

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, October 14, 2013**

## 7:00 p.m. Call to Order

**PRESENT:** Councilors Stiles, Gruber, Turner, Storey-King, Bingham and Edes

**EXCUSED:** Councilor Copp

### **I. CALL TO ORDER**

### **II. APPROVAL OF MINUTES**

Motion by Councilor Gruber, seconded by Councilor Bingham, to accept the September 23, 2013 minutes as presented.

5-0-1 (Turner abstained) MOTION PASSES

### **III. MANAGER'S REPORT**

- **Bulky Waste Pick-up Week – October 14<sup>th</sup> – 18<sup>th</sup>**

Town Manager Shane reminded residents that this is Bulky Waste Pick-up Week, and bulky means anything that will not fit into a Town trash bag. There continues to be a lot of items curbside that belong in a trash bag, not stuffed into boxes and left out. There are people that are going to be very disappointed when those items are not picked up.

- **Universal Waste Drop Off – October 19<sup>th</sup> – Rechargeable tool batteries too!**

This Saturday from 8:00 a.m. to 1:00 p.m. at the Public Works garage on Drowne Road, we will be having a Universal Waste Drop-off Day. This is for disposal of televisions, computers, electronics, and tool batteries.

- **\$500,000 MDOT Award for Blackstrap Road**

Last week we received the official paperwork for the DOT award for the Blackstrap Road project. DOT has committed to match up to \$500,000 for drainage and road improvements from the Falmouth line to Route 100.

- **New ACO Officer**

Jeff Smith, a retired State Trooper, has accepted the Animal Control Officer position. Jeff will start his new position very soon and we are looking forward to having him on board. Cumberland and Falmouth both have a part-time ACO that will be shared with Yarmouth and North Yarmouth.

### **IV. PUBLIC DISCUSSION**

Brad Hilton of Blanchard Road said he realizes that he is at the age where he should have Long Term Care Insurance. His problem is that the insurance costs approximately the same amount as his real estate taxes per year. He has to make decision and prioritize now that he is retired. The real estate tax system that we have is going to force retired people to have to sell their homes. He asked the Council to consider some sort of significant elderly tax exemption program.

Chairman Stiles reminded Mr. Hilton that the Town does assist their senior residents with the Senior Circuit Breaker Program. While he also “feels Mr. Hilton’s pain” it would be discriminatory to give something to only a portion of the population and not the others. He personally will continue to request to our State Representatives that when a resident reaches the age of 65, the school portion of their tax bills should be frozen.

Councilor Gruber said that he has gone without certain things for 24 years in order to pay for a Long Term Care Insurance policy. As an advocate for the elderly, he will personally look into programs that may be available for assistance. He realizes that people need to be able to stay in their homes.

Councilor Storey-King said that the State Circuit Breaker program has been cut and Town staff scrambled to be sure that our seniors could receive our local rebate this year.

Paul Weiss of 314 Blanchard Road said that a few weeks, a gentleman from Unitil came to his house attempting to sell him on connecting to natural gas. It is disturbing to him that the “Town got railroaded into this fruit punch he calls natural gas”. He has been against natural gas as an alternative to “transition fuel”. The cost of switching over to natural gas from oil is about the same amount that he spent a few years ago on a solar system, reducing his energy bill by 1/3 for the same cost of converting to natural gas. The difference is that if someone converts to natural gas, they will be paying for natural gas for the rest of their lives, while polluting the air. His solar system is clean and will hopefully last for the life of the house, with minor maintenance. In his opinion, it is a horrible mistake to put in the miles of natural gas pipeline around Town. The idea of a transition fuel is a mistake that we cannot afford to make and it frustrates him that we have been sold on this technology. The Town could be incentivizing solar and geo thermal systems.

Chairman Stiles reminded Mr. Weiss that the natural gas project is not costing the Town any money whatsoever. He thanked Mr. Weiss for his comments.

Councilor Gruber thanked Mr. Weiss for his comments and for staying true to what he believes.

## **V. LEGISLATION AND POLICY**

### **13 – 155 To hold a Public Hearing to consider and act on junkyard/recycler permit renewal for Cumberland Salvage.**

Town Manager Shane said the application is complete, the Code Officer has done an inspection, and Cumberland Salvage did an outstanding job with the compliance standards of the aquifer protection ordinance.

Chairman Stiles opened the Public Hearing.

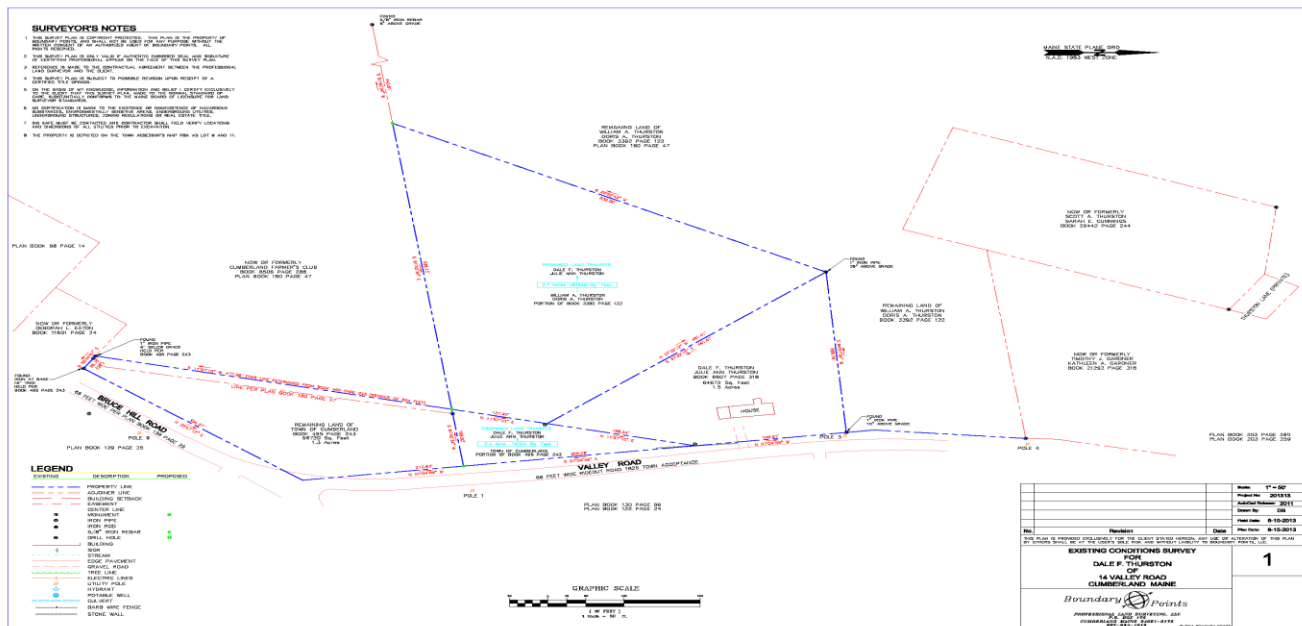
Public discussion: None

Chairman Stiles closed the Public Hearing.

Motion by Councilor Edes, seconded by Councilor Storey-King, to approve the junkyard/recycler permit renewal for Cumberland Salvage.

VOTE: 6-0 UNANIMOUS

### **13 – 156 To hold a Public Hearing to consider and act on the exchange of deeds and reconfiguration of the lot at the intersection of Bruce Hill Road and Valley Road.**



Town Manager Shane explained that when the Town began the process of selling foreclosed properties last year, this is one of the properties that was considered to sell. It is too small to be a building lot and it serves as a drainage basin for a large part of Bruce Hill and Valley Roads. The Thurston's have been asking for many years if they could purchase the lot in order to square off their parcels. Dale Thurston has paid for all the survey work and the legal description, and has corrected the lot line clarification. Mr. Shane recommended that the Council authorize the last piece of the transaction, the swapping of deeds.

Chairman Stiles opened the Public Hearing.

Public discussion: None

Chairman Stiles closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Turner to authorize the Town Manager to execute a deed with Dale Thurston to clarify lot lines per the attached plan. The Town Council further requires that a fee of \$500 be paid to recover the Town's legal and recording costs for this deed.

