

**AGENDA**  
**CUMBERLAND TOWN COUNCIL MEETING**  
**Town Council Chambers, 290 Tuttle Road**  
**Monday, April 10, 2006**  
**7:00 p.m. – CALL TO ORDER**

**I. APPROVAL OF MINUTES**

March 27, 2006

**II. MANAGER'S REPORT**

**III. PUBLIC DISCUSSION**

**IV. LEGISLATION AND POLICY**

- 06 – 050.** To set a public hearing date of April 24, 2006 to consider and act on realignment of the Orchard/Blanchard Road Intersection.
- 06 – 051.** To set a public hearing date of April 24, 2006 to consider and act on a Local Business District Zone line change for proposed Castle Rock Business Park, Map R07C, Lot 1A.
- 06 – 052.** To set a public hearing date of April 24, 2006 to consider and act on a Mass Gathering Permit and Victualer's License (s) for United Maine Craftsmen, August 10-13, 2006.
- 06 – 053.** To set a public hearing date of April 24, 2006 to consider and act on amendments to the Solid Waste & Recycling Ordinance re: container/bag weight.
- 06 – 054.** To set a public hearing date of April 24, 2006 to consider and act on Bond Issuance for Municipal Waterline and other projects.
- 06 – 055.** To hold Public Hearing to consider and act on a Mass Gathering Permit for the Cumberland Soccer Club Labor Day Tournament, 9/2 & 9/3, 2006.
- 06 – 056.** To hold Public Hearing to consider and act on a Recycler License for Cumberland Salvage, Inc. for the period April, 2006 through April, 2011.
- 06 – 057.** To hold Public Hearing to consider and act on amendments to the Traffic Ordinance to add the following stop sign locations:
- Oak Ridge at Greely Road Ext
  - Bea Lane at Grove Street
  - Hedgerow Drive at Route 9
  - Candlewick Lane at Country Charm Lane
  - Country Charm Lane at Val Halla Road
  - Hedgerow Drive at Val Halla Road
  - Sparhawk Lane at Cottage Farms Road
  - Prince Street at Farwell Ave (west)
  - Prince Street at Farwell Ave (east)
  - Spruce Lane at Route 88

**06 – 058.** To Authorize the Town Manager to submit endorsement of the restructuring of GPCOG.

**06 – 059.** To set a date of April 24, 2006 to consider and accept taxes and penalties and release property at Map I03, Lot 141.

**06 – 060.** To hold Public Hearing to consider and act on the 2006-2007 Municipal Fiscal Year Budget.

**V. NEW BUSINESS**

**VI. EXECUTIVE SESSION** – Pursuant to 1 MRSA § section 405 (6) (A) re: personnel matters and section 405 (6) (C) re: real estate disposition

**VII. ADJOURNMENT**

**CHANNEL 2  
REBROADCAST SCHEDULE**

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♦ Tuesday, April 11 :	Noon
♦ Wednesday, April 12 :	10:00 am
♦ Thursday, April 13 :	4:00 pm
♦ Friday, April 14 :	7:00 pm
♦ Saturday, April 15 :	10:00 am
♦ Sunday, April 16:	4:00 pm

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For further programming information and rebroadcast schedules contact *Alyssa Daniels* at 829-2205 or [ADaniels@cumberlandmaine.com](mailto:ADaniels@cumberlandmaine.com)

ALSO VISIT: [www.cumberlandmaine.com](http://www.cumberlandmaine.com) for a complete  
Channel 2 broadcast schedule

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**COUNCIL MEMBERS**

William Stiles, Chair	829-6679	<a href="mailto:wstiles1@maine.rr.com">wstiles1@maine.rr.com</a>	Donna Damon	846-5140	<a href="mailto:publicservant@aol.com">publicservant@aol.com</a>
Mark Kuntz	829-8127	<a href="mailto:mkuntz1@maine.rr.com">mkuntz1@maine.rr.com</a>	Harland Storey	829-3939	<a href="mailto:cstorey@ghi.net">cstorey@ghi.net</a>
George Turner	781-3063	<a href="mailto:gturner1@maine.rr.com">gturner1@maine.rr.com</a>	Jeffrey Porter	829-4129	<a href="mailto:mesit5@maine.rr.com">mesit5@maine.rr.com</a>
Stephen Moriarty	829-5095	<a href="mailto:smoriarty@nhdllaw.com">smoriarty@nhdllaw.com</a>			

**MINUTES**  
**CUMBERLAND TOWN COUNCIL MEETING**  
**Town Council Chambers, 290 Tuttle Road**  
**Monday, March 27, 2006**

**7:00 p.m. – CALL TO ORDER**

**Present:** Chairman Stiles, Councilors Damon, Porter, Turner, Storey and Moriarty

**Excused:** Councilor Kuntz

**I. APPROVAL OF MINUTES**

March 13, 2006

Motion by Councilor Moriarty, Seconded by Councilor Storey, to accept the minutes of March 13, 2006 with amendments as stated.

VOTE: UNANIMOUS PASSAGE 6-0 (Kuntz out)

**II. MANAGER'S REPORT**

a. Solid Waste Report - PAYT Update

Manager Shane said that the town had decreased trash production by almost 300 tons in the last five months and increased recycling by 87 tons. The savings for the 2006 fiscal year budget is about \$120,000. The Manager said that the Council would need to address the weight per bag. The Solid Waste & Recycling Ordinance requires a hauler to pick up suitable containers up to 75 pounds. The bags residents are required to purchase are only rated for up to 35 pounds. This issue arose due to residents maximizing the capacity of the bags with kitty litter. He will ask the Council to put this on the agenda of their April 24, 2006 meeting.

Councilor Porter asked for clarification that the savings of \$120,000 did not include the revenue from the bags. Manager Shane confirmed this.

Councilor Damon suggested that if there were that many cats in the town that maybe they should conduct a census of the animals and they should be taxed.

b. Chebeague Island Secession Update

Manager Shane updated the Council about a Mandate that the Revisers Office had attached to the Chebeague Island Secession Bill that would require a 2/3-majority vote in the House and the Senate. Supposedly, this was attached when an independent group determined there would be a financial impact to the Town of Cumberland. He was concerned that no one from Augusta had contacted his office regarding this issue. He placed calls to Karl Turner and Terry McKenney and would contact the Council as the issue developed.

c. School Resource Officer

Manager Shane reported that the School Resource Officer, John Dalbec had organized a dodge ball tournament at the high school with over 100 kids participating. The winning team would take on the Police Department on April 14<sup>th</sup>. Officer Dalbec has been very concerned about the kids at the high school and the Manager feels he has done a great job with the Resource Officer Program.

### **III. PUBLIC DISCUSSION**

There were no issues brought forth by members of the public.

### **IV. LEGISLATION AND POLICY**

#### **06 – 040. To hear a presentation from the Cumberland Fire Department.**

Chairman Stiles said a few members of the Council and the Town Manager attended the Fire Department's annual supper meeting and awards banquet. He felt that the presentation from the banquet would be worthwhile for the residents to see and invited Cumberland Fire Chief Dan Small to present a condensed version at this meeting.

Fire Chief Dan Small mentioned several members of the department who received Years of Service awards. Receiving 25-year awards were Bill Babbitt and David Small. Clyde Hines received an honorary life membership. Receiving 5-year awards were Al Maloney, Lt. Andrew Pollack, Jeff Storey, Kevin Baldwin, Jr. Chris McCollum, Don Moody, Malcolm Rice, Joe Ballard and Gordon Murphy. Receiving a 10-year award was Roy Jackson. Receiving 15 year awards were Jason Copp and Casey Putnam. Receiving a 20-year award was Chief Dan Small. A member of the community that was recognized for efforts in fire prevention was Christine Slater from the Cumberland Nursery School. Lt. Andrew Pollack was recognized for administrative service for organizing a paging and text-messaging program so that officers can call to determine if they need to return to the station or go to a call. Kevin Foster was named Explorer of the Year. David Sinclair was named Firefighter of the Year and Lt. Scott Morgan was named Officer of the Year.

Following a slideshow presentation Councilor Porter commended Chief Small and felt that Kristin Clough's efforts in aggressively seeking grants were very impressive.

Councilor Damon felt that although working for the department is hard work it was nice to see the smiles and could see the camaraderie between the volunteers. She felt it was a positive thing for the kids to work as peers with the other people in the department and hoped that others will take the opportunity to get involved.

#### **06 – 041. To hold public hearing to consider and act on a Victualer's License for Suburban Little League for the period 4/06 through 6/06.**

Manager Shane indicated that the staff recommended approval.

April Ross said that the Suburban Little League would like to enhance the spirit of the community of little league by offering concessions for the spectators. They intend to sell prepackaged foods, bottled, water, soda and hot dogs.

Motion by Councilor Moriarty, Seconded by Councilor Turner, to approve the Victualer's License for the Suburban Little League for the period April 2006 through June 30, 2006.

VOTE: UNANIMOUS PASSAGE 6-0

#### **06 – 042. To hear a report from the Budget Committee Chairman and set public hearing dates of April 10 and April 24, 2006 to consider and act on the 2006-2007 Municipal Fiscal Year Budget.**

Chairman Stiles provided a brief overview of the proposed municipal budget for fiscal year 2006-2007.

Motion by Porter, Seconded by Councilor Damon, to set a public hearing date of April 10 and April 24, 2006 to consider and act on the 2006/07 Municipal Fiscal Year Budget.

VOTE: UNANIMOUS PASSAGE 6-0

**06 – 043. To make annual appointments of Building, Plumbing, and Electrical Inspectors and Alternates and Code Enforcement Officer for Fiscal Year '07.**

Manager Shane said that staff recommended the reappointments as stated in the Council Packets.

Councilor Storey felt that the Code Enforcement Officer was wearing too many hats and that his public relation skills were lacking, therefore he would be voting against the reappointment of the Code Enforcement Officer.

There was discussion regarding the need for the Council to approve these appointments. Manager Shane explained that the Code Enforcement Officer was appointed by the Council two years ago and was not reappointed when the Town adopted the shared position with Yarmouth. The Manager indicated that the appointment could be made for a specific amount of time or it could be made annually.

Motion by Councilor Porter, Seconded by Councilor Moriarty, to approve the appointments of Code Enforcement, and Electrical, Plumbing and Building Inspectors and Alternates as recommended by the Town Manager for fiscal year 2006/07.

VOTE: PASSED 5-1 (Councilor Storey opposed)

**06 – 044. To consider and act on Clerk's appointment to the Voter Registration Appeals Board.**

Manager Shane explained that the current appointee, Carolyn Murray has expressed interest in being reappointed to this position.

Motion by Councilor Damon, Seconded by Councilor Turner, to accept the Town Clerk's Appointment of Carolyn Murray as Chair to the Voter Registration Appeals Board for a four year term to expire April, 2010.

VOTE: UNANIMOUS PASSAGE 6-0

**06 – 045. To set Public Hearing date of April 10, 2006 to consider and act on a Mass Gathering Permit for the Cumberland Soccer Club Labor Day Tournament, 9/2 & 9/3, 2006.**

Chairman Stiles made a comment regarding the insurance certificate indicating that the expiration date occurs the day before the tournament, therefore the Cumberland Soccer Club would need to submit a revised certificate.

Motion by Councilor Moriarty, Seconded by Councilor Damon, to set a public hearing date of April 10, 2006 to consider and act on a Mass gathering Permit for the Cumberland Soccer Club Labor Day Tournament to be held September 2 & 3, 2006.

VOTE: UNANIMOUS PASSAGE 6-0

**06 – 046. To review the Contract Zone Agreement from the Chinese Gospel Church, 99 Gray Road, and refer same to Planning Board for its review and recommendation.**

Manager Shane recommended that the Contract Zone Agreement go forward and that the language was being developed and finalized by the attorneys.

Motion by Councilor Damon, Seconded by Councilor Moriarty, to refer the Contract Zone Agreement from the Chinese Gospel Church for property located at 99 Gray Road to the Planning Board for its review and recommendation.

VOTE: PASSED 5-1 (Councilor Porter opposed)

**06 – 047. To set Public Hearing date of April 10, 2006 to consider and act on a Recycler License for Cumberland Salvage, Inc. for the period April, 2006 through April, 2011.**

Manager Shane explained that Cumberland Salvage, Inc. had determined that they also need a Recycler License as required by the Department of Environmental Protection.

Councilor Damon asked if there was some sort of annual review of a multiple year license to make sure the applicant is in compliance during that period.

The Manager said that he would look into this and provide an answer at the April 10, 2006 meeting.

Motion by Councilor Moriarty, Seconded by Councilor Storey, to set a public hearing date of April 10, 2006 to consider and act on a Recycler License for Cumberland Salvage, Inc. for the period April, 2006 through April 2011.

VOTE: UNANIMOUS PASSAGE 6-0

**06 – 048. To set public hearing date to consider and act on amendments to the Traffic Ordinance to add the following stop sign locations:**

- Oak Ridge at Greely Road Ext
- Bea Lane at Gross Street
- Hedgerow Drive at Route 9
- Candlewick Lane at Country Charm Lane
- Country Charm Lane at Val Halla Road
- Hedgerow Drive at Val Halla Road
- Sparhawk Lane at Cottage Farms Road
- Prince Street at Farwell Ave (west)
- Prince Street at Farwell Ave (east)
- Spruce Lane at Route 88

Manager Shane explained that Gross Street had been changed to Grove Street in 1980. He said the Traffic Ordinance requires these stop sign location amendments and the Council would be acting on about ten at a time at the next few meetings in order to bring the Ordinance up to date.

Councilor Turner asked for clarification on what mandates the stop sign locations.

The Manager said that the Manual for Uniform Traffic Control Devices is used when placing regulatory signs. The State Traffic Engineer approves these signs if they border on a State Highway as they have been in these cases.

Motion by Councilor Storey, Seconded by Councilor Turner, to set public hearing date of April 10, 2006 to consider and act on amendments to the Traffic Ordinance to add stop sign locations.

VOTE: UNANIMOUS PASSAGE 6-0

**06 – 049. To set May 1-5 as the dates for Bulky Waste Pick-Up on the Mainland and August 5 & 6 on Chebeague Island.**

Motion by Councilor Damon, Seconded by Councilor Moriarty, to set May 1 through 5, 2006 as the dates for Bulky Waste Pickup on the mainland and August 5 and 6, 2006 on Chebeague Island.

VOTE: UNANIMOUS PASSAGE 6-0

## **V. NEW BUSINESS**

**Councilor Turner** – None

**Councilor Damon** – Needed clarification on whether newspapers and cereal boxes were to be separated from other paper again. Manager Shane said that there is a two sort system and thought that maybe a dumpster with old labels had been placed out on the Island and said that he would call the transfer station to investigate. Councilor Damon also asked whether there had been any progress in determining the meeting dates for the Council. She needed to schedule classes and would like to know one way or another.

The Council discussed whether to change their meeting nights to the 1<sup>st</sup> & 3<sup>rd</sup> Tuesdays or keep it at the 2<sup>nd</sup> & 4<sup>th</sup> Mondays. Councilor Porter felt Mondays were difficult because they overlap with the School Board meetings and that other organizations meet on Mondays that he, and possibly other members, might like to be involved in. Thirdly, Mondays do not allow the Councilors to review their packet information long enough and they don't get the chance to review any new information prior to the meetings. Councilors Turner, Moriarty and Stiles did not feel the need to change the meeting nights. Councilor Storey did see the conflict with the School Board meetings.

The consensus of the Council was not to change the meeting nights.

**Councilor Storey** – None

**Chairman Stiles** – Mentioned a letter from the Greater Portland Council of Governments. This letter would be sent to the other Councilors in their packets for their review. He reminded the residents that papers for the June election were available and would be due in by May 1, 2006.

**Councilor Moriarty** – Asked if the walking path off of Route 88 had been cleared. Manager Shane said he would check on the status of the downed trees. Councilor also mentioned the site walk of the Copp Property on Route 100. The project would be on the Planning Board Agenda at its meeting on April 11, 2006.

**Councilor Porter** – Complimented the Town Clerk on the information provided regarding vital records. He wondered if John Hutchins, who was selling shares for produce from Sunrise Acres Farm, had visited anyone else. He thought it was a great opportunity to support a local farm and neighbor. He also wanted to thank the Council for supporting the sidewalk on Tuttle Road. He had heard from several residents who were pleased. Councilor Porter spoke regarding the North Yarmouth Selectmen's meeting where the School Resource Officer position was discussed. He felt that although North Yarmouth should question expenditures they should pay their fair share in this instance.

**Manager Shane** – Asked the Council to set a public hearing date of April 24, 2006 for bonding of town related projects. He explained the cost savings for multiple projects on one bond. He said this would open a dialog and does not tie them to the bonding.

Motion by Councilor Storey, Seconded by Councilor Turner, to set a public hearing date of April 24, 2006 to discuss future bonding of public improvements and projects.

VOTE: UNANIMOUS PASSAGE 6-0

**VI. EXECUTIVE SESSION** – Pursuant to 1 MRSA § 405 (6) (A) re: Personnel Matters

Motion by Councilor Porter, Seconded by Councilor Damon, to move to Executive Session pursuant to 1 M.R.S.A. § 405 (6) (A) re: Personnel Matters

VOTE: UNANIMOUS PASSAGE 6-0

TIME: 8:06 p.m.

Motion by Councilor Turner, Seconded by Councilor Moriarty, to return form Executive Session.

VOTE: UNANIMOUS PASSAGE 6-0

TIME: 9:07 p.m.

**VII. ADJOURNMENT**

Motion by Councilor Storey, Seconded by Councilor Moriarty, to adjourn.

VOTE: UNANIMOUS PASSAGE 6-0

TIME: 9:10 p.m.

Respectfully Submitted,

Nancy L. Stroud  
Executive Secretary