

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, May 23, 2016**

## 6:00 P.M. CALL TO ORDER

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

**6:00 P.M. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(A)(1) re: a personnel matter.

Motion by Councilor Stiles, seconded by Councilor Gruber, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(A)(1) re: a personnel matter.

VOTE: 7-0 UNANIMOUS

TIME: 6:03 P.M.

**6:30 P.M. WORKSHOP** with Carolyn Small and Thomas Bennett re: Bicentennial Committee Charge.

Regular Town Council meetings began at 7:00 P.M.

## I. APPROVAL OF MINUTES

Motion by Councilor Stiles, seconded by Councilor Copp, to accept the May 9, 2016 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

## II. MANAGER'S REPORT

Town Manager Shane said that he would hold off his report until New Business.

## III. PUBLIC DISCUSSION

None

## IV. LEGISLATION AND POLICY

**16 – 067 To hold a Public Hearing to consider and act on amendments to Chapter 48 (Coastal Waters) of the Cumberland Code, as recommended by the Coastal Waters Commission.**

Lew Incze, Chairman of the Coastal Waters Commission, explained the amendments to the Council.

- Amendment to add the wording “at least” 5 members will be on the commission. The reason for this is there are currently more members than 5 and the present language says “the Coastal Waters Commission shall consist of 5 members...”.
- This amendment follows State Law:  
(e) Any person who does not meet the requirements of a-d above; however, if a waiting list is created, the next vacant space shall be assigned to the first nonresident on the waiting list in accordance with the following priority:
  1. If the principal use of the vessel is noncommercial and less than 10% of the assigned moorings in the mooring area are currently assigned to persons fitting this description, then to the first such person on the waiting list.
  2. If the principal use of the vessel is commercial and less than 10% of the assigned moorings in the mooring area are currently assigned to persons fitting this description, then to the first such person on the waiting list.

If both nonresident noncommercial and nonresident commercial assignments are below 10% of the moorings and there are both types of applicants on the waiting list, the available space shall be assigned to the first applicant in the category that is farthest below 10%.

Chairman Bingham opened the Public Hearing.

Public discussion: none

Chairman Bingham closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Storey-King, to amend Chapter 48 (Coastal Waters) of the Cumberland Code, as recommended by the Coastal Waters Commission.

VOTE: 7-0                      UNANIMOUS

**16 – 068    To hold a Public Hearing to consider and act on a Wharfing Out Permit for the Town for floats located at Broad Cove Reserve, as recommended by the Coastal Waters Commission.**

Town Manager Shane explained that any piers, docks or wharfs must be approved by the Town Council.

Mr. Incze said that the Coastal Waters Commission unanimously recommends that the Wharfing Out Permit be issued for the new floats at Broad Cove Reserve.

Chairman Bingham opened the Public Hearing.

Public discussion: none

Chairman Bingham closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to approve the Wharfing Out Permit for the Town for floats located at Broad Cove Reserve, as recommended by the Coastal Waters Commission.

VOTE: 7-0                      UNANIMOUS

**16 – 069    To request that the Ordinance Committee develop new standards for LED signage and recommend amendments to the Cumberland Code (including a review of each zoning district where amendments may be applicable).**

Town Manager Shane explained that this item came out of the workshop at the last Council meeting. He suggested that the Ordinance Committee hold a workshop with the Planning Board.

Steve Moriarty of 34 Blanchard Road said that he supports sending this to the Ordinance Committee for further study. It is a complex issue that deserves a lot of attention. The former Main Street Advisory Committee was very sensitive to the needs of the residents in that area. The committee worked to strike a balance between the Town at large, and the residents of Main Street. One of the prohibitions is the use of internally illuminated signs that is in both the Town ordinance and the Main Street design standards that were adopted at the same time. He urged the Ordinance Committee to bare this in mind and to come up with a policy to be used town wide. He feels that a moratorium on LED signs while the Ordinance Committee does their work would be a good idea.

Motion by Councilor Turner, seconded by Councilor Storey-King, to request that the Ordinance Committee to develop standards for LED signage and recommend amendments to the Cumberland Code (including a review of each zoning district where amendments may be applicable).

VOTE: 7-0                      UNANIMOUS

**16 – 070 To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning), Section 61 (Street Construction) of the Cumberland Code, as recommended by the Planning Board.**

Town Manager Shane said that this is commonly referred to as the Private Road Standard. The amendments require any new road to be 18 feet wide with a 36 foot right-of-way and a turnaround. The Ordinance Committee and the Planning Board have both reviewed this and both recommend approval.

Chairman Bingham opened the Public Hearing.

Public discussion: none

Chairman Bingham closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Stiles, to amend Chapter 315 (Zoning), Section 61 (Street Construction) of the Cumberland Code, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

**16 – 071 To hold a Public Hearing to consider and act on amendments to the Contract Zone Agreement for Village Green Cumberland, LLC to add 4 additional lots on a portion of Tax Assessor Map U10/Lot 1B, as recommended by the Planning Board.**

Developer Nathan Bateman showed the 4 new lots. The changes include a 75 foot buffer, 25 feet will be a planted landscape and vegetated buffer (to be approved by the Planning Board). Mr. Bateman also agreed to slide the building window and setback bordering the civic lot 25 feet further away from the civic lot, leaving a new 40 foot back setback verses the previously approved 15 foot setback.

Chairman Bingham opened the Public Hearing.

Public discussion: Dave Finnegan of Cumberland Common requested that in the future, the Ordinance Committee notify property owners within 1,000 feet of any potential amendment or creation of a CZA prior to any action being taken by the Town Council, and review of definition and subjectivity of the requirement for a public benefit for potential CZA's.

Chairman Bingham closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Stiles, to amend the Contract Zone Agreement for Village Green Cumberland, LLC to add 4 additional lots, and the existing home, on a portion of Tax Assessor Map U10/Lot 1B, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

**16 – 072 To appoint Charles Rumsey as Police Chief effective June 6, 2016.**

Town Manager Shane said that it is with great confidence that he recommend Charles Rumsey be appointed as our new Chief of Police. Mr. Rumsey comes from the Waterville Police Department where he was Deputy Chief.

Motion by Councilor Turner, seconded by Councilor Copp, to appoint Charles Rumsey as Police Chief effective June 6, 2016.

VOTE: 7-0 UNANIMOUS

**16 – 073 To consider and act on moving the June 13<sup>th</sup> and 27<sup>th</sup> Town Council Meetings to June 6<sup>th</sup> and 20<sup>th</sup>.**

Town Manager Shane explained that this is done to coincide with the election and swearing in of Town Councilors.

Motion by Councilor Gruber, seconded by Councilor Stiles, to reschedule the June 13<sup>th</sup> and June 27<sup>th</sup> Town Council Meetings to June 6<sup>th</sup> and June 20<sup>th</sup>.

VOTE: 7-0 UNANIMOUS

**16 – 074 To hold a Public Hearing to consider and act on a Liquor License for Doc's Café for Class III (Vinous & Malt in Café) and Class I (all alcohol with catering) for a period of May 28, 2016 to May 28, 2017.**

Town Manager Shane explained that staff is recommending approval.

Chairman Bingham opened the Public Hearing.

Public discussion: none

Chairman Bingham closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Copp, a Liquor License for Doc's Café for Class III (Vinous & Malt in Café) and Class I (all alcohol with catering) for a period of May 28, 2016 to May 28, 2017.

VOTE: 7-0 UNANIMOUS

**16 – 075 To set a Public Hearing date of June 6<sup>th</sup> to consider and act on a Mass Gathering Permit for United Maine Craftsmen Cumberland Arts and Craft Show to be held at the Cumberland Fairgrounds August 11<sup>th</sup> through 14<sup>th</sup>.**

Motion by Councilor Stiles, seconded by Councilor Copp, to set a Public Hearing date of June 6<sup>th</sup> to consider and act on a Mass Gathering Permit for United Maine Craftsmen Cumberland Arts and Craft Show to be held at the Cumberland Fairgrounds August 11<sup>th</sup> through 14<sup>th</sup>.

VOTE: 7-0 UNANIMOUS

**V. NEW BUSINESS**

**Councilor Edes** – Norman Reny, longtime science teacher in Cumberland, passed away last week. He was a true gentleman and will be missed. Condolences to his family.

Reminder to the community that we will be holding our annual Memorial Day Parade. General Gerald Bolduc will be the guest speaker this year. He thanked the 4 Veterans of the Town Council for their service.

**Councilor Gruber** – Isabelle Porter won the state championship free throw contest. She is an amazing basketball player.

He thanked the Manager and Senior Tax Relief Program Committee for getting a new program up and running for our seniors.

He found that most of the residents of Route 88 were pleased with the Brown Tail Moth spraying program.

Good luck to the Greely Baseball and Softball teams who are heading into the final games of the season.

**Councilor Storey-King** – she supports Mr. Finnegan’s suggestion that the Ordinance Committee consider a new process in handling Contract Zone Agreement’s. We need some clarity on who introduces Contract Zone Agreements and what kind of notification the public should receive so we can hear their feedback. She feels that having another discussion about the public benefit issue of CZA’s is important.

Councilor Bingham agreed and referred this to the Ordinance Committee.

The first phase of the school budget process passed last week.

The Twin Brook Advisory Committee met last week. There was discussion about joining committees together to form one Parks and Recreation Committee.

Congratulations to the 2016 Greely graduates. Please be safe.

Congratulations to Meredith Strang-Burgess who became a grandmother this afternoon for the first time to grandson Archer.

**Councilor Turner** – no new business.

**Chairman Bingham** – he attended his 50<sup>th</sup> reunion from the University of Rhode Island recently. It was a wonderful time and everyone was delighted to see each other.

His daughter works for the Town of Wakefield, Massachusetts and they have a program for new residents where they have a function for them and invite town officials in order to familiarize the new residents with town services. It is a very popular program that we might consider some day.

**Councilor Stiles** – the Central Fire Department Building Committee met recently. The meetings are well attended and they are doing good work.

He continues his efforts to collect money for the 4-H auction at the Cumberland Fair that will benefit the food pantry with meat products.

**Councilor Copp** – he was able to see the completed renovation to the West Cumberland Hall recently. It looks great. They did a phenomenal job.

He asked the Manager when the final coat of pavement will be put on Blackstrap Road. Town Manager Shane said it will be done within the next 4 weeks.

Last week was bulky item pick up week. He was impressed at the amount of non-eligible items that Waste Management left behind that would have fit in a town trash bag.

**Town Manager Shane** – we hope to have the Senior Tax Relief Program forms and information ready and online in June for a July start date.

There seems to be some neighborhood concern regarding the Middle Road reconstruction project. The project is in the planning stages, so much more information and more neighborhood meetings will take place before work begins.

**VI. ADJOURNMENT**

Motion by Councilor Turner, seconded by Councilor Gruber, to adjourn.

VOTE: 7-0                      UNANIMOUS

TIME: 8:20 P.M.

Respectfully submitted by,

Brenda L. Moore

Council Secretary

(Minutes prepared from tape. Not present at meeting)