VOTE: 6-0 UNANIMOUS

### 13 – 157 To hold a Public Hearing to consider and act on a Mass Gathering Permit for Maine Principals Association Regional Cross Country Meet on October 26, 2013 and State Championship Meet to be held on November 2, 2013, at Twin Brook.

Town Manager Shane explained that the applications are complete, Town staff have met with the event coordinators and are recommending approval.

Chairman Stiles opened the Public Hearing

Public discussion: None

Chairman Stiles closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Bingham, to approve the Mass Gathering Permit for the Maine Principals Association Regional Cross Country meet on October 26, 2013, and State Championship meet to be held on November 2, 2013, at Twin Brook.

VOTE: 6-0 UNANIMOUS

**13 – 158 To hold a Public Hearing consider and act on amending the Traffic Ordinance to consider alternative traffic calming measures for the Val Halla Road, Hedgerow Drive, and Country Charm Road area and prohibition of left turn.**

Town Manager Shane explained that over the past 10+ years, the neighborhood has had many meetings on this topic, and speeding continues to be a concern for them. Mr. Shane said that compliance with the no left turn from Val Halla Road on to Hedgerow Drive and Country Charm might be 50% at best. Unless a police officer is right there, it is very difficult to enforce. Mr. Shane said that he believes that seasonal speed tables would be received favorably by the neighborhood. Mr. Shane said that his recommendation as the Town Manager and an engineer would be to install traffic calming measures if the prohibition of left turn is removed.

Chairman Stiles opened the Public Hearing.

Public discussion:

Jim Donahue of 24 Hedgerow Drive said that the seasonal speed bumps seem like a logical solution. He is concerned about the left hand turn however. There are still a number of school children who live on Hedgerow Drive and Country Charm Road. With the no left turn in place, there would be at least a 50% compliance rate and he would be in favor of leaving the signs in place.

Peter Del Bianco of 35 Val Halla Road would like to see the left hand turn restriction removed. He has two different prospective on this issue. He has two children who both drive to the high school. With the left turn restriction, it forces them down Val Halla Road and having to take a left onto Greely Road. That left turn is difficult for most drivers (because of the hill) and more difficult for inexperienced drivers, especially in the winter. The second reason that he would like to see the left turn restriction removed is for the sense neighborhood. These days, we mostly interact with our neighbors as we drive through the neighborhood. Mr. Del Bianco said that he hopes that the Council thinks of his two perspectives when deciding on this item.

Nancy Storey, President of Maine State Golf Association which is located at Val Halla along with the First Tee of Maine, the Southern Maine Women's Golf Association and the Maine Golf Course Superintendents Association. The MSGA employs a seasonal staff of eight paid employees and a year-round staff of three. As a business operator in town she humbly asks that the Council allow two-way traffic on both Hedgerow and Country Charm. She said that she would even go so far to say that all the streets leading to the Val Halla road should be opened up to provide for ease of access to the golf course and its associated businesses. By continuing Pinewood and Woodside Drives all the way through to Val Halla, you would reduce the traffic on all of the other streets leading there.

By prohibiting a left turn on Hedgerow, it effectively doubles her commute to work, which is economically and ecologically irresponsible. Furthermore, the streets are owned by the Town of Cumberland, not the residents of the neighborhoods. If these residents want the street closed to exiting traffic, she respectfully suggests that they assume the cost of the streets' maintenance.

Ms. Storey said that she can respect that the neighbors want serenity for their neighborhood. However, the roads to Val Halla were built for vehicles. Although there are no sidewalks, most of the traffic that she sees on a daily basis is very respectful of pedestrian traffic. She said that many times she has had to come to a complete stop, not only on Hedgerow, but even more so on Val Halla Road, so that people and their dogs could move aside for her car to pass. Never once, until now, has she complained to the town about the inconvenience caused by this inconsideration. "I just smile and wave and wait for them to move. I make a conscious effort to keep my speed at or below the limit when I am in these neighborhoods (in fact, just last week I was passed by a bicycle on Hedgerow!). I believe I am respecting the neighbors by doing so and I would like the same respect shown in return. Please let me add that I am often compelled to drive these roads multiple times a day for my work. If I were able to walk to work instead, I gladly would. However a foot injury and the time constraints of my job prohibit me from doing so".

“Val Halla is a true asset for the Town of Cumberland and a showcase for municipal golf courses across New England, not just in Maine. The business conducted at Val Halla is good for Cumberland, its people and especially its children. The largest junior golf program in the state is conducted there, and as I’ve already said, four of Maine’s major statewide golf associations are housed there. Rachel’s on the Green has become a popular gathering spot for many of all ages with its welcoming atmosphere and affordable fare. And the golf course itself is truly remarkable – it’s maintained to conditions that rival its private counterparts in the next town over. You want Val Halla to be successful. You want it to be busy, which leads to this success. Val Halla has existed since 1965. When it first opened, the only way to get to the course was to travel down Hedgerow – there was no through way to the Greely Road. In fact, the Val Halla Road wasn’t even paved until sometime in the 1980s. The golf course has literally been here since the houses, making the neighborhood a more desirable place to live. Why would you want to discourage people from going there?”

“In my humble opinion, not allowing left turning traffic is a huge mistake which places a greater burden on the residents on lower Val Halla Road as well as the residents on Greely Road. Unless the people in the Hedgerow and Country Charm neighborhoods are willing to pick up the cost for maintaining the streets, I contend that everyone has the same right to their use. I believe it’s our right as citizens.”

Chairman Stiles closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Turner, to amend Chapter 282 (Vehicles & Traffic), Paragraph B (Turning Movements) of the Cumberland Code, to remove the prohibition of left turn signs from Val Halla Road onto Hedgerow Drive and Country Charm Road. Further, I authorize the Town Manager to expend from the Road Improvement Reserve account, the monies necessary to install speed tables on Val Halla Road, Hedgerow Drive, and Country Charm Road, to be installed no later than May 15<sup>th</sup> and removed no sooner than October 1<sup>st</sup> annually.

VOTE: 5-1 (Gruber opposed)            MOTION PASSES

**13 – 159    To set a Public Hearing date (October 28<sup>th</sup>) to consider and act on awarding a 3-year contract for supplemental snow plowing services.**

Town Manager Shane explained that over the past few years, the Town has looked into the possibility of contracting out services Town wide. The Council has agreed that through attrition, they would begin to contract out snow plow routes, instead of replacing employees and equipment. Bids are due within the next week and he will have the dollar amounts for the Council at their October 28<sup>th</sup> meeting.

Motion by Councilor Turner, seconded by Councilor Edes, to set a Public Hearing Date of October 28<sup>th</sup> to consider and act on awarding a 3-year contract for supplemental snow plowing services.

VOTE: 6-0            UNANIMOUS

**13 – 160    To hold a Public Hearing to consider and act on draft zoning amendments to Chapter 315-4 of the Cumberland Code (Word Usage and Definitions - Business and Professional Office) to add the phrase: *This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes.***

Chairman Stiles opened the Public Hearing.

Public discussion: None

Chairman Stiles closed the Public Hearing.

Councilor Storey-King said that the Ordinance Committee has looked at this and supports the amendment.

Motion by Councilor Bingham, seconded by Councilor Gruber, to amend Chapter 315-4 of the Cumberland Code (Word Usage and Definitions - Business and Professional Office) to add the phrase: *This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes.*

VOTE: 6-0

UNANIMOUS

## **NEW BUSINESS**

**Councilor Turner** – He just returned from a trip to England to visit his new granddaughter. He thought it may interest people to know when you translate the price of gasoline in England, it is over \$9.00/gallon.

**Councilor Bingham** – He was asked by a resident if/when another hazardous waste collection day will take place.

Town Manager Shane said that program has previously been budgeted for and continued for 5-7 years. The price went from \$3,000 and exceeded \$13,000 in the last year. The Council at that time decided to cut the program because it had gotten too expensive.

Councilor Bingham recognized the Greely Football Boosters for a very moving tribute to Veterans at the football game. It was well done and it meant a lot to a lot of people.

There are now 3 school superintendent vacancies (Cumberland, Falmouth & Yarmouth). With the escalating bidding war between these three communities, they could end up spending \$450,000 - \$500,000 for three superintendents. This type of action is not sustainable for very long (consolidation should be considered).

**Councilor Storey-King** – To follow up on Councilor Bingham's remark, Greely Football has a couple of former players who are active duty military. Dana Rogers is a Ranger, and Kevin Thibeault is an officer at Norwich Academy.

A few weeks ago, the Towns of Cumberland, Chebeague Island, Falmouth, North Yarmouth and Yarmouth had a joint meeting and it was mentioned that there were a number of towns present at that meeting who need a superintendent. She would like to see the conservation begin again. She was on the school consolidation committee and maybe this is the perfect storm (to consider consolidation again).

The Korean War Veteran celebration on Veterans Day is coming up in 5 weeks. She invited the public to come to Moss Side Cemetery to recognize and honor Cumberland Veterans of the Korean War. It will be a very short ceremony and she hopes citizens will line Main Street as the Veterans approach Moss Side.

**Councilor Gruber** – Our food pantry continues to do well. Thank you to those who donate and thank you to the many volunteers who work at the pantry.

He thanked Chairman Stiles for his hard work in collecting donations for the 4-H Auction. There is now enough meat in the Food Pantry freezers for 2-3 months.

**Chairman Stiles** – The following donations made it possible for the Food Pantry to purchase a 1,255 lb. steer and a 312 lb. pig:

Gary Tims, Cumberland House of Pizza, Ames Farm Center, Sandra Grover, Bickford Golf, J. Brothers Variety Store, Barbara McManus, DJ Small Plumbing & Heating, William & Joyce Stiles, Norway Savings Bank, Copp Motors, Brian Gilbert Associates, Tony DeSimone, Harland Storey, Budd's Gulf, Rachel's

On the Green, Doc's Café, George & Christine Turner, Terry Snow, Maine Standards Co., Storey Brothers, Back Cove Midwives, Septi Vac Pumping, Cumberland Salvage, Atlantic Regional Federal Credit Union, The Board Barn, Bill Price & Phyllis Jones, RW Googins Electric, Eileen Wyatt, Michael & Gail Boivin, Employees of Exactitude, Skillin's Greenhouses, Peter & Connie Bingham, Michael & Jennifer Edes, Judy & Rick Scott, John & Pam Ames, John & Linda Bickford, Dr. Gregory Fox, Tony & Adriane Brown, Elizabeth Kubick, Reynolds & Sons Disposal Services, Sevee & Mahar Engineers, Lalla Carothers, Cumberland Congregational Church, Jim Baillinson, Mark & Deborah McGinty, and Fred Kinney.

His daughter ran her first marathon recently. It was fun to watch.

**Councilor Edes** – He attended the open house at Maine Standards. It was a great event. He had the opportunity to talk to the owner, Tom Happe, and asked him how the Town of Cumberland did (in the relocating of their business)? Mr. Happe's responded that Cumberland was the only town (out of 5-6 towns) that went out of their way to get them to move to Cumberland and want them to succeed in building their business. This was great to hear.

He responded to a shooting incident on Greely Road recently and would like to thank the Cumberland Police Department who responded to back him up. Cumberland and Yarmouth Police Departments and the County Sheriff's Department went above and beyond to get to the aid of everyone at the scene. He particularly wants to thank Sargent Mazzone and Lieutenant Calder for their assistance.

**Town Manager Shane** – Last Friday there was a meeting with the potential Assessor candidate. This is a regional position with the County and the Towns of Cumberland and Yarmouth. Additional towns will also hopefully want to be part of the regional assessing model.

Last Thursday, he participated in a natural gas seminar which was attended by over 200 "gas experts". It was a very informative and motivating session.

In December, the harvesting the Town Forest will begin. This project was approved two years ago, but was delayed in waiting for better winter conditions. The Forrester and Lands & Conservation Commission Chairman will be at a meeting in December to explain the harvesting in detail.

**VI. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(C) re: real property acquisition.**

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

VOTE: 6-0 UNANIMOUS

TIME: 8:28 p.m.

**VII. ADJOURNMENT**

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

VOTE: 6-0

TIME: 8:40 p.m.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary