

# **MINUTES**

Cumberland Town Council Meeting  
Town Council Chambers

**MONDAY, DECEMBER 13, 2010**

**7:00 p.m. Call to Order**

## **7:00 p.m. Call to Order**

Present: Chairman Storey-King, Councilors Turner, Copp, Porter, Perfetti, Stiles, and Moriarty

### **I. APPROVAL OF MINUTES**

November 22, 2010

Motion by Councilor Stiles, seconded by Councilor Turner to approve the minutes as presented.

VOTE: 7-0                      UNANIMOUS PASSAGE

### **II. MANAGER'S REPORT**

Fire, Police, and Administration staff attended a FEMA simulation exercise last Friday led by Dave Feeney and Jim Budway from Maine Emergency Management Agency.

The Route 88 project continues to go well. The drainage improvement portion of the project should be completed by the end of the year. Paving will be completed in the spring. Storey Brothers is doing a great job and the project remains on budget.

A very generous Cumberland resident, who wishes to remain anonymous, has donated \$20,000.00 to be used toward General Assistance. This gift is very appreciated by the Town and those who will receive these monies to help them get through tough times. It is procedural for the Council to act to accept the donation. This can be done later in the meeting.

Seniors in the community are reminded to get their Senior Circuit Breaker applications turned in to Town Hall for a rebate. Any senior citizen who has received a circuit breaker refund from the State is eligible for a matching refund from the Town up to \$750. Residents with questions can contact Bill Healey or Pam Bosarge at Town Hall.

Bateman Partners will be conducting a neighborhood meeting this Wednesday at 7:00 p.m. on the proposed revitalization of Drowne Road. All residents are welcome to attend to see the proposed project design. The entire area will be revitalized with a village feel.

CMP will be at the Planning Board tomorrow evening. They will not receive final approval for their project, as they do not have all the information that was requested. Final approval will likely be in January. If anyone has any questions regarding this project, please contact Town Manager Shane or Town Planner, Carla Nixon.

Town Manager Shane introduced State Representative, Meredith Strang Burgess who delivered a Legislative Proclamation for the Cumberland Fire Department. Rep. Strang Burgess explained that she did some research and discovered that there are approximately 16 people in the State of Maine who have completed the Executive Fire Officer course that Chief Small and Deputy Chief Schools have also completed. Of those 16, all have retired except for 5. Of those 5, Cumberland has the honor of having 2. In light of that, she thought it was an occasion worthy of a Legislative Proclamation. She read and presented Chief Small and Deputy Chief Schools the proclamations with her thanks and appreciation.

### **III. PUBLIC DISCUSSION**

None

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

##### **10 – 166 To hold a Public Hearing to consider and act on amendments to the Cumberland Traffic Ordinance to include No Parking Areas on Blanchard Road near the Congregational Church on Main Street.**

Town Manager Shane introduced Police Chief Charron to give his recommendation and answer any questions that the Council may have.

Chief Charron reported that no traffic issues or obstructions occurred in the area of Main Street and Blanchard Road while the Police Department was monitoring the area over the past 3 weeks. The Police Department is willing to work with the Church and the Town. Temporary signs in snow banking's was suggested by Chief Charron during the winter months.

Councilor Moriarty asked Chief Charron if the Police Department has the authority to post temporary no parking signs as the need arises, without an ordinance change.

Chief Charron said yes and they often use temporary no parking signs during major events.

Peter Bingham, 19 Brook Road, a member of the Congregational Church said that he agrees with Chief Charron's recommendation of monitoring the area. That makes the most sense.

Doug Pride, moderator of the Congregational Church, also agrees that monitoring the area is the best idea.

Motion by Councilor Perfetti, seconded by Councilor Copp, to table this item and direct the Town Manager to work with the Police Department and monitor the parking issues on Main Street, near the Congregational Church, over the winter and report back to the Town Council in June 2011.

Councilor Stiles said that he has been watching this area much more closely and has not noticed any issues. He would prefer to vote to table this item indefinitely.

Councilor Moriarty said that this was a recommendation from the Planning Board, not a condition of approval. There does not appear to be a problem in the area and the Council can take this item off the table if and when it should ever require any action.

Councilor Perfetti moved to amend the previous motion to table this item indefinitely. Councilor Moriarty seconded.

VOTE: 7-0 UNANIMOUS PASSAGE

##### **10 – 167 To hold a Public Hearing to consider and act on the 2011 Shellfish License allocations and to amend Section 109 (Fees) of the Cumberland Shellfish Conservation Ordinance, as recommended by the Shellfish Conservation Commission.**

Town Manager Shane thanked Police Chief Charron, Lt. Calder and Mike Crosby who diligently collected water samples. They were a critical piece in getting the flats opened again. Town Manager Shane introduced Shellfish Conservation Commission Chair, Mike Brown who reiterated the Manager's thanks to the Police Department and Mr. Crosby. He added his thanks to Town Manager Shane, Brenda Moore, and fellow committee members Jessica Joyce and Tom Gruber.

Mr. Brown explained that the license allocations are slightly higher than in years past, but the season is shorter. The Commission is also recommending that a \$10.00 conservation fee be added to all license categories to help offset the cost of collecting and processing our own water samples.

Councilor Moriarty asked who made the decision that the clam-flats will close in May.

Mr. Brown said that DMR made the decision to open only through May 31, 2011, but at any point that there is a red tide or substantial rainfall, they could be closed again.

Councilor Perfetti asked for clarification on the \$10 increase (Conservation Fee). Does everyone pay the Conservation Fee, including those over 62 who receive a free license? He said that he feels that everyone should pay the \$10 conservation fee because the clam-flats are conserved for everybody's use.

Town Manager Shane explained that was not the intent of the Commission to add a fee to the free licenses.

Councilor Turner said that he agrees and suggests that the Conservation Fee should apply to those who get a free license and the conservation fee be added to the application.

Motion by Councilor Stiles, seconded by Councilor Turner, to set the 2011 Shellfish License allocations (effective December 15, 2010) as follows:

**RECREATIONAL LICENSES:**

Unlimited resident recreational licenses, 40 non-resident recreational licenses, 8 monthly resident licenses, and 2 monthly non-resident licenses.

**COMMERCIAL LICENSES:**

5 resident commercial licenses and 1 non-resident commercial license.

**Further, I move to amend** Section 109 (Fees) of the Cumberland Shellfish Conservation Ordinance by increasing all fees \$10.00, including those over the age of 62, as recommended by the Shellfish Conservation Commission.

VOTE: 3-4

MOTION FAILED

Councilor Porter said that he would prefer to wait to add the \$10 Conservation Fee to the over 62 (free) licenses until he hears from the Shellfish Commission that was their intent and they are supportive of it.

Mike Brown said that the Commission had not considered or discussed adding the fee to the free license or the Junior License.

Motion by Councilor Porter, seconded by Councilor Moriarty, to set the 2011 Shellfish License allocations (effective December 15, 2010) as follows:

**RECREATIONAL LICENSES:**

Unlimited resident recreational licenses, 40 non-resident recreational licenses, 8 monthly resident licenses, and 2 monthly non-resident licenses.

**COMMERCIAL LICENSES:**

5 resident commercial licenses and 1 non-resident commercial license, and further to amend Section 109 (Fees) of the Cumberland Shellfish Conservation Ordinance by increasing all fees \$10.00, as recommended by the Shellfish Conservation Commission.

VOTE: 6-1 (Copp opposed) MOTION PASSES

**10 – 168 To hold a Public Hearing to consider and act on the Greely High School Swimming Pool License renewal for the 2011 calendar year.**

Motion by Councilor Stiles, seconded by Councilor Perfetti, to renew the Greely High School Swimming Pool License for the 2011 calendar year.

VOTE: 7-0

UNANIMOUS PASSAGE

**10 – 169 To hold a Public Hearing to appoint Town Clerk, Tamara O'Donnell, Registrar of Voters for the period of January 2011 – December 2013.**

Motion by Councilor Moriarty, seconded by Councilor Stiles to appoint Town Clerk, Tamara O'Donnell, Registrar of Voters for a three year term from January 1, 2011 – December 31, 2013.

VOTE: 7-0

UNANIMOUS PASSAGE

**10 – 170 To hold a Public Hearing to consider and act on authorizing the Town Manager to accept delinquent taxes and issue a quitclaim deed for property identified as Tax Map R07/Lot 89 in the amount of \$8,449.97.**

Motion by Councilor Turner, seconded by Councilor Copp, to authorize the Town Manager to accept delinquent taxes and issue a quitclaim deed for property identified as Tax Map R07/Lot 89 in the amount of \$8,449.97.

VOTE: 7-0

UNANIMOUS PASSAGE

**10 – 171 To hold a Public Hearing to consider and act on authorizing the Town Manager to accept delinquent taxes and issue a quitclaim deed for property identified as Tax Map R07/Lot 89J in the amount of \$4,202.71.**

Motion by Councilor Moriarty, seconded by Councilor Stiles, to authorize the Town Manager to accept delinquent taxes and issue a quitclaim deed for property identified as Tax Map R07/Lot 89J in the amount of \$4,202.71.

VOTE: 7-0

UNANIMOUS PASSAGE

**10 – 172 To hold a Public Hearing to appoint members to Town Boards/Committees for 2011.**

Councilor Porter explained that the Town Council Nominating Committee has met twice to review the applications. They have not met with all the applicants, so will only be appointing new members this evening and finishing appointments and reappointments at the December 27<sup>th</sup> meeting.

Motion by Councilor Porter, seconded by Councilor Moriarty, to appoint the following to various Boards & Committees:

Paul Dugas, Coastal Waters Commission

Adam Moody & Steve Lawrence, Lands & Conservation Commission

Peter Bingham & Tom Gruber, Planning Board

Ralph McLean & Chris Philbrook, Prince Memorial Library Advisory Board

Bill Green, Recreation/Community Education Advisory Board

Greg McCarthy, Rines Property Citizens' Advisory Committee

Jacqueline Stowell, Twin Brook Facility Advisory Committee

Paul Dugas, Val Halla Golf & Recreation Center Board of Trustees.

VOTE: 7 – 0

UNANIMOUS PASSAGE

**10 – 173 To set a Public Hearing date (December 27<sup>th</sup>) to consider and act on the road acceptance of Old Colony Lane.**

Councilor Stiles said that he felt that the Town should not be accepting any new roads and he will not support this.

Town Manager Shane explained that the warranty deed and final punch list items will be completed by December 27<sup>th</sup>.

Councilor Turner asked how many lots at this location have been built out to date.

Town Manager Shane responded that approximately ½ the lots are built out.

Motion by Councilor Turner, seconded by Councilor Perfetti, to set a Public Hearing date of December 27<sup>th</sup> to consider and act on the road acceptance of Old Colony Lane.

VOTE: 6-1 (Stiles opposed)

MOTION PASSES

**10 – 174 To set a workshop date of December 27<sup>th</sup> re: development proposal of the Doane Property.**

Town Manager Shane explained that this workshop will take approximately 2 hours. Asked the Council about timing of the workshop. It was decided that the workshop would begin at 6:00 p.m. and the Town Council meeting will begin at 8:00 p.m.

Motion by Councilor Porter, seconded by Councilor Copp, to set a workshop date of December 27<sup>th</sup> re: development proposal of the Doane Property.

VOTE: 7-0

UNINAMOUS PASSAGE

**10 – 175 To set a Public Hearing date (December 27<sup>th</sup>) to authorize the Town Treasurer to refinance the remaining balance of the 1991 General Obligation Bonds for the Senior Housing project.**

Town Manager Shane explained that the current bonds are over 6% interest rate – new rate will save money and shorten the term of the bond. This is an easy thing to do and it makes sense financially.

Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of December 27<sup>th</sup> to authorize the Town Treasurer to refinance the remaining balance of the 1991 General Obligation Bonds for the Senior Housing project.

VOTE: 7-0

UNANIMOUS PASSAGE

**10 – 176 To set a Public Hearing date (December 27<sup>th</sup>) to authorize the Town Manager to develop letters of intent for the sale, lease or transfer of the Doane Property, the Public Works Facility, and the Drowne Road School, and to work with Bateman Partners, LLC to create a master development plan for the entire project area, to be reviewed and approved by the Town Council no later than February 14, 2011.**

Town Manager Shane said that the Master Development Plan and the Contract Zone Agreement have to be discussed with the Town Council soon. He recommends that we hold a joint workshop with the Planning Board and Town Council.

Motion by Councilor Porter, seconded by Councilor Perfetti, to set a Public Hearing date of December 27<sup>th</sup> to authorize the Town Manager to develop letters of intent for the sale, lease or transfer of the Doane Property, the Public Works Facility, and the Drowne Road School, and to work with Bateman Partners, LLC to create a master development plan for the entire project area, to be reviewed and report back to the Town Council no later than February 14, 2011.

VOTE: 7-0

UNANIMOUS PASSAGE

Motion by Councilor Copp, seconded by Councilor Moriarty, to authorize the Town Manager to accept an anonymous donation of \$20,000 to be used for fuel and food assistance.

VOTE: 7-0

UNANIMOUS PASSAGE

**V. NEW BUSINESS**

**Councilor Turner** – He received a flyer from a friend from the “Citizens Against Industrial Operations In Residential Neighborhood” regarding concerns about the moratorium. This well-meaning flyer had his e-mail address incorrect. The correct e-mail address is [gturner1@maine.rr.com](mailto:gturner1@maine.rr.com).

**Councilor Copp** – Last week he and Chairman Storey-King attended a ceremony at the Anderson-Mayberry Post 91 of the American Legion for the Blue Star Banner Program. The program is to recognize any family members who have an active service member in their home. The ceremony was very well attended and he was thankful to have been invited.

**Councilor Porter** – He has been contacted by some residents who are interested in starting a community garden. They will contact the Town Manager to discuss the possibility of using Town owned land.

**Councilor Perfetti** – None

**Chairman Storey-King** – The entire community is invited to neighborhood meeting this Wednesday at 7:00 p.m. at Town Hall regarding the revitalization of Drowne Road.

**Councilor Stiles** – He hopes that people will still consider making a donation to the Veterans Memorial project.

**Councilor Moriarty** – The Main Street Advisory Committee will give its final report to the Planning Board tomorrow evening.

**Town Manager Shane** – There will be a small crew in the Rines Forest doing some selective cutting beginning next week.

On January 6<sup>th</sup> (the first Thursday in January), he would like to have the Town Council and Planning Board meet in workshop to look at a draft contract zone agreement for the Bateman proposal of the revitalization of Drowne Road.

**VI. EXECUTIVE SESSION** pursuant to Title 36 M.R.S.A., § 841 re: Poverty Abatement Application.

Motion by Councilor Stiles, seconded by Councilor Copp, to recess to Executive Session pursuant to Title 36 M.R.S.A., § 841 re: Poverty Abatement Application.

VOTE: 7-0 UNANIMOUS PASSAGE

TIME: 8:45 P.M.

Motion by Councilor Porter, seconded by Councilor Stiles, to return from Executive Session.

VOTE: 7-0 UNANIMOUS PASSAGE

TIME: 9:28 P.M.

Motion by Councilor Porter, seconded by Councilor Perfetti, to deny the Poverty Abatement Application.

VOTE: 5-2 MOTION PASSES

**VII. ADJOURNMENT**

Motion to adjourn by Councilor Moriarty, seconded by Councilor Porter.

VOTE: 7-0 UNANIMOUS PASSAGE

TIME: 9:40 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary