MINUTES

Cumberland Town Council Meeting Town Council Chambers

MONDAY, June 17, 2019 5:00 P.M. EXECUTIVE SESSION

7:00 P.M. Call to Order

6:15 P.M. WORKSHOP with the Lands & Conservation Commission

5:00 P.M. Call to Order

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

Motion by Councilor Stiles, seconded by Councilor Gruber, to recess to EXECUTIVE SESSION pursuant to 1

M.R.S.A., § 405(6)(C) re: real property.

VOTE: 7-0 UNANIMOUS

TIME: 5:03 P.M.

Reconvene at 6:15 P.M. to a workshop with the Lands & Conservation Commission.

Regular meeting called to order at 7:04 P.M.

I. <u>APPROVAL OF MINUTES</u>

Motion by Councilor Gruber, seconded by Councilor Stiles, to accept the June 3, 2019 meeting minutes as presented.

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

II. MANAGER'S REPORT

None

III. PUBLIC DISCUSSION

Rick Doane of 4 Catalpa Lane asked if the Town had any plans to update the Comprehensive Plan.

Town Manager Shane said that it was updated last year with the adoption of Conservation Subdivision zoning.

Mr. Doane said he thought that every 10 years the Town was supposed to do a review and update of the entire Comprehensive Plan. He believes that a review of that nature was last done in 2007 and an update in 2009. He wondered if an update has been discussed.

Teri Maloney-Kelly of Maloney's Ridge Way said that she was going to use the vision statement from the Comprehensive Plan tonight. When she read it, she realized that it is very off base and it needs to be reviewed.

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IV. LEGISLATION AND POLICY

19 – 079 To swear in newly elected Town Councilors.

Town Clerk, Tammy O'Donnell, administered the oath of office to Councilors Edes and Vail.

Item 19-080 was taken out of order and placed at the end of the agenda

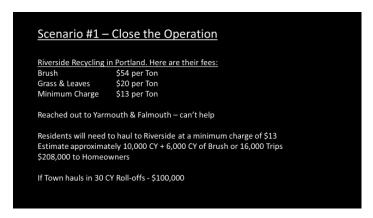
19 – 080 Election of Town Council Chair and Vice-Chair.

Councilor Gruber nominated Councilor Storey-King as Town Council Chair. Councilor Edes seconded. VOTE: 6-0-1 (Storey-King abstained) MOTION PASSES

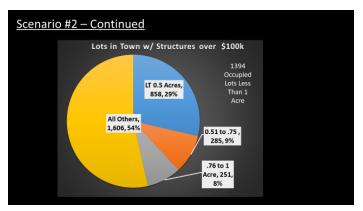
Councilor Gruber nominated Councilor Stiles as Town Council Vice-Chair. Councilor Turner seconded. VOTE: 6-0-1 (Councilor Stiles abstained) MOTION PASSES

19 – 081 To hold a Public Hearing to consider and act on closing the brush and compost facility. Town Manager Shane presented the following:















10,000 CY of Grass and Leaves Annually – Composted 6,000 CY of Brush Annually – Chipped and hauled for Biomass

Total waste when finished "0" Cubic Yards

Cost to Town - Less than \$25,000 Annually - Budget Less than \$8,000



Current Operation

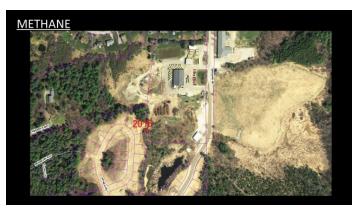
Needs to Move and Expand



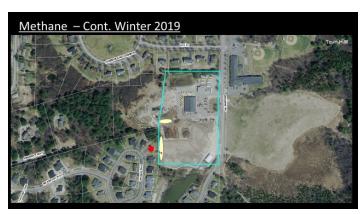
How Does Composting Work since 2009?

10:1 Carbon to Nitrogen

- Leaves come when? Why use any manure?
- Farmers Club
- Finished Product
- Annual MDEP Reports
- 10k to 3 k 70% Red









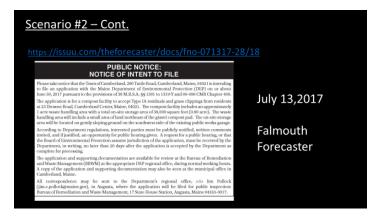
Notice to Abutters

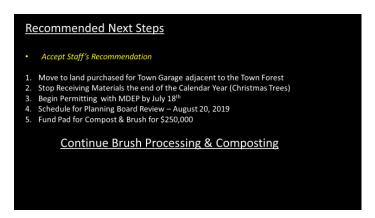
72- April 1, 2017 Village Green Cumberland LLC

74- April 1, 2017 - owner occupied

76- Not occupied until Nov 2017 – Tall Trees Constr. LLC











Chairman Copp opened the Public Hearing.

Public discussion: Katherine Pelletreau of Drowne Road said that the Village Green neighborhood never advocated for closing the brush dump completely. Their issue has always been with the current site, which is not appropriate with this type of dump use. They want the current site closed immediately and all the materials removed by the end of June. The homes near the brush dump cannot open their windows and they cannot let their dogs out because of the critters, bugs and odors coming from that brush dump.

Kimberly Couch of 78 Wyman Way said that we are not here tonight to debate whether composing is good or bad. A brush dump and composting are both great things. The Village Green neighborhood's concern is that the license is invalid and it has violated the law. It is also a health hazard and an environmental hazard. Under Maine law, you cannot place a compost pile within 100 feet of an abutter or on top of a closed landfill, unless you seek a variance. The Town did not do that. It was discovered to be operating illegally in 2017 and there have been many violations.

John Law of Village Green said that the Town sold the land for Village Green to a builder. The Town approved the housing. The Town boxed itself in and it can't have it all. It just isn't right. Please support closing the brush dump.

Dwight Shibles of Woodside Drive said that he has serious love for the Cumberland brush dump and he considers it to be one of his very good friends. He has many nice social interactions with other residents while at the brush dump and has noticed that there a lot of our senior residents who use the brush dump, including Jack and Joan McCarthy. The McCarthy's still take care of their own leaves, grass and brush and dispose of it at the brush dump. The thought of having to take their brush and leaves to Riverside in Portland, looms as a dark cloud on their horizon. This sentiment is surely the same for other seniors in our community. He said that he appreciates the

hard work that the Town Council has put into this topic and he respectfully requested that the Council continue to work toward a solution other than permanently closing the brush dump.

Bert Kendall of 26 Glenview Drive said that he is one of those seniors who is at the dump once a week and thinks that closing it would be ridiculous. He lives on the typical Cumberland lot of 2 acres, 1 of which is woods. He supports the new site.

Bill Plouffe of 82 Wyman Way said that composting is a great thing and having the convenience of a place to bring brush is also a great thing. The first thing we need to do is get the new site right and the permitting in place. The permits are designed to protect public health and safety as well as the property interest of the abutters. With respect to the Drowne Road facility, the Town has failed on all of those counts. The brush dump needs to be closed now and the existing piles be removed within a reasonable period of time. The Village Green buyers had a reasonable expectation that the brush dump would be closed.

Joe Hessard said that he uses the brush dump all the time because he owns a small house lot. He feels strongly that we should keep a brush dump somewhere in Town.

Teri Maloney-Kelly of Maloney's Ridge Way said that she is very much against shutting down the brush dump. She would like to see it relocated. This is a very important service for our Town. She is a volunteer with our Aging in Place program and they offer a 3-day Project Day, which is all volunteers helping our senior citizens who are trying to stay in their homes and may not be able to do things for themselves. Over the last 3-day program, 61 volunteers served 35 citizens. 85% of the projects involved clean-up of yard waste, which generated 41 trips to the brush dump. If we eliminate the brush dump, the program will be eliminated and it is vital for the sustainability of our senior citizens to live here. She and Aging in Place Coordinator, Sarah Davis have been invited to sit on an AARP panel tomorrow to talk about the success of our Project Day program. She has not finished writing her presentation notes, because she is waiting for the Town Council to finish it for her. She asked that the Council do the right thing and relocate the brush and compost facility.

Hanna Berry of 7 Lawn Avenue said that she is here to fully support keeping some version of the brush and compost facility. She uses the facility and cannot imagine that we can't find a new location for it.

Terry Danowski of 77 Wyman Way said that it is clear that nobody wants this in their neighborhood. Please show some leadership and make a decision.

Beth Waldman of 86 Wyman Way thanked the Council for their efforts to address Public Works issues, but despite the good intentions over the past several years, there is no resolution. The operations instead have gotten larger and blatantly disrespect all Cumberland residents and she urged it to be removed from Drowne Road. The brush dump serves all of Cumberland and the burden should not be on Village Green. The Council should continue to search for a new site and perhaps Tuttle Road is the solution. There should be a campaign to help residents understand what their options are to dispose of their brush because there are other options and locations.

David Goldman of 15 Bradbury Way said that although his house isn't the closest to the facility, he can say from his experience of walking around the neighborhood that all the complaints that his neighbors have are true. Its current location is a major nuisance for the Village Green neighborhood. The Town has always intended to move it and it should not stay in its current location. Discussions on moving it should not stand in the way of closing it now and letting those discussions continue.

Rick Doane Catalpa Lane said that he realizes that this is a frustrating topic for the Council. There is really no debate that there is a problem with the Drowne Road site. It now has to be decided whether or not to continue the

service and if the Tuttle Road site is the location to move it to. The agenda item two weeks ago was an update on the fairgrounds site. The Public Hearing tonight is described as closing the brush dump operation, but a plan was presented this evening on moving it to Tuttle Road. There are a lot of moving pieces here and he thinks that we have 2 options to address tonight: what to do with the Drowne Road location and whether or not we will continue to provide the service. He thinks that to lock on to the Tuttle Road site now, without a comprehensive evaluation, is simply wrong and he urged the Council not to do that.

Al Butler of Willow Lane has been a resident of Cumberland for 55 years and is almost 81 years old. When he saw that the brush dump could potentially be closed and he would be forced to go to Riverside Street in Portland, he thought that was terrible and it's sad to see the Village Green neighborhood being pitted against its neighbors. Move it, but leave it in Cumberland.

Greg Fryer of 111 Bruce Hill Road read a statement from his neighbor, Laura Huddy that addressed the economics of this project. As a financial professional, she evaluates the fiscal health of businesses and organizations in the State of Maine. Relocating the brush dump will cost the taxpayers hundreds of thousands of dollars before it is even open. This project is being considered when market construction costs are at their highest in history. Mr. Fryer said that the cost of this ought to be considered and that the license fees should be adjusted to appropriately address at least a very substantial portion of the cost of operating this facility.

Linda Putnam of 341 Main Street said that things do not always happen as planned and promised. Cumberland planned and promised to move the brush dump, but things happened and plans had to change. The Town has grown up around the current location and it is now in the center of Town, which is no longer a good place. We should move it and a brush dump is not only wanted, but needed. We are not going to please everyone with the relocation, but a brush dump is a necessity in this little corner of the world.

Be Schonewald of 129 Middle Road said that many budget decisions in our community are based in part on the value provided to the residents, and not purely based on hard numbers. We have many recreational facilities that would be hard pressed to show profit, but they are an essential part of our community. She is a proponent of maintaining a brush and compost facility, but looking for a new location.

Deb Fritz of 8 Broadmoor Drive said that she has a ¼ acre lot and lives in a very densely populated neighborhood. She does not have the luxury of being able to compost much on her property. Please keep this in Cumberland. She won't transport brush and leaves to Portland. She will end up burning them in her backyard. If her entire street is forced to do this, it will cause another whole set of problems. Maybe the Village Green development should not have been allowed until the brush dump was moved.

Ken Leeman of 3 Tacoma Lane said that the Town Manger gave a very persuasive presentation on what should be done and he urged the Council to move the brush dump to Tuttle Road.

Heather Jacoma of 12 Pond Shore Drive said that she uses the brush dump very frequently. She lives on 2 acres, a section of which is lawn and garden, where she has used at least 5 trailer loads of compost. It is a great product and is wonderful for her gardens. She lives in a wooded area so she has a lot of dead wood to dispose of. If she didn't take it to the brush dump, it would be a fire hazard. She urged the Council to keep a brush dump in Town. It is a vital community service.

Brandon O'Brien of Bruce Hill Road said that he moved from South Portland to Cumberland about a month ago. It is very surprising to him that it's hard to find a location in rural Cumberland. He lived very close to the brush dump in South Portland, where it was in a residential area, but didn't seem to bother anyone. He just cannot

understand why in Cumberland we can't find a new location where it isn't in someone's backyard. It is definitely needed for those smaller lot owners and he hopes we can find a solution.

Craig Krude understands that the brush dump is an eyesore, but why can't we berm the current location, put trees around it move it toward the back of the Town garage? He is not opposed to the other site, but he doesn't want to spend a quarter million dollars. He would prefer to keep it where it is.

Chairman Copp closed public discussion.

Councilor Gruber said that we have looked at 18 different locations to move this to over the last 3 or 4 years, and he realizes that this is a very emotional issue. 29% of our residents have small lots. Where are they going to put their brush and leaves? To take a service away from the community does not make sense. He will support moving the brush dump to the Town owned property on Tuttle Road.

Councilor Turner said that this has been a problem for quite a while. The gentleman who spoke who moved here from South Portland gave us the perfect solution. He said that we should find an appropriate place where it angers nobody. The problem is that such a place does not exist. Somebody is going to be effected negatively in their own mind. The present brush dump should close by November and moved to the Tuttle Road location. That location makes sense and he will support it.

Councilor Stiles said that he was disappointed throughout this process with the lack of support from those who use the brush dump and support moving it. We have only heard that we were pitting neighborhood against neighborhood and those who didn't want it in their backyard. We know that it has to move and we have looked for years for a new location, but have not received any public support.

Councilor Storey-King said that we don't have the money to acquire land for this and we have a fiduciary responsibility to everyone in the community. We do have a plan to pay for moving it by selling another piece of property to give us enough income to support moving this to Tuttle Road. These things take time in Town government and the Council is doing the best they can to find a solution.

Councilor Vail said that he would like to see the facility stay where it is, but that is not an option. He is not a fan of moving it a couple hundred yards down the road. He would like to see that parcel used for something else. He will support moving it from Drowne Road to Tuttle Road, but wants to see what it will cost.

Councilor Edes said that it has become apparent lately that a lot of residents use the brush dump and with a 6 month permitting process to get a new site up and running, we really do not have a choice but to keep the current facility up and running until then. He will support moving it to Tuttle Road.

Motion by Councilor Gruber, seconded by Councilor Turner, to authorize the Town Manager to begin design, permitting, and construction of a new compost and brush facility to be located adjacent to the Town Forest no later than December 1, 2019

VOTE: 7-0 UNANIMOUS

19 – 082 To hold a Public Hearing to authorize the Town Manager to execute a Purchase and Sale Agreement to relocate the sand/salt building to 215 Middle Road.

Town Manager Shane explained that the current sand/salt shed was placed as a temporary structure and the plan has always been to make it a larger, more permanent structure. We have looked at about 18 different sites for this and we now have a site on Middle Road in the Rural Industrial Zone at Storey Brothers site. The building would

be approximately 100 feet long by 80 feet wide and 40 feet tall. It would house all of our sand and salt and there would be an access road into the site and into the building. It would be gated so access would be limited to Town operations only. This site would take care of all of our needs for the foreseeable future. Storey Brothers has proposed swapping this piece of land for our gravel pit on Goose Pond Road. The gravel pit is just under 10 acres and has approximately 150,000 yards of materials left in it. The Town does not save any money by having a gravel pit. It would cost the same to purchase the materials elsewhere. The Storey Brothers site is in the industrial zone and will work very well for us.



Chairman Copp opened the Public Hearing.

Councilor Edes asked the Manager to explain why we cannot keep the sand/salt shed where it currently is.

Town Manager Shane said that we could keep it in its current location, but when it became clear that phase two of Village Green would not be allowed to be developed per the DEP, it made sense to move the sand/salt building. Right now, it is open to the elements and it is environmentally better to have the entire operation under cover.

Councilor Storey-King recused herself from this item.

Public discussion: Be Schonewald of 129 Middle Road suggested putting some restrictions on haul routes when bringing the sand into the facility. The natural access would be Greely Road, but she does not think that road is up to it. She would like to see some restrictions put into the permit that hauling is going to be focused on Tuttle Road and Route One to get material to the site. Also, backup beepers on the trucks should be limited so not to disturb the neighbors.

Town Manager Shane said that restrictions of routes would be as Ms. Schonewald described. They would not be coming down Greely Road.

Rene Allen of 221 Middle Road asked if the Town had plans to bring water to the portion Middle Road that does not have Town water. She is concerned about the wells in the area, as well as the additional truck noise.

Town Manager Shane said that there is no plan to extend the water main. All the wells in the area are more than 300 feet away from the facility and the facility will be enclosed. There will be well testing before construction begins. The forum to address concerns such as noise will be at the Planning Board meeting.

John Law of 7 Baxter Lane spoke in support of the proposed location. This is in an industrial zone and the Planning Board process will address all the neighbors' concerns.

Bill Follett of 371 Main Street asked why the sand/salt shed can't be moved behind the Public Works building and what is the future plan for the gravel pit on Goose Pond Road?

Town Manager Shane said that the gravel pit is currently in an industrial site and will remain an industrial site. Storey Brothers own the adjacent property on either side of it. In the future, that property could be whatever industrial zoning allows. It would not allow for residential housing. In regard to moving the sand/salt shed behind the Town garage, the Council previously asked some members of the Planning Board to meet with the abutting neighborhoods to come up with a redevelopment plan of what is left with the Public Works site to make it more like the proposed open space plan that would have been there if phase three had been developed.

Heather Burr of 228 Middle Road said that she is concerned for the wells of the abutting neighbors. She feels that the salt/shed should remain more centrally located in Town.

Beth Waldman of Village Green asked what will happen to the current land when the sand/salt shed is moved.

Town Manager Shane said that there are no plans, but at a minimum it will be grassed. No other structures can go there.

John Leavitt of Greely Road said that it could be a problem that the previous agenda item was to vote to keep the brush/compost operation opened or closed, but the Council voted to move it. It seems that the Town could save a lot of money by moving the entire Public Works operation to the Tuttle Road site and not piecemeal it.

Chairman Copp closed the Public Hearing.

Councilor Gruber said that he will support this and reminded the public that they will get the opportunity to add their input and voice their concerns at the Planning Board public hearing on this item.

Councilor Vail said that he has some concerns about the distance from the Town garage and it is not the best solution, but it is a workable solution. The best solution would be to have everything in one location, but he will support it.

Councilor Stiles said that he will support it. He feels that it is a good solution. We can't put it on Tuttle Road with the brush/compost pile. That is prime land that could be developed for senior housing.

Councilor Turner said that he will also support this. Councilor Vail was correct. In a perfect world the entire Public Works operation would be housed in one place or perhaps if our neighboring Towns could stomach it, we could participate in regionalization. There just isn't any interest from our neighbors in sharing services.

Chairman Copp said that he will support this. MDOT has their sand/salt shed located less than a mile from this site and behind the stone center is another one. The Town has tried over and over again to relocate this and this site makes sense. It is in an industrial zone.

Motion by Councilor Gruber, seconded by Councilor Stiles, to authorize the Town Manager to execute a Purchase and Sale Agreement to relocate the sand/salt building to 215 Middle Road.

VOTE: 6-0-1 (Storey King abstained) MOTION PASSES

19 – 083 To hold a Public Hearing to authorize the Town Manager to develop a bond schedule for improvements to Town facilities and the purchase of a new fire truck.

Town Manager Shane said that on July 8th the Council will have a comprehensive plan of items to be included in the bond.

Chairman Copp asked for any public comment on this item. No public comment.

Councilor Edes said that he will not support the purchase of a new fire truck. He would support repairing our current truck and holding off on the purchase of a new truck for 5 years. He does not want this to be perceived as him not supporting the Fire Department. He is the biggest supporter of the Fire Department, but he thinks we can put this purchase off for a few years.

Councilor Vail said that we are surrounded by Falmouth, Yarmouth, North Yarmouth and Gray and he will not support any purchase of any fire apparatus without a comprehensive look at everybody equipment and deciding how to move forward. It is incomprehensible to him that there is not a working agreement between the 5 towns to meet the needs of the region.

Chairman Copp said that we have tried again and again to talk with our neighbors about sharing services and nobody wants to participate.

Motion by Councilor Storey-King, seconded by Councilor Stiles, to authorize the Town Manager to develop a bond schedule for improvements to Town facilities and the purchase of a new fire truck and to set a Public Hearing for July 8th.

VOTE: 5-2 (Edes & Vail opposed) MOTION PASSES

19 – 084 To consider and act on Commercial Hauler's license renewals for FY'20.

Town Manager Shane said that staff recommends approval.

Chairman Copp asked for any public comment on this item.

No public comment.

Motion by Councilor Stiles, seconded by Councilor Edes, to approve the Commercial Hauler's license renewals for FY'20.

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

19 – 085 To hold a Public Hearing to consider and act on approval of annual Victualer's Licenses for non-profit organizations for the period of July 1, 2019 – June 30, 2020.

Town Manager Shane said that staff recommends approval.

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 annual Victualer's Licenses for non-profit organizations for the period of July 1, 2019 – June 30, 2020.

VOTE: 7-0 UNANIMOUS

19 – 086 FY'20 Town Council committee assignments.

Chairman Copp asked for any public comment on this item.

No public comment.

Motion by Councilor Gruber, seconded by Councilor Turner, to approve the FY'20 Town Council Committee Assignments as presented.

VOTE: 7-0 UNANIMOUS

19 – 087 To set a Public Hearing date of July 8th to hear a report from the Town Manager and to consider and act on authorizing a purchase and sale agreement for the sale of a portion of Twin Brook Recreation Area on Greely Road to Jeff Storey.

Town Manager Shane said that the property appraised at \$225,000.00 and it is adjacent to the railroad tracks on Greely Road. The Chebeague and Cumberland Land Trust and the Maine Farmland Trust has come up with approximately 80% of the cost to assist Mr. Storey with the purchase as long as it stays a farm in perpetuity.

Chairman Copp asked for any public comment on this item.

No public comment.

Motion by Councilor Edes, seconded by Councilor Stiles, to set a Public Hearing date of July 8th to hear a report from the Town Manager and to consider and act on authorizing a purchase and sale agreement for the sale of a portion of Twin Brook Recreation Area on Greely Road to Jeff Storey.

VOTE: 6-0-1 (Storey-King abstained) MOTION PASSES

V. NEW BUSINESS

Councilor Vail - None

Councilor Gruber – We had another well planned and operated Election by staff and volunteers. We had a good turnout for a non-presidential election. Congratulations to those that were elected and or re-elected.

If you were in Town this past Saturday, you would have witnessed what a wonderful community we have. Twin Brooks was filled with a tournament, Broad Cove was packed, our Little League fields were having playoff baseball, and the front of Town Hall had its Saturday Farmers Market.

He was fortunate to attend the annual Geriatrics Conference where Cumberland's Aging in Place program was again recognized for its outstanding programs. He was asked to speak at a Scarborough Town Council meeting this summer about the Cumberland AIP program. Two weeks ago he had the opportunity to present at the Gray Town Council meeting and they decided to move forward with an AIP program similar to Cumberland's.

Last week, Bill Shane, Sara Davis and myself met with Diane Bennekamper (of the Cumberland Congregational Church) concerning our Aging in Place CAR program. The Cumberland Congregational Church is committed to continue to support our rides program even with the pending retirement of Dianne.

He attended a ceremony at the Maine Military Museum in South Portland to honor our veterans, especially those that left us this past year.

The Library/Historical Building Committee will meet again tomorrow at 1:00 pm. This very active committee meets every other week and is doing a fantastic job.

Councilor Edes – Welcome to Councilor Vail and thank you to Chairman Copp for an outstanding year as Chairman.

Councilor Storey-King – Congratulations to Councilors Edes and Vail on their election to the Town Council, and to Representative Moriarty for returning to the State House. Thank you to all the other candidates who ran for office.

The Bicentennial Committee met last week. They will be before the Council soon to present the plans for the celebration.

Chairman Copp – It has been a long year as Council Chairman and he feels that we got something accomplished tonight. It has been a long haul and the Public Works items have been very contentious. He feels that we have found a good solution. We are all here to do the right thing for our Town and he thinks we did that.

Councilor Stiles – He thanked Councilor Copp for his continued support in donating to the 4-H auction to benefit the Food Pantry with meat. He reminded the public of his efforts to collect just \$10 from 1,000 residents of Cumberland and North Yarmouth for the 4-H auction fund.

He had a busy day today. He had two calves born and one needed assistance to deliver her calf.

Councilor Turner – Congratulations to Councilors Edes and Vail. He has known Councilor Vail for a long time and he will bring a lot of common sense to this Council, as does Councilor Edes. Thank you to Chairman Copp for being a great facilitator for the past year.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 10:04 P.M.

Respectfully submitted by,

Brenda L. Moore Council Secretary