Section 15.
VOTE: 7-0 UNANIMOUS

19 – 053 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Southern Maine Coastal Classic Dog Show to be held on May 16th - 19th from 8:00 a.m. to 6:00 p.m. at the Cumberland Fairgrounds.

Town Manager Shane explained that the next seven items are all Mass Gathering Permits. The paperwork for all of them is in order and staff is recommending approval of all seven.

Chairman Copp opened the Public Hearing.
Public discussion: none
Chairman Copp closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Gruber, to approve the Mass Gathering Permit for the Southern Maine Coastal Classic Dog Show to be held on May 16th - 19th from 8:00 a.m. to 6:00 p.m. at the Cumberland Fairgrounds.
VOTE: 7-0 UNANIMOUS

19 – 054 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Girls Round Robin Lacrosse Tournament to be held on May 18th from 8:00 a.m. to 5:00 p.m. at Twin Brook.

Chairman Copp opened the Public Hearing.
Public discussion: none
Chairman Copp closed the Public Hearing.

Motion by Councilor Edes, seconded by Councilor Stiles, to approve the Mass Gathering Permit for the Girls Round Robin Lacrosse Tournament to be held on May 18th from 8:00 a.m. to 5:00 p.m. at Twin Brook.
VOTE: 7-0 UNANIMOUS

19 – 055 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Billy Graham Evangelistic Association's 2019 Decision America Tour to be held on May 19th from 7:00 to 9:00 p.m. at the Cumberland Fairgrounds.

Chairman Copp opened the Public Hearing.
Public discussion: none
Chairman Copp closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Turner, to approve the Mass Gathering Permit for the Billy Graham Evangelistic Association's 2019 Decision America Tour to be held on May 19th from 7:00 to 9:00 p.m. at the Cumberland Fairgrounds.

VOTE: 7-0 UNANIMOUS

19 – 056 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Boys Lacrosse Jamboree Tournament to be held on June 8th and 9th from 8:00 a.m. to 5:00 p.m. at Twin Brook.

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Stiles, to approve the Mass Gathering Permit for the Boys Lacrosse Jamboree Tournament to be held on June 8th and 9th from 8:00 a.m. to 5:00 p.m. at Twin Brook.

VOTE: 7-0 UNANIMOUS

19 – 057 To hold a Public Hearing to consider and act on a Mass Gathering Permit for The Wicked Good Outdoor Fest to be held on June 15th from 10:00 a.m. to 6:00 p.m. at the Cumberland Fairgrounds.

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Bingham, to approve the Mass Gathering Permit for The Wicked Good Outdoor Fest to be held on June 15th from 10:00 a.m. to 6:00 p.m. at the Cumberland Fairgrounds.

VOTE: 7-0 UNANIMOUS

19 – 058 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Penobscot Valley Kennel Club Dog Show to be held June 20th through 23rd from 8:00 a.m. to 5:00 p.m. at the Cumberland Fairgrounds.

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Motion by Councilor Turner, seconded by Councilor Stiles, to approve the Mass Gathering Permit for the Penobscot Valley Kennel Club Dog Show to be held June 20th through 23rd from 8:00 a.m. to 5:00 p.m. at the Cumberland Fairgrounds.

VOTE: 7-0 UNANIMOUS

19 – 059 To hold a Public Hearing to consider and act on a Mass Gathering Permit for Hart's Annual Yard and Bake Sale to be held August 22nd through 25th from 8:00 a.m. to 6:00 p.m. at the Cumberland Fairgrounds.

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Bingham, to approve the Mass Gathering Permit for Hart's Annual Yard and Bake Sale to be held August 22nd through 25th from 8:00 a.m. to 6:00 p.m. at the Cumberland Fairgrounds.

VOTE: 7-0 UNANIMOUS

19 – 060 To hold a Public Hearing to consider and act on forwarding a Contract Zone Agreement amendment with Heritage Village Development Group, LLC to the Planning Board for a Public Hearing and recommendation.

Motion by Councilor Bingham, seconded by Councilor Stiles, to take this item from the table.

VOTE: 7-0 UNANIMOUS

Town Manager Shane explained that staff has worked with the property owner and his team and have come up with a proposal that gets us to where the majority of the Council wanted to be with this development. Some of the more undesirable commercial aspects have been eliminated and it is now more like a traditional Office/Commercial South plan. The commercial properties that would be allowed would be similar to Dr. McCloy's new building on lot 2. The lot that is closest to the existing homes on Route One would be the business commercial lot with buildings that would look more residential. They have included 120 units of residential housing behind Exactitude, with 25 of them being senior, affordable housing. The restrictions in this CZA are consistent with the Route One standards in addition to architectural standards. The process is to forward it to the Planning Board for a Public Hearing and recommendation, then it will come back to the Town Council for final approval.

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Councilor Stiles asked how many buildings similar to the size of Dr. McCloy's building would fit on the commercial lot.

Town Manager Shane responded that 8 would fit on that lot.

Councilor Bingham said that he is in favor of forwarding this to the Planning Board to see what their recommendation is. Site plan review will resolve any concerns of the neighborhood. If we leave this all commercial, nothing will ever happen there. This is our chance to get that property on the tax rolls and not sitting there as a giant gravel pit.

Councilor Storey-King said that she is not comfortable forwarding this to the Planning Board this evening. She has not had an opportunity to read the new amendments.

Councilor Edes said that this proposal is not even close to what he thought came out of our last meeting regarding this Contract Zone Agreement. He feels that this is a short-sighted proposal to sell a piece of property. He will not support it.

Councilor Turner said that he will support it. He is willing to see what the process might end up producing.

Motion by Councilor Bingham, seconded by Councilor Gruber, to forward the Contract Zone Agreement amendment with Heritage Village Development Group, LLC to the Planning Board for a Public Hearing and recommendation.

VOTE: 5-2 (Edes and Storey-King opposed) MOTION PASSES

19 – 061 To authorize the Town Manager to execute a 4-year lease agreement with First Data Leasing Company for a point of sale system for Val Halla golf operations. TABLED

Motion by Councilor Stiles, seconded by Councilor Bingham, to table indefinitely.

VOTE: 7-0 UNANIMOUS

19 – 062 To appoint a member to the Cumberland Housing Authority.

Motion by Councilor Bingham, seconded by Councilor Turner, to appoint Janene Gorham to the Cumberland Housing Authority.

VOTE: 7-0 UNANIMOUS

VI. NEW BUSINESS

Councilor Bingham – the recent passing of Terry Snow and Dale Denno has effected the entire community and we all realize the contributions that they both have made over the years.

Moe Chabot also passed away. Moe was a 50 year Cumberland resident, a USM Professor, and President of the Lions Club who was responsible for the “Dollars for Scholars” program. He was very active in our community. This Town wouldn’t be the place that we all enjoy if we didn’t have the Moe Chabot’s, the Terry Snow’s, the Dale Denno’s, and so many others who have come before us and passed the laws, served on committees, drawn up our real estate deals and volunteered in our community.

Councilor Gruber – thanks to Councilor Styles and Copp for their recent efforts. Ron saved the Town over \$8,000 on repairs to one of our police cruisers and thank you to Bill Stiles for carrying the water for him at the Historical Society Building Committee meeting in his absence.

Thanks to Judy Ingraham and Jim Higgins for helping out during his absence from the Food Pantry.

Mornings with Friends is May 15th at the Cumberland Congregational Church. The topic is “Guiding Eyes” (Seeing Eye dogs).

The Age Friendly Network is having a conference on May 1st pertaining to the efforts being made in different communities related to Aging in Place initiatives.

Meet the Candidates night is on May 28th at 7:00 pm at the Performing Arts Center.

The School Board Candidates night will be on May 30th here in the Council Chambers at 7:00 pm. We are coining it the “Peter Bingham Reunion Tour”.

He lost one of his very best friends with the passing of Dale Denno. Dale’s service is scheduled for this Saturday at 1:30 pm at the Cumberland Congregational Church.

Councilor Edes – we lost two very good people with the passing of Dale Denno and Terry Snow. Condolences to their families.

Councilor Storey-King – Dale Denno was a representative and very good friend to the entire Council. He would often pick her brain about how to best serve the underserved in our community. Terry Snow was her family attorney and she taught his daughter in school. Maurice Chabot was the grandfather of 4 of her nieces and nephews. This has not been a good week for the Town with so much loss. She sent her condolence to all of those families.

The Parks and Recreation Advisory Board met recently. They had the opportunity to meet with the Parks and Val Halla staff, Toby Young, Nick Plummer and Ted Bosarge. They talked about the direction that the Parks and Recreation departments are heading.

The Town Manager attended a Council meeting in Windham where they were considering a quarry/extraction ordinance near Forest Lake. They included all of our suggestions into their ordinance. She thanked the Manager for his efforts in making this happen.

Chairman Copp – he also extended his condolences to the Denno and Snow families. This community has suffered a great loss.

Councilor Stiles – he shared fond memories of Terry Snow. Terry will be missed.

He attended the open house at Val Halla last Saturday. It was a great event where Brian Bickford was wished farewell and people got to meet the new golf pro, Nick Plummer.

He also attended the Town Manager’s lecture at the Library. It was a great presentation where residents had the opportunity to get their questions answered.

He thanked Councilor Copp for his donation to the 4-H auction to benefit the Food Pantry. He urged the public to donate to this worthy cause.

A resident asked him who had the authority to close Range Road during the annual frog crossing event hosted by the Chebeague & Cumberland Land Trust.

Town Manager Shane said that it was a safety issue. The Police Chief made the call to close the road and the Manager supported his decision. This event grows every year and there are a lot of children in attendance assisting hundreds of frogs to cross the road. It only happens on a cold rainy night in April,

and there is usually less than 12 hour's notice that it will be taking place. We will be better next year in letting the public know that it will be coming up. CCLT does a good job getting the word out.

Councilor Turner – he considered both Dale Denno and Terry Snow good friends and they will be sorely missed. These two men were the exemplars of decency and they will both be missed by the entire community.

Town Manager Shane – there seems to be some negative confusion regarding relocating the school buses to North Yarmouth and the Town's involvement. The decision to relocate the busses is the School's decision, not the Town of Cumberland's decision.

We will be removing the cardboard recycling container from Public Works because of the amount of trash that continues to be disposed of there. We are charged more to dispose of the contaminated cardboard that we would pay to dispose of trash. All of our efforts to discourage people from doing this have not worked.

The pier at Broad Cove Reserve is completed and will open this week. The kayak racks and floats are in place. He has been working with the CCLT to install a walkway with handrail from the drop off area down to the beach.

Our Tax Assessor is finishing up the property audit. He will present his findings to the Council in July.

He reached out to the Council Chairman with the idea of asking the Planning Board to help with a future master plan for the Town garage. As operations move away from the site, we are going to be left with a garage that has to be something. What that something is needs to be determined. The Planning Board could facilitate ideas, designs, buffers, etc. and they are supportive of the idea and are willing to take this on.

VII. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 9:01 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary