

**MINUTES**  
Cumberland Town Council Meeting  
Town Council Chambers  
**MONDAY, April 23, 2012**  
**6:00 Workshop**  
**7:00 p.m. Call to Order**

**6:00 P.M. Workshop** with the Twin Brook Facility Advisory Committee re: Twin Brook Facility Fees

**7:00 P.M. Call to Order by Vice-Chairman Moriarty**

**Present:** Councilors Moriarty, Turner, Storey-King, Gruber, & Stiles.

**Excused:** Chairman Perfetti & Councilor Copp

**I. APPROVAL OF MINUTES**

April 9, 2012

Motion by Councilor Stiles, seconded by Councilor Gruber, to accept the minutes as presented.

Councilor Storey-King requested that the minutes be corrected to add her comments to item 12-054, specifically, her response to Mr. Hilton's comment regarding impact fees prohibiting Town growth.

Motion by Councilor Stiles, seconded by Councilor Gruber, to withdraw the previous motion.

Motion by Councilor Stiles, seconded by Councilor Gruber, to table the approval of the April 9, 2012 minutes to the next meeting.

VOTE: 5-0

UNANIMOUS PASSAGE

**II. MANAGER'S REPORT**

- Bulky Waste Pick-up Week May 14<sup>th</sup> – 18<sup>th</sup>. Town Manager Shane reminded residents that bulky waste means anything that is too large to fit into a trash bag. Pine Tree Waste has been instructed what is and is not acceptable for them to pick up. They will be placing stickers on those items that are not acceptable, stating the reason the item was not picked-up. Residents will be responsible for disposing of these items (Riverside Recycling in Portland).
- Nomination Papers are due to be returned to the Town Clerk by May 1<sup>st</sup> for anyone who may be interested in running for Town Council or School Board.
- There is a new State law regarding Victualer's Licensing. If a municipality chooses to issue Victualer's Licenses, there is now a very strict set of guidelines for the training of the Health Officer. Many smaller towns are opting to allow the State to handle the process. Effective immediately, the State will take over the issuance of Victualer's Licenses until we decide how or if we would like to handle it in the future.
- The Safe Passage 5K Road Race will be in Cumberland on Sunday, May 6<sup>th</sup> beginning at 8:00 a.m. More information can be found on the Town's website or by contacting the Recreation Department.

### **III. PUBLIC DISCUSSION**

None

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

#### **12 – 065 To hear a report from the Twin Brook Facility Advisory Committee re: User Fees.**

Chairman of the Twin Brook Facility Advisory Committee, John Levitt, explained that the committee has been discussing fees (particularly for athletic events) for over a year. The main purpose of the fee is to offset the cost to repair and maintain the athletic fields after mass gathering athletic events. Mr. Leavitt said that the entire Twin Brook Committee is supportive of the fee structure presented.

Councilor Moriarty explained that the Council met in workshop prior to the Council Meeting and reviewed the entire fee structure with Mr. Bingham, so they are prepared to take action on this item this evening.

Councilor Gruber said that he is appreciative of the fact that the fees will not go into effect until April 2013, allowing time monitor the number of vehicles coming and going from each event and time to make adjustments if necessary.

Recreation Superintendent, Peter Bingham explained that the new fee structure has two components:

- 1) Fees for “regular” events (groups who may use the facility an hour at a time, such as travel soccer groups, ultimate Frisbee, etc.). There is a per event fee for these types of groups.
- 2) Fees for Mass Gathering (500+) type events (Maine Principal Association, Cumberland Soccer Club, etc.)

Councilor Storey-King said that the committee has done excellent work and the fees are consistent with other municipal facility use fees.

#### **12 – 066 To hold a Public Hearing to consider and act on amendments to the Fees and Fines Ordinance to add Twin Brook Recreation Facility User Fees.**

Mr. Bingham reminded everyone that the new fee structure would not take place until April 2013. Over the next year, each user group will be given a mock invoice advising them what the fees will be next year for their event.

Councilor Moriarty reiterated for the public that there will be no per person fee for attending events, but rather a per vehicle charge (\$2 per vehicle) which will be charged to the group renting the facility.

Public discussion: None

Town Manager Shane reminded the Council that the action this evening is for the major events only. The field rental fees will be included in the Fees and Fines Ordinance amendments on June 4<sup>th</sup>.

Motion by Councilor Storey-King, seconded by Councilor Turner, to amend the Fees and Fines Ordinance to add Twin Brook Recreation Facility User Fees.

VOTE: 5-0

UNANIMOUS PASSAGE

**12 – 067 To hold a Public Hearing to consider and act on draft zoning amendments to Section 204.14 (Industrial Zone) of the Cumberland Zoning Ordinance to add motor vehicle sales as a permitted use, as recommended by the Planning Board.**

Town Manager Shane explained that this came about from a resident who has a business in the area and requested that he be allowed to sell vehicles on his property. Similar uses are allowed in the Industrial Zone (vehicle repair, etc.), but not vehicle sales. There was very little discussion by the Planning Board on this item and they felt it was an appropriate use in the Industrial Zone.

Public discussion: None

Motion by Councilor Turner, seconded by Councilor Gruber, to amend Section 204.14 (Industrial Zone) of the Cumberland Zoning Ordinance to add motor vehicle sales as a permitted use, as recommended by the Planning Board.

VOTE: 5-0

UNANIMOUS PASSAGE

**12 – 068 To hold a Public Hearing to consider and act on a Victualer's License for Doc's Café & Marketplace.**

Councilor Moriarty explained that this item will be tabled indefinitely due to the new State Law on Victualer's Licensing, that the Town Manager explained earlier. Doc's requires a State License anyway and there is no longer a requirement for a local Victualer's License.

Councilor Storey-King explained for the public that Doc's Café will still be opening for business as soon as possible. It is very nice to see a new business in Town.

Public discussion: None

Motion by Councilor Stiles, seconded by Councilor Storey-King, to table this item indefinitely due to new State Law.

VOTE: 5-0

UNANIMOUS PASSAGE

**12 – 069 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Cumberland Farmer's Club 2<sup>nd</sup> Annual Cumberland "Sho-n-Shine Car Show" to be held at the Cumberland Fairgrounds on June 10, 2012 from 8:00 a.m. to 3:00 p.m.**

Public discussion: None

Motion by Councilor Stiles, seconded by Councilor Storey-King, to approve the Mass Gathering Permit for the Cumberland Farmer's Club 2nd Annual Cumberland "Sho-n-Shine Car Show" to be held at the Cumberland Fairgrounds on June 10, 2012 from 8:00 a.m. to 3:00 p.m.

VOTE: 5-0

UNANIMOUS PASSAGE

**12 – 070 To set a Public Hearing date (May 14<sup>th</sup>) to consider and act on a Mass Gathering Permit for Cumberland Soccer Club "Just For Fun" Labor Day Tournament to be held at Twin Brook Recreational Facility on September 1<sup>st</sup> & 2<sup>nd</sup> from 7:00 a.m. to 7:00 p.m.**

Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of May 14th to consider and act on a Mass Gathering Permit for Cumberland Soccer Club "Just For Fun" Labor Day Tournament to be held at Twin Brook Recreational Facility on September 1st & 2nd from 7:00 a.m. to 7:00 p.m.

**12 – 071 To set a Public Hearing date (May 14<sup>th</sup>) to consider and act on amendments to Section 204.17.1 (Setback Overlay District 1) of the Cumberland Zoning Ordinance to include the following properties, as recommended by the Planning Board: Tax Map U06, Lot 87 (145 Foreside Road), Lot 86 (149 Foreside Road), Lot 87 (1 Wildwood Blvd.), and Tax Map R01, Lot 2B (2 Birch Lane).**

Motion by Councilor Stiles, seconded by Councilor Gruber, to set a Public Hearing date of May 14th to consider and act on amendments to Section 204.17.1 (Setback Overlay District 1) of the Cumberland Zoning Ordinance to include the following properties, as recommended by the Planning Board: Tax Map U06, Lot 87 (145 Foreside Road), Lot 86 (149 Foreside Road), Lot 87 (1 Wildwood Blvd.), and Tax Map R01, Lot 2B (2 Birch Lane).

VOTE: 5-0

UNANIMOUS PASSAGE

**12 – 072 To set a Public Hearing date (June 4<sup>th</sup>) to consider and act on amendments to the Fees and Fines Ordinance (Sewer Fees, Shellfish License Fees, Parking Fees, Twin Brook Field Rental Fees, and West Cumberland Rental Fees).**

Motion by Councilor Stiles, seconded by Councilor Storey-King, to set a Public Hearing date of June 4th to consider and act on amendments to the Fees and Fines Ordinance (Sewer Fees, Shellfish License Fees, Parking Fees, Twin Brook Field Rental Fees, and West Cumberland Field Rental Fees).

VOTE: 5-0

UNANIMOUS PASSAGE

**12 – 073 To appoint members to various Boards & Committees.**

Councilor Turner explained that he and Councilor Copp conducted Board/Committee interviews recently and are prepared to make appointments.

Motion by Councilor Turner, seconded by Councilor Gruber, to appoint:

David Fenderson, Coastal Waters Commission

Brian Restuccia, Lands & Conservation Commission

Nancy Storey, Teri Maloney-Kelly, and Chris Fitzpatrick, Recreation/Adult Ed Committee

Charles Piacentini, Shellfish Commission

VOTE: 4-0-1 (Storey-King abstained) MOTION PASSES

Councilor Turner said that Nancy Storey was also interested in serving on the Val Halla Board of Trustees, but was not appointed due to a possible conflict of interest since Nancy is the Executive Director of the Maine State Golf Association.

Councilor Stiles pointed out that the Val Halla Board of Trustee meetings are public meetings and Nancy is welcome to attend any time.

**12 – 074 To authorize the Town Manager to execute a contract with A.H. Grover for the Tuttle Road paving and sidewalk project with MDOT.**

Town Manager Shane said that he is pleased to announce that this project has come in under budget by nearly 35%. A.H. Grover was the low bidder by \$900 on a \$400,000 project. The project includes road paving from Main Street to the Middle School driveway, and a new sidewalk from the Commons to Town Hall. The project is scheduled to begin mid-May and should be completed sometime in August.

Motion by Councilor Gruber, seconded by Councilor Stiles, to authorize the Town Manager to execute a contract with A.H. Grover for the Tuttle Road paving and sidewalk project with MDOT.

VOTE: 5-0

UNANIMOUS PASSAGE

## **V. NEW BUSINESS**

**Councilor Turner** – None

**Councilor Storey-King** – A few meetings ago, Mr. Hilton presented an idea for a Greely Alumni Challenge to benefit the Veterans Monument. Teri Maloney-Kelly and Gloria Nicholson are now working together, along with Foundation 51 to make this challenge happen. If anyone is interested in donating, contact Teri or Gloria.

Diana Copp is still collecting names of Cumberland residents who are currently serving in the military to add to a Wall of Honor that will be in Town Hall.

A reminder to our friends on Chebeague Island, whose names will also be included on the Veterans Monument, that it would be helpful for them to consider a donation to the monument fund.

**Councilor Moriarty** – The annual Fire Department Banquet is this Saturday.

There are some regularly scheduled Town Council Meeting date conflicts coming up. The first is May 28<sup>th</sup>, which is Memorial Day. Councilor Moriarty asked the Council if they would like to consider cancelling that meeting and meet on June 4<sup>th</sup> instead.

Motion by Councilor Stiles, seconded by Councilor Turner to cancel the May 28, 2012 Town Council Meeting and reschedule it to June 4, 2012.

VOTE: 5-0

UNANIMOUS PASSAGE

Councilor Moriarty said that the first regularly scheduled meeting in June would be on June 11<sup>th</sup>, which is the day before Election Day. Since the Council Chambers is set up for voting, it becomes difficult to hold a meeting. As Councilor Stiles incorporated in his previous motion, that meeting will be moved to June 4<sup>th</sup>. The Town Charter requires that the Council meet on the first Monday after an election in order to swear in newly elected Councilor's, which would be June 18<sup>th</sup>. This date could serve as the meeting to take care of the swearing in and could be the second regular monthly Council meeting.

Councilor Storey-King said that she would prefer to meet on June 4<sup>th</sup> and 18<sup>th</sup>, but not cancel the June 25<sup>th</sup> meeting yet. It is two months away and something may come up that requires Council action.

Councilor Moriarty agreed that the Council will meet on the June 18<sup>th</sup>, if for no other reason than to swear in newly elected Councilor's.

**Councilor Stiles** – Asked the Manager for an update on the Bateman project on the Doane property.

Town Manager Shane said that the project is going very well and he has signed releases for eight lots to date. Two homes are currently under construction and two foundations are in. The conversion of the Drowne Road School into senior housing is still on schedule. The closing is in early June.

**Councilor Gruber** – Last Saturday evening, he attended a fundraiser for the senior fitness program “Fit 2 Life”. The program was a ballroom dance competition. Bill Green danced with his daughter Emily, which was very special. They did a great job.

He will be attending the New England Emergency Management Agency 2-day conference in Augusta next week.

**Town Manager Shane** – Thank you to the Public Services and Public Safety employees for arriving at work very early this morning to prepare for the heavy rain/flooding event. We had over 2 inches of rain at 5:00 a.m. and 3 ½ inches by late afternoon.

**VI. ADJOURNMENT**

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

VOTE: 5-0

TIME: 7:46 p.m.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary