

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, January 8, 2018

6:00 P.M. Executive Session

7:00 P.M. Town Council Meeting

6:00 P.M. Call to Order

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

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

VOTE: 7-0 UNANIMOUS

TIME: 6:03 P.M.

Reconvene to regular session at 7:05 P.M.

I. BUSINESS INTRODUCTION

Terry Skillin of Skillin's Greenhouse said that his great grandfather and his brother started the business in 1885. It started as a fresh market, selling vegetables and meats. Currently, the cut flower business is a large part of their business. The store has become very connected with the community and is a gathering place for many people. They are open 7 days a week from 8:00 a.m. to 5:00 p.m. with extended hours in the summer and during holidays.

II. APPROVAL OF MINUTES

Motion by Councilor Bingham, seconded by Councilor Stiles, to accept the December 11, 2017 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

III. MANAGER'S REPORT

Kudos to the Public Works and Public Safety Departments for the outstanding job they did during the last snowstorm. We opened an Emergency Operations Center at Town Hall on Thursday morning and it remained open until Friday morning. We also opened a warming and charging center for residents to use if need be. Everything went well and there were no issues.

IV. PUBLIC DISCUSSION

Kevin Bunker of Developers Collaborative explained that he is the prospective developer for the land adjacent to the Town Forest. He said that he met with the Council in workshop last November and understood that the Town would like the proposed development changed from the one that was proposed at the community meeting last October, but they were still interested in moving forward with the project. That support of the project then began to change (with the 4-3 Council vote on December 11th to enter into an agreement with him) and it was clear to him that something was going on that he had not been aware of. Mr. Bunker requested tabling the item this evening in order to step back and understand what is going on. He feels that this project went too far, too fast, and there is not enough consensus about exactly what the project should be. He feels that the Town needs more time to consider the project and exactly what they want it to be. He would like to continue to work with the Town and try to help figure out a project that will work for the Town.

Councilor Turner responded that it is unlikely at this point that we will get a project on that parcel that is acceptable to the Council, for at least 3 or 4 years. The land was purchased to be developed. After the Council got word from the fairgrounds that they were not interested in relocating the Town garage there, it threw everything into a turmoil, and now we are uncertain whether we want the Town garage on that parcel or somewhere else. All these factors leave the Council very conflicted.

Councilor Gruber said that he feels that Mr. Bunker is the right developer for whatever we decide to do. We have a real need in this community for affordable senior housing and he doesn't want to wait 3 or 4 years. We need to reassess and really understand what we need in this community, while considering what to do with the Public Works garage.

Councilor Bingham said that something will happen with at least the front part of that parcel. This Council has decided that it will not be open space. It will be developed into something. He doesn't think there is a particular timeline with it being developed, however.

Councilor Storey-King said that we do not know what affordable in Cumberland means. We do not have enough information for what the public thinks is affordable. She agreed with Councilor Bingham, and that property is in a designated growth area.

Councilor Copp said that Mr. Bunker is an expert in his field and we are fortunate that he is still willing to work with the Town. We need to step back and take a closer look at what to do about the Public Works garage. There will be a development on that property at some point and he looks forward to working with Mr. Bunker when that happens.

Cathy Wright of Skillin Road said that she is worried about over building in Cumberland. There is so much building going on in surrounding towns, is there really a new housing market? She is opposed to senior housing and does not need to stay in Cumberland if she ever requires senior housing. In regard to the long senior housing list, she wonders how many lists these people are on in other towns. She feels that there is a need for multi-generational housing, but the time is not now. This project has moved too fast.

V. LEGISLATION AND POLICY

18 – 001 To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 102 Longwoods Road and 17 Morgan Lane.

Town Manager Shane explained that this was family property that was divided over time and is now being sold outside the family. There were some issues that had to be clarified in regard to a dedicated right-of-way for access and some set back issues were discovered. Both attorneys have reviewed the document and staff is recommending approval.

Motion by Councilor Bingham, seconded by Councilor Gruber, to authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 102 Longwoods Road and 17 Morgan Lane and collect \$500 for legal fees.

VOTE: 7-0 UNANIMOUS

18 – 002 To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 17 Mill Ridge.

Town Manager Shane explained that is a setback issue in the rear of the property and the Town is the direct abutter as owner of the open space. The Town Attorney has reviewed the agreement and staff is recommending approval.

Motion by Councilor Gruber, seconded by Councilor Turner, to authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 17 Mill Ridge and collect \$500 for legal fees.

VOTE: 7-0 UNANIMOUS

18 – 003 To hear a report from the Forestry Subcommittee of the Lands & Conservation Commission.

New Chairman of the Lands & Conservation Commission, Mike Schwindt, introduced forestry subcommittee member Sally Stockwell, who will give the report. Mr. Schwindt added that he has replaced longtime Chairman, Sam York who served as chairman for the last 12 years. The Council commented, thanking Sam for his service.

Sally Stockwell, member of the Lands & Conservation Commission Forestry Subcommittee gave the following update on the committee's work over that past few months:

The committee has been charged with looking at all the major forest lands that are owned by the Town and develop a comprehensive approach to take care of them. The Town Forest and Rines Forest already have management plans in place and Twin Brooks has a recent management plan that was put in place. Knight's Pond does not have a management plan yet. The committee began by looking at the overall goals for the properties and realized that not every property will necessarily be managed the same way. They worked with Forester, Jeremy Stultz of Integrated Forest Management, who is familiar with the Town and our properties. They came up with a list of guiding principles to follow in order to be model stewards of all of the forest areas. They reviewed the management plan for the Town Forest and walked the Town Forest with Jeremy to look at the recent work that was done there. They walked the Twin Brook area to look at the proposed cutting plan on the Greely Road side. They recommended some changes to that plan in order to match the guiding principles that the committee developed. They walked Knight's Pond recently and met with the Land Trust to discuss their goals with the Knight's Pond property. They decided the next step will be to have Jeremy put together a forest inventory and review it with the Cumberland/North Yarmouth Joint Standing Committee. They are also working on a plan to deal with the invasive buckthorn in the Rines Forest.

Jeff Storey said that he has an agreement with the Town in place to harvest trees at Twin Brook. He wants to follow the guiding principles that the committee has developed, but is concerned that his agreement might be affected negatively.

18 – 004 To hold a Public Hearing to consider and act on a Joint Development Agreement with Developers Collaborative. TABLED

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

VOTE: 7-0 UNANIMOUS

18 – 005 To consider and act on the adoption of Chapter 81 (Farm Based Specialty Events Licensing) of the Cumberland Code, as recommended by the Ordinance Committee.

Councilor Storey-King reviewed the Farm Based Specialty Event Licensing chapter, thanking Greg Fryer for his input.

Section 81-3: There was discussion regarding the requirement of the farm to provide proof of insurance for their events.

Greg Fryer of 111 Bruce Hill Road said that each event will vary depending on what type of event it is. In the case of a wedding, the farm will have homeowners insurance, which may exclude commercial activities. The bride may purchase a WedSafe policy and all the vendors will all have insurance. As far as the homeowner is concerned, he is not aware that there is such a thing as an event policy that could be presented as a condition of receiving a license.

The Council was polled regarding the requirement of insurance (4-3 no).

Section 81-4: Clarified that farmers only need to go to the Planning Board once, not annually, unless they make significant changes to their sites. They will be required to go to the Town Council annually, however.

Section 81-5: Section 4, remove the word large. Not all events will be large.

Section 5, parking in fields. They won't be required to line parking spaces in fields.

Section 6, Keep "no overnight assemblage shall be permitted".

Section I (Noise) "No amplification of music or sound shall continue beyond 10:00 p.m.

Section 81-7: "Each events license holder may hold up to eight events per calendar year with an approved Events License. *The Town Council authorizes the Town Manager, or his designee, to meet with license holders to issue permits for proposed scheduled events and to collect fees. The requirements of this Chapter...*"

Chapter 84 Fees and Fines will list the permit fee.

Keep language in reference to blackout dates and "other" events as it is prudent to the use of Town Public Safety personnel.

Greg Sweetser of 15 Blanchard Road said he cannot believe that there would be a blackout date. Cumberland cannot support an extra 100 people in Town? How many people are at the fair on a peak day?

Councilor Storey-King explained that this would only apply to Saturday and Sunday of Labor Day weekend (due to soccer tournaments at Twin Brook) and Cumberland Fair week.

Town Manager Shane said that during fair week, public safety resources are stretched to the limit and the soccer tournaments host thousands of people. This is about managing public resources. He is okay with not adding this language, but if becomes a problem to manage resources later, we may requiring additional staff on weekends when our resources are stretched to the limit. He suggested monitoring it for one year and report back to the Council.

After some discussion, the Council decided to block out fair week only and see how Labor Day weekend goes.

Town Manager Shane requested that the Town Attorney review these new proposed amendments and give staff the latitude to amend anything minor in order to keep it legal.

Motion by Councilor Bingham, seconded by Councilor Stiles, to adopt Chapter 81 (Farm Based Specialty Events Licensing) of the Cumberland Code as amended and approved by the Town Attorney.

VOTE: 6-1 (Gruber opposed) MOTION PASSES

18 – 006 To hold a Public Hearing to consider and act on a Class I Liquor License application for Cumberland House of Pizza for the period of January 17, 2018 – January 17, 2019.

Chairman Edes opened the Public Hearing.

Public discussion: None

Chairman Edes closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Stiles, to approve the Class I Liquor License application for Cumberland House of Pizza for the period of January 17, 2018 – January 17, 2019.

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

18 – 007 To consider and act on authorizing the Town Manager to execute a 3-year contract with UniFirst.

Motion by Councilor Storey-King, seconded by Councilor Bingham, to authorize the Town Manager to execute a 3-year contract with UniFirst.

VOTE: 7-0 UNANIMOUS

18 – 008 To appoint members to the Aging in Place Committee and Lands & Conservation Commission.

Motion by Councilor Copp, seconded by Councilor Bingham, to appoint Carrie Burnsteel, Lynn Copp and Nancy Law to the Aging in Place Committee and Anne Bulger to the Lands & Conservation Commission.

VOTE: 7-0 UNANIMOUS

18 – 009 To authorize the Town Manager to execute an easement deed for Oceanview at Cumberland for property located on the Val Halla Golf Course (less than 1 acre in size).

Town Manager Shane explained that this is in regard to the Oceanview project. The property is still in a legal battle between the realtor and a previous potential buyer of the Godsoe property. An endorsement of the easement is okay, but execution of it would have to be based on receipt of additional material and proof of right title and interest of the property.

Chairman Edes said that his issue is that Oceanview will not allow snowmobile trail access, which is an important connector to Val Halla. He cannot support this until Oceanview commits to the access.

Rick Doane of Catalpa Lane said that the old snowmobile trail that came along the railroad bed and across his dad's front field was discontinued in 2003. For roughly 10 years there was no trail there. He then granted permission for the trail to be reopened about 3 years. The problem is the proposed access road to the Oceanview property will make nowhere for the trail to go, unless it is within the 50 foot buffer and directly up against his property line. He is very much opposed to that.

Motion by Councilor Bingham, seconded by Councilor Stiles, to table.

VOTE: 7-0 UNANIMOUS

VI. NEW BUSINESS

Councilor Bingham – condolences to the Kern family on the passing of Ted Kern. Ted was a member of the Lions Club and he and his family are members of the Congregational Church. Ted

helped the church through the process of installing the antennas in the steeples which ensured the financial viability of the church.

Councilor Gruber – thank you to Representative Denno for introducing a bill in response to the deaths and reports of abuse of intellectually disabled Mainer's. Thank you Dale for doing this.

The Aging in Place Committee will meet next Wednesday at 5:00 p.m.

Thank you to everyone who volunteered at the Food Pantry during the snowstorm.

Councilor Storey-King – every year, Maine Municipal Association conducts an essay contest entitled "If I Led My Community". We have entered the past 3 years and have won 2 out of 3 years. Her class is learning about local government and their assignment this week is to watch 1 hour of a Town Council meeting or a North Yarmouth Select Board meeting.

She attended the Pan Am rail and trail meeting recently. They are proposing a trail in the 100 foot right-of-way next to the rail bed. It does not appear to be financially doable.

A reminder to people who want to number their house, there is information on the Town website regarding this project by Audrey Hankinson who is doing this as part of her Girl Scout award project.

Councilor Copp – he asked those who are able to help the fire department by shoveling out a fire hydrant that is near their home.

Chairman Edes – None

Councilor Stiles – he thanked Councilor's Copp and Gruber who donated to the 4-H auction to benefit the Food Pantry. Everyone can get involved and donate all year long to this good cause.

Happy New Year to everyone.

Councilor Turner – none

Town Manager Shane – Public Services will be out all week cleaning up intersections, pushing back snow banks, and getting catch basins ready for the rain expected later in the week.

We learned today that Sergeant Tom Burgess will be receiving the 2017 Humanitarian Award at the Maine Chiefs of Police Association's annual awards banquet next month. This is well deserved as Tom has done an outstanding job at community policing.

VII. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 9:29 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary