

MINUTES
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, September 26, 2011

Present: Chairman Perfetti, Councilors, Copp, Storey-King, Gruber, & Moriarty

Excused: Councilors Stiles and Turner

I. CALL TO ORDER @ 6:30 P.M.

II. RECESS TO EXECUTIVE SESSION:

Motion by Councilor Copp, seconded by Councilor Storey-King, 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: 5-0 UNANIMOUS PASSAGE

III. RECONVENE TO REGULAR SESSION @ 7:00 P.M.

Motion by Councilor Storey-King, seconded by Councilor Moriarty, to come out of Executive Session.

VOTE: 5-0 UNANIMOUS PASSAGE

TIME: 6:57 p.m.

IV. APPROVAL OF MINUTES

September 12, 2011

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

VOTE: 4-0-1 (Moriarty abstained) MOTION PASSES

V. MANAGER'S REPORT

The railroad crossings will be paved this week. MDOT will come back to do additional paving at the Route 9 crossing to taper the road. Similar road tapering may also be required on Tuttle Road. If residents are noticing a bump on the railroad crossings, please be assured that it will be taken care of.

There seems to be a lot of confusion in regard to the railroad quiet zone meeting on September 19th and the discussion about median barriers and quad gates. He received a lot of calls the day after the meeting from people who thought a quiet zone consisted of quad gates (at a cost of over \$200,000) and a barrier on the center line (\$13,000). It is not both, it is an either/or.

VI. PUBLIC DISCUSSION

None

VII. LEGISLATION AND POLICY

11 – 155 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.

Chairman Perfetti explained that the Council met in Executive Session before this meeting and they requested some revisions to the contract. This item will be tabled pending those revisions.

Motion by Councilor Moriarty, seconded by Councilor Storey-King, to table this item to October 10, 2011.

VOTE: 5-0

UNANIMOUS PASSAGE

11 – 156 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Maine Principal Association Regional Cross Country Meet to be held at Twin Brook on Saturday, October 22, 2011 from 8:00 a.m. to 2:00 p.m.

Athletic Director, David Shapiro was present to answer questions.

Councilor Storey-King asked Mr. Shapiro if the M.S.A.D. is reimbursed for expenses paid to rescue and police personnel who cover this event.

Mr. Shapiro said that the Maine Principals Association pays for those expenses directly since it is their event.

Public discussion: None

Motion by Councilor Moriarty, seconded by Councilor Copp, to approve the Mass Gathering Permit for the Maine Principal Association for the Western Maine Regional Cross Country Championship to be held at Twin Brook on Saturday, October 22, 2011 from 8:00 a.m. to 2:00 p.m.

VOTE: 5-0

UNANIMOUS PASSAGE

11 – 157 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Maine Principal Association State Cross Country Meet to be held at Twin Brook on Saturday, October 29, 2011 from 8:00 a.m. to 4:00 p.m.

Councilor Storey-King asked Mr. Shapiro if spectators will be charged admission to this event.

Mr. Shapiro said that he did not believe that any admission would be charged.

Councilor Storey-King said that the Maine Principals Association likely has to pay to rent the Civic Center for sponsored basketball events and rents an ice arena for hockey events. She feels that we should be charging the MPA for the use of Twin Brook in the future.

Public discussion: None

Motion by Councilor Copp, seconded by Councilor Storey-King, to approve the Mass Gathering Permit for the Maine Principal Association State Cross Country Meet to be held at Twin Brook on Saturday, October 29, 2011 from 8:00 a.m. to 4:00 p.m.

VOTE: 5-0

UNANIMOUS PASSAGE

11 – 158 To set a Public Hearing date (October 10th) to consider and act on junkyard/recycler permit renewal for Cumberland Salvage for the period of October 1, 2011 – September 30, 2012.

Motion by Councilor Storey-King, seconded by Councilor Gruber, to set a Public Hearing date of October 10th to consider and act on junkyard/recycler permit renewal for Cumberland Salvage for the period of October 1, 2011 – September 30, 2012.

VOTE: 4-0-1 (Copp abstained)

MOTION PASSES

11 – 159 To set a Public Hearing date (October 10th) to consider and act on the rezoning of the Drowne Road School property from Rural Residential One (RR1) to Village Mixed Use (VMU) zone, as recommended by the Planning Board.

Motion by Councilor Moriarty, seconded by Councilor Copp, to set a Public Hearing date of October 10th to consider and act on the rezoning of the Drowne Road School property from Rural Residential One (RR1) to Village Mixed Use (VMU) zone, as recommended by the Planning Board.

VOTE: 5-0

UNANIMOUS PASSAGE

VIII. NEW BUSINESS

Councilor Copp – The Town has lost 2 longtime residents recently. Fred Lombard and Everett Strout, both Cumberland icons in their 80's passed away last week. They were both very nice gentlemen and he sent condolences to their families.

Councilor Storey-King – Thanked Councilor Moriarty for facilitating the joint meeting with the Town of Falmouth on the railroad quiet zones. The meeting was exceptionally well run, but she left not entirely clear on what the next step in this process is.

Chairman Perfetti said that the Council still has some decisions to make and he would prefer to have the discussion publicly. He feels that the public who is interested in having the Council spend money on railroad crossings deserve an answer, even if that answer is not right now, no, or yes.

Councilor Moriarty – The following projects went before the Planning Board last week:

- Final approval for Phase I of the Bateman project.
- A favorable response to sketch plan review for the Drowne Road School renovation.
- Approval to the proposed VMU Zone change that the Council will consider in October.
- Approval to Rebecca Williams for the conversion of the former Dr. Hanson property into a café and 5 apartments to be built in the rear of the property.
- Changes to the CMP transmission line in the Hillside Road area.
- Approval for the West Cumberland Business Park.

In regard to the meeting on September 19th with the Falmouth Town Council and the Railroad Administration, he took away the following points:

- With the crossing upgrades that are being installed now, the minimum that we would need to do in order to create quiet zones would be to channelize (creating curbing on the center line with vertical reflective panels, tall enough to be seen in inclement weather conditions).
- If the Route 9 crossing was a quiet zone, and the next crossing in Falmouth, the private road crossing at Muirfield Road would become a quiet zone because it is situated between two quiet zones.
- He referred to an article in the Forecaster that said that the next step would be for the Town to file a letter of intent with the Federal Railroad Administration, perhaps filing simultaneously with Falmouth.

Chairman Perfetti – His initial reaction to the quiet zone issue was to make it part of the budget deliberation next year as part of the Capital Improvement Plan (approximately \$60,000). He asked the Manager to clarify the letter of intent process timeline.

Town Manager Shane said that the process is to draft a letter stating that the Town is prepared to install median barriers as approved by the Federal Railroad Administration. Once the FRA receives the letter of intent, there is a 60-day waiting period during which time the FRA takes comments pertaining to the request. After the 60-day waiting period is expired the barriers can be installed.

Chairman Perfetti asked the Manager what if the Council decides to do nothing. Is that an option?

Town Manager Shane said that this issue deserves a lot of thought since it involves Falmouth and a neighborhood that is held hostage in the middle. The Muirfield/Birkdale neighborhood cannot get a quiet zone (because the crossing is on a private road) unless there is a quiet zone on either side of them (one in Cumberland, one in Falmouth).

Councilor Gruber – There was an article in the Portland Press Herald that referred to the withdrawal of federal funding related to the railroads. He does not know if this will have an effect on this project, but it should be looked into if it will have an impact on the starting date of the Downeaster.

Councilor Moriarty said that the article referred to federal subsidies to Amtrack itself and the prospect is that they could be cut. If that happens, they would likely cut a line that does not yet exist. That could postpone the starting date of the Downeaster.

Councilor Gruber said that he is interested in knowing the difference between median barriers and quad gates from a safety perspective. He asked the question at the 9/19 meeting, but did not get a definitive answer.

Chairman Perfetti said that he feel that the Council needs a workshop to go through the issues and get some questions answered that remain unclear.

Town Manager Shane – At the next meeting, Public Services Director, Chris Bolduc will be discussing Bulky Waste Pick-Up Week. Chris will share the public outreach campaign that he has been working on and talk about what he expects this fall during pick up week.

IX. ADJOURNMENT

Motion by Councilor Moriarty, seconded by Councilor Copp, to adjourn.

VOTE: 5-0 UNANIMOUS PASSAGE

TIME: 7:34 p.m.

Respectfully submitted by:

Brenda L. Moore
Council Secretary