

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, December 17, 2012

7:00 p.m. Call to Order

Present: Chairman Moriarty, Councilors Turner, Storey-King, Stiles, Gruber, Copp & Perfetti

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Perfetti, to accept the December 10, 2012 minutes as presented.

VOTE: 7-0

UNANIMOUS PASSAGE

II. MANAGER'S REPORT

Police Chief Charron gave the following report re: the recent graffiti activity at the Senior Housing complex and the Middle School:

On Saturday, December 1st at approximately 10:00 p.m. an unknown number of individuals armed with at least 3 cans of spray paint, sprayed graffiti, which appeared to begin at the middle school and proceed to the senior housing complex on Hawthorn Court. Two houses on Meadow Lane were spray painted as well as a motor vehicle. The painting was discovered on Sunday morning and reported to the Police. Officer Mazuzan began an investigation and several individuals were interviewed by the Police, with their parents present. After several days, the initial suspects were cleared of any involvement. On December 6th, 7th & 8th, Officer Mazuzan, with the help of School Resource Officer Dalbec, discovered two new suspects. On December 8th, the individuals responsible for the graffiti were interviewed and have been charged with aggravated criminal mischief. Later that day, the 2 individuals responsible came to the Police Department with their parents, and were issued Juvenile Summonses. The police reports will be forwarded to the Attorney General's Office for review regarding any bias motivation. Additionally, the reports will be sent to the Juvenile Corrections Officer for the issuance of a Juvenile Petition and ultimately to the Juvenile District Attorney's Office. The Cumberland Police Department will be seeking restitution as part of the final disposition. The 2 individuals have been released to their parents, and are awaiting formal charges.

Chairman Moriarty asked Chief Charron what is the value of the restitution.

Chief Charron estimated \$2,000.00

Councilor Gruber said that it speaks volumes that Officer Dalbec was able to get the names of the two individuals responsible. He is well respected by the students.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

12 – 196 To hold a Public Hearing to consider and act on authorizing the Code Enforcement Officer to enter into a Consent Agreement with property owners located at 249 Gray Road.

Chairman Moriarty explained that these types of items come up when an owner is selling their property and a mortgage appraisal discovers a minor encroachment onto their neighbor's property. These issues can become

an impediment to a buyer when attempting to get mortgage approval, as well as not being in compliance with the Town's ordinances. The consent agreement will take care of the encroachment violation. The land owner will pay a \$500 fee to take care of attorney fees.

Motion by Councilor Perfetti, seconded by Councilor Storey-King, to authorize the Code Enforcement Officer to enter into a Consent Agreement with property owners located at 249 Gray Road and assess a \$500.00 fee for Town Attorney and Staff review.

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 197 To set a Public Hearing date (January 14th) to consider and act on amendments to the Cumberland Traffic Ordinance to adopt a no parking area on Tuttle Road in front of the Mabel I. Wilson School.

Motion by Councilor Storey-King, seconded by Councilor Gruber, to set a Public Hearing date of January 14th to consider and act on amendments to the Cumberland Traffic Ordinance to adopt a no parking area on Tuttle Road in front of the Mabel I. Wilson School.

VOTE: 6-1 (Perfetti opposed) MOTION PASSES

12 – 198 To set a Public Hearing date (January 28th) to consider and act on the renewal of a 7-year contract with Time Warner Cable.

Town Manager Shane explained that the Town has received a number of phone calls and e-mails from residents who are very upset with the service from Time Warner Cable. This item deals with the franchise agreement. There will be a representative from Time Warner Cable present on January 28th to address any issues related to service problems, etc. Time Warner needs to hear the issues/problems that people are having with their service.

Motion by Councilor Gruber, seconded by Councilor Stiles, to set a Public Hearing date of January 28th to consider and act on the renewal of a 7-year contract with Time Warner Cable.

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 199 To appoint members to various Boards/Committees.

Motion by Councilor Turner, seconded by Councilor Copp, to appoint William Mullin, David Holman & Brad Hilton to the Lands & Conservation Commission, and Pete O'Donnell to the Cumberland Housing Authority and the Recreation/Community Education Advisory Board.

I move to reappoint:

To the Board of Adjustments & Appeals:

Ronald Copp, Sr.
Christian Lewis
Michael Martin
Scott Wyman

To the Board of Assessment Review:

Mark Stevens
James Thomas

To the Board of Sewer Appeals:

Ralph Oulton

To the Coastal Waters Commission:

Craig Kinney
John Williams

To the Cumberland Housing Authority:

Connie Bingham
Bill Hansen

To the Lands and Conservation Commission:

Ted Chadbourne
Ellen Hoffman
David Young

To the Planning Board:

April Caron
Chris Neagle

To Personnel Appeals Board:

Michael Edes
Randy Harriman

To the Prince Memorial Library Advisory Board:

Barbara Chandler

To the Recreation/Community Education Advisory Board:

Richard Wolfe

To the Rines Property Citizens Advisory Committee:

Sally Stockwell

To the Shellfish Conservation Commission:

Jessica Joyce
Robert Maloney

To the Twin Brook Facility Advisory Committee:

John Leavitt
Anne Witte

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 200 To set a Public Hearing date (January 14th) to consider and act on amendments to the Official Overlay Zoning Map around the east side of Knight's Pond (Map R06/Lot 29) from Resource Protection (RP) to Limited Residential (LR), as recommended by the Planning Board.

Chairman Moriarty explained that after some extended discussion on this item at their last meeting, the Council agreed to take action on this matter at its January 14th meeting.

Motion by Councilor Perfetti, seconded by Councilor Turner, to set a Public Hearing date (January 14th) to consider and act on amendments to the Official Overlay Zoning Map around the east side of Knight's Pond (Map R06/Lot 29) from Resource Protection (RP) to Limited Residential (LR), as recommended by the Planning Board.

VOTE: 7-0

UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – None

Councilor Copp – Reported to the Manager that a vehicle hit a hydrant on Morrison's Hill this afternoon and broke the hydrant.

Councilor Storey-King – A special thanks to the Cumberland and North Yarmouth Fire Departments, the Town Manager, and a multitude of youth athletic groups, for organizing a Christmas tree tribute in honor of the 26 young souls that were robbed from this earth last week. It was a very sobering event that left her thankful for where we live and the people who live here.

Town Manager Shane said that each tree will have its ornaments packed up individually and sent to the Newtown Fire Department for each family of the victims.

Councilor Perfetti – None

Chairman Moriarty – He had an inquiry from a citizen regarding the adult swim hours at the Greely Pool. It appears that some sessions were abruptly cancelled due to lack of coverage. He wondered if the issue was being addressed by the Recreation Department.

The Manager responded that this was the first he had heard of it and would follow up with the Recreation Department.

Chairman Moriarty asked the Manager if a date of January 8th had been confirmed for a meeting with the MSAD and Cumberland/North Yarmouth Joint Standing Committee.

The Manager said that the date had been confirmed, but the location has not yet. He expects to learn the location later this week. The full Council and Selectmen are also encouraged to attend.

Councilor Stiles – Merry Christmas to Town staff and residents.

Councilor Gruber – The Food Pantry is now serving 74 families, the majority being from Cumberland. He encouraged anyone in the community who is in need to please use the pantry. They are there to service those in need and confidentiality will be assured.

Town Manager Shane – The Food Bank has been working with Kevin Foster and firefighters for Toys for Tots. 54 children will be receiving toys this year, thanks to their help.

VI. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(A)(1) re: discussion or consideration of appointments.

Motion by Councilor Stiles, seconded by Councilor Turner, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(A)(1) re: discussion or consideration of appointments.

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

TIME: 7:32 p.m.

VII. ADJOURNMENT

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

VOTE: 6-0 (Chairman Moriarty not present for Executive Session) UNANIMOUS

TIME: 8:40 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary