

MINUTES

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, May 11, 2015

6:00 P.M. Workshop with the Windham Town Council re: poor road conditions around Forest Lake and Cumberland Emergency vehicles

7:00 P.M. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Bingham, seconded by Councilor Stiles, to accept the April 27, 2015 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

Motion by Councilor Bingham, seconded by Councilor Stiles, to accept the April 28, 2015 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Town Manager Shane invited Police Chief Charron and Deputy Fire Chief Copp to make their citizen award presentation.

Chief Charron explained that during the month of March, the Cumberland Police Department conducted two training sessions. The first was a tabletop exercise, and the second was active shooter exercise (in a school) with the Cumberland Police Department at the North Yarmouth Memorial School. These two sessions culminated in a large event that incorporated the use of Cumberland Fire/EMS personnel along with police officers from surrounding agencies. The training is designed to introduce EMS personnel into an active shooter situation, and to provide medical aid much quicker than past incidents. In order to make the events as realistic as possible the Cumberland Police Department reached out to Greely High School to enlist the help of GHS Drama Club.

During the approximate 6 hours of training, the Drama Club members complete with make-up provided the important element of reality as to what we can expect a real life event to look and feel like.

Chief Charron said that from the Police Departments prospective, it had the most realistic feel of any training event the department has ever participated in. For that, he wants to personally thank all the Drama Club Members for making it possible.

On behalf of the Cumberland Police and Fire Departments, the following drama students were presented with Community Service Awards and Certificates of Appreciation:

Mika Gallatti, Evan Carrell, Julia Ramseyer, Brie Nicolaou, Sophie McMonagle, Tess Hall, Clarissa Campo and Eric McKeone.

Town Manager Shane added that he was present at the training the students did a phenomenal job and he was also very grateful that they participated.

III. PUBLIC DISCUSSION

Brad Hilton of Blanchard Road asked if the Cumberland Police Department uses Tasers or body cameras. He feels that both these tools protect the officers as well as the public.

Town Manager Shane responded that they have used Tasers for approximately 8 years. They do not use body cameras, but do have dash cameras in the cruisers that record every traffic stop.

IV. LEGISLATION AND POLICY

15 – 062 To hold a Public Hearing to consider and act on a Liquor License application for The Golf Learning Center.

Town Manager Shane said that the license application is in order and staff is recommending approval.

Chairman Gruber opened the Public Hearing.

Public discussion: None

Chairman Gruber closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Bingham, to approve the Liquor License Application for the Golf Learning Center.

VOTE: 7-0 UNANIMOUS

15 – 063 To hold a Public Hearing to consider and act on a Conservation Easement for the Knight's Pond/Blueberry Hill property.

Councilor Stiles explained that the Cumberland/North Yarmouth Joint Standing Committee has agreed to accept the task of overseeing this property since it is located in both towns. The Joint Standing met with the Land Trust to thoughtfully review the conservation easement. One of the key issues was parking at the site. They agreed on 20 parking spaces as a start, with the possibility of expanding to 40 through the Planning Board process if need be. The Joint Standing Committee feels that the conservation easement presented this evening preserves the property and preserves the rights for everybody to enjoy the property.

Councilor Edes added that this was a lot of work, but he wants to give the Land Trust a lot of credit. They came to the table with an open mind (as did the Joint Standing Committee) and there was a lot of give and take in the process. We all want to make this property assessable, safe, and useable for everyone to enjoy.

Motion by Councilor Bingham, seconded by Councilor Stiles, to authorize the Town Manager to enter into a certain conservation easement with the Chebeague and Cumberland Land Trust, Inc. coincidental with the acquisition by the Town of the Knight's Pond property, so-called, in the Town of Cumberland, which easement shall be substantially the same as the proposed draft revised by the Town, subject to final review of the same, and baseline data to be provided in regard to the site, by the Town's attorney.

VOTE: 7-0 UNANIMOUS

15 - 064 To send to the Planning Board for a Public Hearing and recommendation the following zoning amendments:

- **Amendments to the Town Center District zone to allow outdoor seating without requiring any additional parking or counting toward the 48 maximum indoor seats (Maximum 16 outdoor seats).**
- **To amend the Contract Zone Agreement with Osgood Village to define the income requirements for the two affordable units.**

Motion by Councilor Storey-King, seconded by Councilor Copp, to forward to the Planning Board for a Public Hearing and recommendation, amendments to the Town Center District zone and amendments to the Contract Zone Agreement with Osgood Village.

VOTE: 7-0

UNANIMOUS

15 – 065 To set a Public Hearing date (June 1st) to consider and act on the following:

1. Changes to the Town Center District zone to allow outdoor seating without requiring any additional parking or counting toward the 48 maximum indoor seats (Maximum 16 outdoor seats).
2. Traffic Ordinance prohibiting parking in Fire Lanes and within 10' of a Fire Hydrant.
3. Amendment to the Contract Zone Agreement with Osgood Village to define income requirements for the two affordable units.
4. To consider and act on Planning Board recommendations for amendments to §315-4 definitions and uses of the Cumberland Code to add: Catering Service, Commercial Kitchen, Outdoor Seating area, Café, Health and fitness Studio.
5. To recommend adding the following permitted uses: Commercial Kitchens, Catering, Outdoor Seating Area, Café and Health and Fitness Studio in §315-14 (VCC), §315-11 (HC) districts of the Cumberland Code.
6. To add as permitted uses: Commercial Kitchens, Catering and Health and Fitness Studio in §315-15 (VOC1) of the Cumberland Code.
7. To add as permitted uses Commercial Kitchens, Catering in §315-20(R1), and §315-19 (I) districts of the Cumberland Code.

Motion by Councilor Bingham, seconded by Councilor Turner, to set a Public Hearing date of June 1st, 2015 to consider and act on the following zoning amendments as recommended by the Planning Board:

- Amendment to the Town Center District zone to allow outdoor seating without requiring any additional parking or counting toward the 48 maximum indoor seats (Maximum 16 outdoor seats).
- Traffic Ordinance prohibiting parking in Fire Lanes and within 10' of a Fire Hydrant.
- Amendment to the Contract Zone Agreement with Osgood Village to define income requirements for the two affordable units.
- To consider and act on Planning Board recommendations for amendments to §315-4 definitions and uses of the Cumberland Code to add: Catering Service, Commercial Kitchen, Outdoor Seating area, Café, Health and fitness Studio.
- To recommend adding the following permitted uses: Commercial Kitchens, Catering, Outdoor Seating Area, Café and Health and Fitness Studio in §315-14 (VCC), §315-11 (HC) districts of the Cumberland Code.
- To add as permitted uses: Commercial Kitchens, Catering and Health and Fitness Studio in §315-15 (VOC1) of the Cumberland Code.
- To add as permitted uses Commercial Kitchens, Catering in §315-20(R1), and §315-19 (I) districts of the Cumberland Code.

VOTE: 7-0

UNANIMOUS

15 – 066 To consider and act on cancelling the May 25th (Memorial Day) Town Council meeting and rescheduling the June meetings from June 8th and 22nd to June 1st and 15th, due to the June 9th election.

Motion by Councilor Bingham, seconded by Councilor Turner, to cancel the May 25th, 2015 Town Council meeting, and reschedule the June meetings from June 8th and 22nd, to June 1st and 15th, due to the June 9th Election.

VOTE: 7-0

UNANIMOUS

V. NEW BUSINESS

Councilor Copp – two weeks ago, he attended a program at the Library on “Growing Up in West Cumberland”. 97 people attended and it was absolutely phenomenal. Thomas Bennett did a great job.

He promised Councilor Stiles that he would donate \$20 at every Council meeting from now until the Cumberland fair (which he did). He urged others to also donate to this great cause.

Councilor Edes – he thanked the Windham Town Council, Town Manager, Public Works Director, Fire Chief and Police Chief for taking the time to meet with the Cumberland Town Council. It shows that they care about the problem and want to work together to find a solution to the poor road conditions around parts of Forest Lake that our emergency vehicles respond to.

He was pleased to hear that the lawsuit in regard to the Payson Property has come to an end (in the Town’s favor) so we can move forward on the project together, and build something we can all be proud of. It can be a win, win for everyone.

Councilor Storey-King – the Land Use Committee report is in its final stages and will be before the Council soon.

Councilor Bingham – Steve Moriarty will be making the Land Use Committee report to the Council.

The Lions Club is presenting its Citizen of the Year Award to Penny Asherman this evening. Penny has done so much work for our community and the award is well deserved. They are also presenting Mark Fortin of Food Stop with the Business Person of the Year. Also, very well deserved.

Chairman Gruber – Baseball season has begun. He truly enjoys umpiring and seeing all those happy faces.

Thank you to those residents that he sees walking up and down Route 88 and picking up trash.

The Aging in Place Committee will be sending a survey to all residents very soon.

The Ocean Access Committee will meet this week. Now that the lawsuit is over, they can begin to really sink their teeth into their work.

The Postal Service had their annual food drive recently. Thank you to all those in our community who donated food.

Councilor Stiles – A reminder that he will be fundraising for the 4-H auction again this year to benefit the food pantry. He is hoping to get 1,000 residents to donate \$10.

The programming at the library is tremendous. He urged people to check out the offerings. The entire library staff does a great job and the programs are very well done.

Councilor Turner – Kudos to the court for making the right decision in regard to the Payson Property. As the years go by, this Council and Town Manager will receive the credit for having done something that was appropriate and long overdue. We can all work together to make the property something to be proud of for all the residents.

Town Manager Shane – on June 1st, the Council will consider authorizing the Senior Circuit Breaker checks to be issued. Last year, we had 102 residents submit applications for the State Circuit Breaker program and we gave out over \$85,000 in refunds. This year, we have 27 residents who applied, which totals about \$8,000 in tax relief refunds, all due to the new state statute and new requirements.

VI. EXECUTIVE SESSION pursuant to Title 36 M.R.S.A. Section 841(2) to consider and act on an application for a tax abatement based on hardship, and pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.

Motion by Councilor , seconded by Councilor, to recess to Executive Session pursuant to Title 36 M.R.S.A. Section 841(2) to consider and act on an application for a tax abatement based on hardship, and pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.

VOTE: 7-0

UNANIMOUS

TIME: 7:59 P.M.

Reconvene to regular session at 8:11 P.M.

Motion by Councilor Bingham, seconded by Councilor Stiles, to table the tax abatement request pursuant to Title 36 M.R.S.A., Section 841(2) until October 2015, at which time the applicant can reapply.

VOTE: 7-0

UNANIMOUS

VII. ADJOURNMENT

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

VOTE: 7-0

UNANIMOUS

TIME: 8:12 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary