

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, March 13, 2017

5:30 P.M. FINANCE COMMITTEE WORKSHOP re: FY'18 Budget

7:00 P.M. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Stiles, to accept the February 27, 2017 meeting minutes as presented.

VOTE: 5-0-2 (Bingham and Edes abstained) MOTION PASSES

II. MANAGER'S REPORT

Nomination papers will be available on Monday, March 20th at the Town Clerk's office. There are 2 Town Council seats and 2 School Board seats up this year.

On Saturday, April 8th, there will be a ground breaking ceremony for the central fire station renovation project. We are trying to get some of the previous Fire Chief's to attend. It will be a very exciting day. More information as it becomes available on this.

As many are aware, there was a lot of controversy back in the 1960's until just a few years ago, regarding the water level of Knight's Pond. Back in the 60's there was a court order that defined where the water levels could go, but unfortunately that water level was never tied to an elevation. It was tied to a series of metal stakes that were placed around the pond and for years there has been a lot of discussion on where those levels should be. When the Towns of Cumberland and North Yarmouth, along with the Land Trust purchased the Knight's Pond property, we declared that the water level would be at the level of the concrete weir closest to the pond. We thought that level was agreed upon. The Land Trust hired several engineers and spend approximately \$10,000 to do engineering studies related to the hydraulics of the pond. Part of the recommendation to keep the pond at that level was to put a 6 inch notch, approximately 2 feet in length into the existing dam. This has not worked very well. The issue is the maintenance of the dam. There is a lot of debris and we have tried, unsuccessfully, for 3 months to get permission from the DEP to build an access road from the parking lot to the dam so the debris can be removed and the flow would improve. This would also allow us to do maintenance on the backside of the pond on a regular basis.

The Manager proposed that we authorize a hydraulic analysis of the 40 acre pond at a cost of approximately \$2,500. It would give us more insight as to what is going on around the pond.

Chairman Turner said that Whit Smith, who owns property along the back corner of the parcel has the most "heartburn" about what is going on around the pond right now. His end of the pond is getting flooded and he is outraged about it, and he has every reason to be. Councilor Turner recalls that there was a promise made that the forward dam was going to be regulated at such a way that historical levels would be kept. Mr. Smith's feeling of being betrayed has some accuracy to it.

Chairman Turner polled the Council to see if they agree to authorize the cost of the hydraulic study.

The Council members agreed to authorize the study.

III. PUBLIC DISCUSSION

Brad Hilton of Blanchard Road said that Lyme disease is tied to deer ticks and the deer tick population is tied to deer population. You have to decrease the deer population in order to decrease the tick population. We, as a Town, should be more proactive in decreasing the deer population by encouraging more hunting. He realizes that this is a tough subject because a lot of people are not in favor of hunting. Archery and muzzle loaded hunting is so safe that we should be encouraging it. He suggested getting the Forestry subcommittee of the Lands & Conservation Commission working on this.

Mr. Hilton said that he is working on getting the Town to grant permission to put tree stands in the Town Forest, Rines Forest and Knight's Pond property.

In regard to the sign ordinance amendments and the electronic messaging center (EMC) signs, Mr. Hilton said that the pros and cons are both very strong. He suggested two sentences be added to the 13 provisions in the ordinance:

- 1) The EMC sign shall be parallel to the public road.
- 2) On the corner lot of two public roads, the sign shall be over 30 feet from the corner of the two roads.

IV. LEGISLATION AND POLICY

17 – 028 To consider and act on granting a one-time waiver to allow the Cumberland Lacrosse Club to hold their annual Boys Youth Lacrosse Jamboree on Sunday, June 11th beginning at 8:00 a.m. at Twin Brook Recreation Facility, as recommended by the Parks & Recreation Commission.

Chairman of the Parks and Recreation Commission, Chris Fitzpatrick said that the Commission discussed this at length and they decided to recommend that this be approved as a one-time, non-precedent setting waiver, and any future requests will be handled on a case by case basis.

Councilor Bingham said that he was on the original Twin Brook Committee and recalls the reason the no field use on Sunday before 1:00 p.m. rule was put into place was due to respecting the neighbors, giving the fields a chance to rest, and the opportunity to allow for family time on Sunday. The soccer club tournaments and bonfire are both grandfathered events. He feels that this is a slippery slope and he is not in favor of it.

Councilor Storey-King asked Peter Bingham (Jr.) if he asked the Lacrosse Club if they could hold their event on Saturday. The Parks & Recreation Commission also considered that they are under the gun with this because they have to complete the mass gathering permit process as well.

Mr. Bingham said that he did inquire about Saturday, but has not received a reply yet.

An abutter to Twin Brook (who did not state her name) said that the one day events are much easier to manage than the daily high school practices in terms of making use of the facility.

Councilor Gruber recalled that the reason that they wanted to have it on Sunday is because they are not able to get officials to officiate the event due all the officials being busy with school events on Saturdays. He suggested putting this reason in the motion so we would know why this was granted in the future.

Motion by Councilor Gruber, seconded by Councilor Copp, to grant a one-time waiver, due to the lack of officials available, to allow the Cumberland Lacrosse Club to hold their annual Boys Youth Lacrosse Jamboree on Sunday, June 11th beginning at 8:00 a.m. at Twin Brook Recreation Facility, as recommended by the Parks & Recreation Commission.

VOTE: 6-1 (Bingham opposed) MOTION PASSES

17 – 029 To hold a Public Hearing to consider and act on a liquor license renewal for Rachel’s On the Green from March 30, 2017 to March 29, 2018.

Town Manager Shane said that staff is recommending approval.

Chairman Turner opened the Public Hearing.

Public discussion: None

Chairman Turner closed the Public Hearing.

Motion by Councilor Edes, seconded by Councilor Storey-King, to approve the liquor license renewal for Rachel’s On the Green from March 30, 2017 to March 29, 2018.

VOTE: 7-0 UNANIMOUS

17 – 030 To consider and act on amending the contract with Rachel’s On the Green to allow for transfer of business ownership.

Town Manager Shane explained that this brings the end of a phenomenal partnership with Bubba, Michelle and Rachel Smith, but the business is going to be in good hands with their sister, Patty Dunn and Celeste Ross. The Town Attorney has reviewed this and the contract with Rachel’s On the Green does allow for transfer of ownership. The Manager and the Council thanked Bubba, Michelle and Rachel Smith for all they have done with the restaurant and the community. When Patty and Celeste take over the business, Mike Smith will stay on and run the majority of the day to day operation, as he does now.

Mike Smith said that Patty and Celeste will be coming up with some new, fresh ideas for the restaurant.

Motion by Councilor Bingham, seconded by Councilor Stiles, to amend the contract with Rachel’s On the Green to allow for transfer of business ownership.

VOTE: 7-0 UNANIMOUS

17 – 031 To set a Public Hearing date of March 27th to consider and act on repealing and replacing Section 315-63 (Signs) of the Cumberland Code, as recommended by the Planning Board.

Councilor Storey-King said that she extended an invitation to the Planning Board to meet with the Council before the next meeting so they can explain their discussion points first hand on this.

Motion by Councilor Bingham, seconded by Councilor Stiles, to set a Public Hearing date of March 27th to consider and act on repealing and replacing Section 315-63 (Signs) of the Cumberland Code, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

17 – 032 To set a Public Hearing date of March 27th to consider and act on adding MSAD #51 properties (Tax Map U11, Lots 1, 8 & 9 and Tax Map U13, Lot 112) to the Town Center District (TCD) zone, as recommended by the Planning Board.

Motion by Councilor Stiles, seconded by Councilor Bingham, to set a Public Hearing date of March 27th to consider and act on adding MSAD #51 properties (Tax Map U11, Lots 1, 8 & 9 and Tax Map U13, Lot 112) to the Town Center District (TCD) zone, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

17 – 033 To set a Public Hearing date of March 27th to consider and act on a Contract Zone amendment for Cumberland Foreside Village, as recommended by the Planning Board.

Motion by Councilor Copp, seconded by Councilor Stiles, to set a Public Hearing date of March 27th to consider and act on a Contract Zone amendment for Cumberland Foreside Village, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

17 – 034 To set a Public Hearing date of March 27th to consider and act on a liquor license renewal for the Golf Learning Center from April 14, 2017 to April 13, 2018.

Motion by Councilor Gruber, seconded by Councilor Stiles, to set a Public Hearing date of March 27th to consider and act on a liquor license renewal for the Golf Learning Center from April 14, 2017 to April 13, 2018.

VOTE: 7-0 UNANIMOUS

17 – 035 To consider and act on authorizing the Town Manager to award the demolition landfill contract to A.H. Grover, Inc.

Town Manager Shane explained that A.H. Grover was the low bidder and can get started on this project this summer. Staff is recommending approval.

Motion by Councilor Bingham, seconded by Councilor Copp, to authorize the Town Manager to award the demolition landfill contract to A.H. Grover, Inc.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – he extended condolences to the family of Bob Waterhouse. Bob and his family were all huge contributors to the Town. Bob was one of the original members of the Rines Forest Committee, was the Vice-Chairman of the Comprehensive Plan Revision Committee, was Chairman of the Conservation Subdivision Committee and was newly appointed to the Lands & Conservation Forestry subcommittee. Bob always approached things very methodically and we were very fortunate to get him back on Town committees after his retirement.

Councilor Gruber – He attended the celebration of life for Bob Waterhouse. He was stuck by the love in that room with about 1,000 people in attendance. Bob made a remarkable impact on our community.

He sits on the county committee that approves the block grants and has noticed there is a lot of community initiative out there regarding Aging in Place.

Our Aging in Place Committee met last week. They are a very motivated committee with Karen Campbell chairing the committee.

The food pantry reduced their hours lately. This change has been received positively by the patrons and the volunteers.

Councilor Storey-King – The Ordinance Committee is working on the recreational marijuana issue and zoning on Amanda's Way.

The new Parks & Recreation Commission met recently. They are ready to get to work.

In regard to the passing of Dr. Waterhouse, he has done some amazing things and his obituary requested donations in lieu of flowers to the Cumberland/Chebeague Land Trust. This shows his ongoing commitment to the environment and our community.

Congratulations to the Greely boys basketball team who won the Maine State Class A basketball tournament. Senior and Co-Captain, Matt McDeavitt won the Mr. Maine Basketball award at the all-star celebration. Congratulations to all.

Councilor Edes – Congratulations to Police Chief Rumsey for being appointed to the Maine Criminal Justice Academy Board of Trustees. This is a big position in Maine law enforcement.

Chairman Turner – Bob Waterhouse was an amazing man. Condolences to his family.

Councilor Stiles – He echoed everyone sentiments in regard to Bob Waterhouse. He will surely be missed.

The Central Fire Station Building Committee continues their work. The groundbreaking ceremony will be on April 8th. He wants everyone to be aware that the house next to the fire station is going to be moved the first part of April and a portion of the existing fire station is going to be demolished.

He reminded everyone that his efforts continue to raise money for the 4-H auction to benefit the Food Pantry.

Councilor Copp – At the next meeting, the Council will be considering repealing and replacing the sign ordinance. He expects this will be a hot topic and encouraged the public to attend if they have an opinion.

- VII. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.
Motion by Councilor Stiles, seconded by Councilor Copp, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.
VOTE: 7-0 UNANIMOUS
TIME: 8:19 P.M.

Reconvene to regular session at 8:31 P.M.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:31 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary