

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, November 26, 2018

7:00 P.M. Call to Order

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

Excused: Councilors Edes and Stiles

I. APPROVAL OF MINUTES

Motion by Councilor Turner, seconded by Councilor Storey-King, to accept the November 12, 2018 meeting minutes as presented.

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

II. MANAGER'S REPORT

Central Maine Power is working on tree limb trimming on the Foreside. They are allowed by law to trim anything within 8 feet of the power lines.

We have been getting a lot of calls requesting snow grooming at Twin Brook. It is too soon to begin grooming because it will destroy the trails underneath the snow. It needs to get much colder in order to protect the trails.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

Motion by Councilor Bingham, seconded by Councilor Storey-King, to add item 18-153 to the agenda.

VOTE: 5-0 UNANIMOUS

18 – 145 To hold a Public Hearing to consider and act on Wharfing Out Permit for 59 Sanderson Road (Map U02/Lot 10C), as recommended by the Coastal Waters Commission.

David Witherall, Chairman of the Coastal Waters Commission said that the Commission held a site-walk at the proposed site. The design of this dock is a series of floats, which rest on the beach at low tide, and can be removed in the winter and stored off site. There will be no issue with erosion on the banks. There were a number of neighbors at the site-walk who were concerned with the floats because they will lie on the beach and extend almost to the low tide mark, but that is no reason for the Commission to deny the permit. The Commission recommends that the permit be approved. .

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Turner, to approve the Wharfing Out Permit for 59 Sanderson Road (Map U02/Lot 10C), subject to the recommendation and conditions set by the Coastal Waters Commission.

VOTE: 5-0 UNANIMOUS

18 – 146 To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning), Section 4 (Word Usage and Definitions, Section 12 (Office Commercial North District (OC-N)), Section 28.5 (Registered Caregiver Overlay District) and Section 59.1 (Registered Dispensaries) of the Cumberland Code, as recommended by the Planning Board.

Town Manager Shane explained that the medical marijuana caregiver laws that will go into effect in a couple of weeks, allow for Towns to regulate where the business activity can occur. The Council, Planning Board and Board of Appeals met in workshop to discuss where the best areas for these types of businesses should be located. We now have an ordinance that he believes is consistent with what the Council wanted. The 3 commercial zoning districts where this will be allowed are the Office Commercial South District, Highway Commercial District and Village Center Commercial District. The Ordinance Committee did a great job coming up with these three zones and the Planning Board supported the recommendation.

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Gruber, to amend Chapter 315 (Zoning), Section 4 (Word Usage and Definitions, Section 12 (Office Commercial North District (OC-N)), Section 28.5 (Registered Caregiver Overlay District) and Section 59.1 (Registered Dispensaries) of the Cumberland Code, as recommended by the Planning Board.

VOTE: 5-0 UNANIMOUS

18 – 147 To authorize the Town Manager to advertise for members of the Bicentennial Committee.

Town Manager Shane said that the Town's Bicentennial is 2 years away. We have been setting aside money for our bicentennial celebration for a few years now. We would like to appoint a committee to help plan the celebration.

Chairman Copp asked if there was any public comment.

No public comment.

Motion by Councilor Gruber, seconded by Councilor Storey-King, to authorize the Town Manager to advertise for members of the Bicentennial Committee.

VOTE: 5-0 UNANIMOUS

18 – 148 To set a Public Hearing date of December 10th to consider and act on the purchase of 51.5 acres of land on Range Road adjacent to the Rines Forest, as recommended by the Lands and Conservation Commission.

Chairman Copp asked if there was any public comment.

No public comment.

Motion by Councilor Bingham, seconded by Councilor Turner, to set a Public Hearing date of December 10th to consider and act on the purchase of 51.5 acres of land on Range Road adjacent to the Rines Forest, as recommended by the Lands and Conservation Commission.

VOTE: 5-0 UNANIMOUS

18 – 149 To set a Public Hearing date of December 10th to consider and act on awarding the Tax Anticipate Note borrowing for up to \$2 million, as recommended by the Finance Committee.

Chairman Copp asked if there was any public comment.

No public comment.

Motion by Councilor Bingham, seconded by Councilor Gruber, to set a Public Hearing date of December 10th to consider and act on awarding the Tax Anticipate Note borrowing for up to \$2 million, as recommended by the Finance Committee.

VOTE: 5-0 UNANIMOUS

18 – 150 To set a Public Hearing date of December 10th to consider and act on amending the Official Cumberland Overlay Zoning Map to add a Medical Caregiver Overlay District in portions of the Highway Commercial (HC), Office Commercial–South (OC-S) and the Village Center Commercial (VCC).

Chairman Copp asked if there was any public comment.

No public comment.

Motion by Councilor Gruber, seconded by Councilor Storey-King, to set a Public Hearing date of December 10th to consider and act on amending the Official Cumberland Overlay Zoning Map to add a Medical Caregiver Overlay District in portions of the Highway Commercial (HC), Office Commercial–South (OC-S) and the Village Center Commercial (VCC).

VOTE: 5-0 UNANIMOUS

18 – 151 To set a Public Hearing date of December 10th to consider and act on a Liquor License renewal for Cumberland House of Pizza.

Chairman Copp asked if there was any public comment.

No public comment.

Motion by Councilor Bingham, seconded by Councilor Turner, to set a Public Hearing date of December 10th to consider and act on a Liquor License renewal for Cumberland House of Pizza.

VOTE: 5-0 UNANIMOUS

18 – 152 To consider and act on authorizing the Town Manager to execute a 60-month lease agreement with TIAA Bank for a photocopier lease.

Town Manager Shane said that any contract that exceeds 12-months requires Council authorization. Photocopiers are primarily leased on a 5-year term and that is pretty much the life expectancy of a copier. This copier is for Town Hall and there is no increase to the budget for this lease.

Chairman Copp asked if there was any public comment.

No public comment.

Motion by Councilor Storey-King, seconded by Councilor Bingham, to authorize the Town Manager to execute a 60-month lease agreement with TIAA Bank for a photocopier lease.

VOTE: 5-0 UNANIMOUS

18 – 153 To authorize the Town Manager to accept back taxes in the amount of \$3,533.01 for FY2015 for property identified as Map R03/Lot 10B.

Town Manager Shane explained that this property still remains in foreclosure since this is for FY'15 taxes. There will be no release deed issued since FY'16 and 17 are still outstanding.

Chairman Copp asked if there was any public comment.
No public comment.

Motion by Councilor Turner, seconded by Councilor Gruber, to authorize the Town Manager to accept back taxes in the amount of \$3,533.01 for FY2015 for property identified as Map R03/Lot 10B.

VOTE: 5-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – None

Councilor Gruber – Thank you to everyone who helped out with the Thanksgiving baskets for the Food Pantry. It was a huge effort and he sent a special thank you to Bill and Linda Shane who put their hearts and souls into the Food Pantry.

The Aging in Place program will be run by the Recreation Department beginning in January. There was a meeting last week and it was suggested changing the name of the department to Community Services and Recreation Department. This will encompass all the services offered and make it a little clearer for residents.

There were a lot of holiday fairs in Town last Saturday. He attended some of them and really enjoyed the lobster roll at the Cumberland Congregational Church.

Tom Foley's wife, Janet Foley passed away last Wednesday. Condolences to the Foley family.

Councilor Storey-King – The Parks & Recreation Commission will be meeting soon. She would like them to discuss the renaming of the Recreation Department so that it is clear and not confusing for anybody.

Chairman Copp – He attended the groundbreaking ceremony for the Ocean View project. This project will be a huge asset for our community.

Councilor Turner – None

Town Manager Shane – Town Clerk, Tammy O'Donnell was elected president of the New England City and Town Clerks Association. We are very proud of Tammy.

Neal Bungard from the US Forestry Service will walk the Rines Forest with Penny Asherman from the Land Trust. We are hopeful to be able to receive some funding from the USFS for the second piece of property that abuts the Rines Forest. The Council is invited to attend the walk at 1:00 p.m. on Thursday.

December 19th at 6:00 p.m. will be the joint meeting with the North Yarmouth Select Board to discuss current and future ways to work collaboratively.

VI. EXECUTIVE SESSION pursuant to Title 36 M.R.S.A. Section 841(2) to consider and act on applications for tax abatement based on hardship.

Motion by Councilor Bingham, seconded by Councilor Gruber, to recess to Executive Session pursuant to Title 36 M.R.S.A. Section 841(2) to consider and act on applications for tax abatement based on hardship.

VOTE: 5-0 UNANIMOUS

TIME: 7:42 P.M.

Reconvene to regular session at 7:46 P.M.

Motion by Councilor Bingham, seconded by Councilor Storey-King, to deny the poverty abatement request based on hardship.

VOTE: 5-0 UNANIMOUS

VII. ADJOURNMENT

Motion by Councilor Bingham, seconded by Councilor Turner, to adjourn.

VOTE: 5-0 UNANIMOUS

Respectfully submitted by,

Brenda L. Moore
Council Secretary