

MINUTES

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, September 23, 2013

7:30 p.m. Call to Order

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

Excused: Councilor Turner

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Bingham, to accept the September 9, 2013 minutes as presented.

VOTE: 6-0 UNANIMOUS

II. MANAGER'S REPORT

We are nearing the completion of this year's paving program with Drowne Road being paved tomorrow. Immediately following the fair, Blanchard Road will be ground up and paved within the next 2 weeks. Public Works is doing an outstanding job putting shoulders in. It is a difficult and tedious job. Road striping will be done next week.

Town Hall will be closed next Monday, September 30th for employee training in the morning, then the annual Employee Appreciation Luncheon in the afternoon.

The Towns of Chebeague Island, Cumberland, Falmouth, Freeport, North Yarmouth and Yarmouth will gather on Monday evening (September 30th) to hear a presentation from METRO about providing bus service from Falmouth into Freeport, followed by a discussion about regionalization of services. The meeting is in the banquet center of Val Halla and begins at 6:30 p.m.

An animal in North Yarmouth has tested positive for the EEE virus. The M.S.A.D. has been notified and they have contacted the Centers for Disease Control for more information. People should be cautious and use insect repellent or oil of lemon eucalyptus (which is also an effective repellent).

Last week, the U.S. House of Representatives voted 217 to 210 to cut 40 billion dollars from the SNAP Program (Supplemental Nutrition Assistance Program), more commonly known as the food stamp program. Maine is one of the largest (per capita) users of food stamps. The average benefit in Maine is \$125/month (\$4 per day). Decreasing the benefit is very worrisome for our residents. The food pantry will have been open for one year in November and at that time we will have exceeded 2,000 visits. Mr. Shane urged everyone to look out for their neighbors to make sure they have enough food.

Chairman Stiles reported some good news related to the food pantry. Thanks to a lot of good people, we have almost reached the \$5,000 goal of donations to the 4-H Auction fund, which will supply the food pantry with meat.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

13 – 144 To hold a Public Hearing to consider and act on a Wharfing Out Permit for 15 Ledge Road (Map U6A/Lot 22) for a replacement pier, ramp and dock system, as recommended by the Coastal Waters Commission.

Chairman Stiles opened the public hearing.

Public comment: None

Town Manager Shane explained that the application is for a replacement pier and float system. The Coastal Waters Commission held a site walk and Public Hearing one week ago and came up with a list of conditions of approval. The application packet is complete and very well done.

Chairman Stiles closed the public hearing

Motion by Councilor Bingham, seconded by Councilor Edes, to approve the Wharfing Out Permit for Mereve Trust, 15 Ledge Road (Map U6A/Lot 22) for a replacement pier, ramp and dock system, with the conditions proposed by the Coastal Waters Commission, identified in their September 16, 2013 meeting minutes.

VOTE: 6-0 UNANIMOUS

13 – 145 To hold a Public Hearing to consider and act on amendments to Section 216 (Sewers) of the Cumberland Code, as recommended by the Board of Sewer Appeals.

Chairman Stiles opened the public hearing.

Public comment: None

Town Manager Shane said the Ralph Oulton and Doug Pride of the Board of Sewer Appeals are present this evening to answer any questions. Most of the changes are housekeeping in nature with updates to specifications to be more in line with Portland Water District.

Councilor Storey-King said the ordinance references the Superintendent of Sewers and she asked who that is.

Town Manager Shane said that he is the Superintendent per the Town Charter.

Chairman Stiles closed the public hearing.

Motion by Councilor Gruber, seconded by Councilor Copp, to amend Section 216 (Sewers) of the Cumberland Code, as recommended by the Board of Sewer Appeals.

VOTE: 6-0. UNANIMOUS

13 – 146 To consider and act on setting a sewer connection fee of \$500 until December 31, 2016.

Chairman of the Board of Sewer Appeals Ralph Oulton, explained that the reduced fee is to encourage people to hook up to the sewer system.

Town Manager Shane said that the biggest issue is future capacity. We cannot continue to reserve space in the system for people who are not paying into the system, and who will expect in 15 years to have a connection available. We are hoping that people will take advantage of the reduced fee program and connect now. In less than 10 years, there will be no option to connect in some parts of Town.

Councilor Edes asked if there is a cost to the Town for a resident to hook up.

Mr. Oulton said that the only “cost” to the Town would be inspections by the Code Enforcement Officer. The homeowner would incur all the installation fees.

Councilor Edes said that if there is no cost to the Town, why push the price up to \$4,000 after 3 years? Why not leave it at \$500?

Motion by Councilor Bingham, seconded by Councilor Gruber, to decrease all sewer connection fees to \$500.00 effective September 24, 2013, and ending on December 31, 2016. On January 1, 2017, all sewer connection fees will be increased to \$4,000.00.

VOTE: 5-1 (Edes opposed) MOTION PASSES

**item 13-151 was taken out of order and considered next*

13 – 147 To hold a Public Hearing to consider and act on draft zoning amendments to § 315- 52 of the Cumberland Code (Height Regulations) to increase the building height from 35 feet in all districts to 40 feet, as recommended by the Planning Board.

This came about from a request from the Friend’s School to construct a new building on Route One. The solar panels on the proposed building will exceed the 35 foot height restriction.

Bill Longley, Code Enforcement Officer, said that his job would be much easier if the height limit was 40 feet instead of 35 feet and he is recommending this amendment.

Councilor Storey-King said that this item had come before the Ordinance Committee and the committee was in favor of the amendment.

Chairman Stiles opened the public hearing

Public discussion: None

Chairman Stiles closed the public hearing

Councilor Edes reminded the public that this does not affect height restrictions in the Shore Land Zone.

Motion by Councilor Storey-King, seconded by Councilor Bingham, to amend §315- 52 of the Cumberland Code (Height Regulations) to increase the building height from 35 feet in all districts to 40 feet, as recommended by the Planning Board.

VOTE: 6-0 UNANIMOUS

13 – 148 To hold a Public Hearing to consider and act on draft zoning amendments to §118-7A(1) of the Cumberland Code (Growth Permits) to increase the maximum number of new growth permits issued annually, as recommended by the Planning Board.

Town Manager Shane explained that he spoke to the Town Attorney and asked him directly if we are required to have a Growth Ordinance in order to charge impact fees, as we have always believed was the case. The answer was unequivocally, no. We simply have to show the calculation and how the number is determined. The Ordinance Committee has come up with a good plan on increasing the number of Growth Permits allowed annually, with a buffer of borrowing forward or from unused permits from the prior year.

Chairman Stiles opened the public hearing

Public comment: None

Chairman Stiles closed the public hearing

Motion by Councilor Bingham, seconded by Councilor Storey-King, to amend §118-7A(1) of the Cumberland Code (Growth Permits) to increase the maximum number of new growth permits issued annually, as recommended by the Planning Board.

VOTE: 6-0 UNANIMOUS

13 – 149 To hold a Public Hearing to consider and act on draft zoning amendments to Chapter §315-4 of the Cumberland Code (Word Usage and Definitions - Business and Professional Office) to add the phrase: *This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes.*

Motion by Councilor Bingham, seconded by Councilor Edes, to table this item to October 14, 2013.

VOTE: 6-0 UNANIMOUS

13 – 150 To consider and act on authorizing the Council Chairman to submit a letter for consideration of the 2014 NCAA Division III Men's Cross Country National Championship to be held at Twin Brook.

Councilor Storey-King said that as Council Liaison to the Twin Brook Advisory Committee, she advised them of this event and they had the opportunity to ask questions of Recreation Coordinator, Peter Bingham.

Mr. Bingham answered their questions and put the Committee member's fears and concerns at ease.

Motion by Councilor Storey-King, seconded by Councilor Bingham, to authorize the Council Chairman to submit a letter for consideration of the 2014 NCAA Division III Men's Cross Country National Championship to be held at Twin Brook.

VOTE: 6-0 UNANIMOUS

13 – 151 To consider and act on authorizing a driveway license for Robert Poore across the un-built portion of Greely Road Extension.

Town Manager Shane explained that Mr. Poore had met with Town staff approximately 10 years ago to discuss moving his driveway. He was told at that time that he had to build a road to Town standards to access the driveway, or move it over 20' to access Bruce Hill/Pleasant Valley Road. Mr. Poore decided to move the driveway. The current location is difficult to traverse due to the grade. Mr. Poore now wants to move the driveway over an un-built section (Town owned right of way) of Greely Road Extension.

Motion by Councilor Copp, seconded by Councilor Edes, to authorize the Town Manager to execute a Road Use License with Robert and Darcy Poor at the intersection of Bruce Hill Road and Pleasant Valley Road for the purpose of a driveway. The terms and conditions of the license shall be in accordance with the document prepared by the Town Attorney. The Town Council further requires that a fee of \$500.00 be paid prior to issuance of the license in order to recover the Town's legal and recording fees for the license.

VOTE: 6-0 UNANIMOUS

13 – 152 To set a Public Hearing date (October 14th) to consider and act on junkyard/recycler permit renewal for Cumberland Salvage.

Motion by Councilor Storey-King, seconded by Councilor Edes, to set a Public Hearing date of October 14th to consider and act on junkyard/recycler permit renewal for Cumberland Salvage.

VOTE: 5-0-1 (Copp abstained) MOTION PASSES

13 – 153 To set a Public Hearing date (October 14th) to consider and act on the exchange of deeds and reconfiguration of the lot at the intersection of Bruce Hill Road and Valley Road.

Town Manager Shane explained that this foreclosed parcel of land is basically a drainage swale that could not be sold as a house lot. The Thurston's have done all the surveying and mapping on the parcel. This will square up their property and protect the area of their ground water well.

Motion by Councilor Edes, seconded by Councilor Copp, to set a Public Hearing date of October 14th to consider and act on the exchange of deeds and reconfiguration of the lot at the intersection of Bruce Hill Road and Valley Road.

VOTE: 6-0 UNANIMOUS

13-154 To set a Public Hearing date (October 14th) to consider and act on a Mass Gathering Permit for Maine Principals Association Regional Cross Country Meet on October 26, 2013 and State Championship Meet to be held on November 2, 2013, at Twin Brook.

Motion by Councilor Bingham, seconded by Councilor Storey-King, to set a Public Hearing date of October 14th to consider and act on a Mass Gathering Permit for Maine Principals Association Regional Cross Country Meet on October 26, 2013 and State Championship Meet to be held on November 2, 2013, at Twin Brook.

VOTE: 6-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – None

Councilor Storey-King – Thank you to our Legislative Representative, Steve Moriarty, for all his help in assisting her with some transportation issues. Steve has been on top of it and it may be discussed at the next Legislative Session. Steve is as diligent, if not more, as he was on the Town Council.

The Korean War Veterans celebration is only 7 weeks away. She has two meetings on the planning and funding of the event this week.

Councilor Gruber – The newly paved roads look great.

He is a member of the board of Southern Maine Agency on Aging and they are also concerned about the cutting of the SNAP program. The group is going to see what they can do about it and try to come up with some relief programs as well.

Chairman Stiles – The Cumberland/North Yarmouth Joint Standing Committee met recently and discussed the possibility of building a joint Public Works facility. The Town Manager will submit a plan to the committee in December for their consideration.

Thank you to the residents and businesses of Cumberland for their generous donations to the 4-H Auction fund for the Food Pantry. We have reached a total of \$4,500 toward our \$5,000 goal. There is still time to donate in order to make the goal. Chairman Stiles thanked the following for their donation:

Gary Tims, Cumberland House of Pizza, Ames Farm Center, Sandra Grover, Bickford Golf, J.Brothers Variety Store, Barbara McManus, DJ Small Plumbing & Heating, William & Joyce Stiles, Norway Savings Bank, Copp Motors, Brian Gilbert Associates, Tony DeSimone, Harland Storey, Budd's Gulf, Rachel's On the Green, Doc's Café, George & Christine Turner, Terry Snow, Maine Standards Co., Storey Brothers, Back Cove Midwives, Septi Vac Pumping, Cumberland Salvage, Atlantic Regional Federal Credit Union, The Board Barn, Bill Price & Phyllis Jones, RW Googins Electric, Eileen Wyatt, Michael & Gail Boivin, Employees of Exactitude, Skillin's Greenhouses, Peter Bingham, Michael Edes, and Judy & Rick Scott.

Councilor Edes – He also contacted Representative Moriarty to discuss bringing State Law in line with Federal Law as it pertains to allowing public employees to run for public office. Steve was very responsive and Councilor Edes thanked him.

Hunting season is here and it is a great opportunity for hunters to donate their processed game to the Food Pantry.

Councilor Copp – His son married his junior high school sweetheart recently. They are both Greely graduates and reside in Cumberland. He is very proud of both of them.

The Town paving plan is going very well, especially Orchard Hill Road. That road is immaculate now.

Archery hunting is now open. He urged everyone to be safe for themselves and their pets while walking in the woods.

Town Manager Shane – The clam flats will reopen on November 1st. He would like to thank the Public Works team for building the new stairs that lead down to the clam flats.

Interviews for the Regional Assessor will take place this Thursday.

VI. ADJOURNMENT

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

VOTE: 6-0 UNANIMOUS

TIME: 8:42 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary