

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, July 12, 2010

7:00 p.m. Call to Order

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

Excused: Councilor Porter

I. APPROVAL OF MINUTES

June 28, 2010

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

VOTE: UNANIMOUS PASSAGE 5-1 (Perfetti abstained)

II. MANAGER'S REPORT

Project Update:

▪ Route 88

Ledge was encountered on Town Landing Road. Storey Brothers is now performing pre-blast surveys, which should take a week to complete. In the meantime, they are working on Wildwood, installing 300 feet of drainage, which should be completed this week, then reclaimed and paved next week.

Wildwood will be closed (except to emergency vehicles) this Wednesday (July 14th), due to drainage, cross culverts and catch-basins being installed. Residents will be notified and information is posted on the Town website. As ledge is encountered, the contractor will be moving to a different area where there is no ledge, in order to keep the project moving and to allow the blasting crew to blast the ledge. If it appears that they are moving around a lot, this is the reason.

▪ Range Road

A.H. Grover is proceeding at rapid speed with the waterline extension. It should be to Bruce Hill Road by the end of the week. The second half of paving for the project should begin by mid-August. The project is going very well.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

10 – 094 To hold a Public Hearing to consider and act on adding Section 402.6 (Deer Feeding and Baiting) to the Cumberland Zoning Ordinance, as recommended by the Planning Board.

Chairman Storey-King explained that Councilor Copp moved to table this item at the last meeting, as he felt that the entire council should be present before voting on this item, out of fairness to those who brought this item forward. Since Councilor Porter is absent this evening, this item should remain on the table until the entire Council is present to vote on it.

Councilor Turner said that he felt that the item should be voted upon this evening. Any member of the Council could be absent at any meeting.

Bob Vail said that he feels that this item should be moved forward. His wife suffers from Lyme Disease and it is a terrible disease. There needs to be community awareness to this issue. Deer are covered with ticks – to feed wild animals in bad practice. There are consequences and it needs to be discouraged. The entire Planning Board is in favor of this ordinance.

Chairman Storey-King said that this item will remain tabled and be placed on the July 26th agenda to be considered again.

- 10 – 095** To hold a Public Hearing to consider and act on amendments to Section 204.15.3 (Rural Industrial (RI) District) of the Cumberland Zoning Ordinance re: lot size requirements, as recommended by the Planning Board.

Town Manager Shane explained that this item allows for additional uses on lots in the Rural Industrial District, from approximately Greely Road to the Yarmouth town line. It would allow up to 2 permitted uses on these lots and reduces the lot size to 60,000 square feet. Graphix Signs started out as a home occupation, the owner has now moved to another home in Cumberland, and cannot rent his house to someone who may want to run another business because only one business per lot is currently allowed. Two principal uses per lot will help encourage new businesses to that area.

Councilor Perfetti asked if this was a “technicality” and if so, what would prevent it from happening in other zoning districts and someone else asking that their technicality be accommodated.

Town Manager Shane explained that there is a process that has to be followed (staff review & planning board process).

Councilor Moriarty pointed out that the date of the amended ordinance would have to be changed from June 29th to today’s date, if passed.

Councilor Copp asked if this is adopted, would it allow Mr. Loring to retain the business and sell the home?

Ms. Nixon said the minimum lot size is 60,000 square feet, so unless he has 120,000 square feet that could be split into two lots, the answer is no.

Motion by Councilor Perfetti, seconded by Councilor Moriarty to amend Section 204.15.3 (Rural Industrial (RI) District) of the Cumberland Zoning Ordinance re: lot size requirements, as recommended by the Planning Board.

VOTE: UNANIMOUS PASSAGE 6-0

- 10 – 096** To hold a Public Hearing to consider and act on amendments to the Cumberland Site Plan Ordinance to implement a staff review process for smaller projects, as recommended by the Planning Board.

Ms. Nixon explained that this item changes the procedure currently in place. Currently, site plan review is required whenever five conditions of our current zoning ordinance apply and has to do with strictly non-residential (business review). Currently, an applicant meets with the Town Planner and CEO to discuss the project. The problem in Cumberland is that our ordinance is very black and white. If a project is non-residential, site plan review is required. The site plan review has a lot of requirements for the applicant to bring to the planning board. Site plans have to be prepared by a Professional Engineer and can cost up to \$15,000. It’s an expensive and time consuming process. It is not the intent to take any review authority from the planning board. This ordinance gives some flexibility to the staff to look at a project and determine if it meets the requirements for staff review. It will still allow for public notice and abutter notification. Staff will have the authority to recommend that a project go before the planning board, if they feel it is necessary.

Councilor Turner asked if an abutter had an issue with a project, would town staff have the discretion to authorize the project or forward it to the planning board if they felt it necessary.

Ms. Nixon said that staff would attempt to meet with the neighbor and attempt to work out their issues or concerns. The Planning Board Chair will also be part of the staff review process.

Bob Vail said that there is a lot of comfort with the current town staff. Five years down the road, if staff should change, there may not be that comfort level. That is why having the Planning Board Chair be involved will add credence to this new process.

Councilor Stiles thanked Ms. Nixon moving this forward, this is a great idea.

Town Manager Shane thanked Ms. Nixon and the Planning Board for their hard work updating the ordinances and getting Cumberland up to speed for the next wave in development. It was a great team effort. We are heading in the right direction to work with current businesses and future businesses that may come to Cumberland.

Motion by Councilor Perfetti, seconded by Councilor Stiles to repeal Section 206 of the Cumberland Zoning Ordinance, and create a stand-alone Site Plan Ordinance, as recommended by the Planning Board.

VOTE: UNANIMOUS PASSAGE 6-0

Ms. Nixon presented the Council with Town Center Advisory Committee final report to review before their presentation at the next Town Council meeting.

10 – 097 To hold a Public Hearing to consider and act on Tax Anticipation Note borrowing.

Finance Director, Alex Kimball explained that the Tax Anticipation Note borrowing will be on an as needed basis, up to \$3 million dollars. Typically, the need to “dip in” during the low periods, before the tax bills go out, happens mid-February and mid-August.

Bids were sent to five banks; with the top bidder was Bath Savings Bank with a rate of 1.57, which is a very good rate.

Councilor Perfetti asked Mr. Kimball what the interest cost is to borrow this money.

Mr. Kimball responded that it varies greatly. In past years it has cost as much as \$120,000.00, but we’d earn a fair amount back on it, and there have been years where it cost as little at \$15,000.00, but have earned almost nothing on it.

Motion by Councilor Moriarty, seconded by Councilor Stiles to authorize Tax Anticipation Note borrowing in the amount of up to three million dollars and to accept the bid of Bath Savings for an interest rate of 1.57%.

VOTE: UNANIMOUS PASSAGE 6-0

10 – 098 To set a Public Hearing date (July 26th) to consider and act on increasing sewer user fees.

Town Manager Shane explained that this is the time of year when sewer user fees are set in the Enterprise Fund. We have been doing much better in reducing the increase spikes that we have had for many years, since the amnesty program. We are anticipating an upgrade to the Falmouth Treatment Plant, which will be significant. We are 2-3 years away from the sewer fund being “in the black ink again”. We will have to continue to monitor the number of users as well as our cost. His recommendation is a 3% increase this year and likely next. That equates to an average of \$1.80 per month increase, which varies depending on the type of user one is. The base fee will go from \$32/month to \$33.80/month. Everyone pays the base fee and the remainder is based on consumption.

Motion by Councilor Copp, seconded by Councilor Turner to set a Public Hearing date of July 26th to consider and act on increasing sewer user fees.

VOTE: UNANIMOUS PASSAGE 6-0

V. NEW BUSINESS

Councilor Turner – None

Councilor Copp – Seymour’s Bird House on Route 100 is a great looking new building. It looks similar to a residence, very nicely done and a good addition to West Cumberland.

Also, welcome to Record Lumber. New business is welcome and needed in West Cumberland.

On a sad note, a lifelong resident of Cumberland, Cindy Lawrence passed away – condolences to her family.

Councilor Perfetti – The Recreation Committee met a few weeks ago regarding the playground in West Cumberland. He would like to see the committee and town staff meet to discuss what type of project can be done to improve that facility.

Chairman Storey-King – Building, plumbing, and electrical permit numbers are all up and that is a very good thing for the town.

She surveyed each of the Councilors regarding term limits and each member was opposed to bringing up a term limit discussion. For the time being, no energy will be spent on this discussion, as there is a lot of business to conduct.

Condolences to the Schott family for the loss of Kermit Schott. To Mindy, Jacob and Zoe, you are in our thoughts during this difficult time.

Councilor Stiles – Veterans monument project still in need of donations. Thank you to his wife, Joyce for allowing him to attend the meeting this evening since it is her birthday. Happy Birthday Joyce and congratulations for catching the biggest fish during their last fishing excursion.

A.H. Grover is doing a phenomenal job keeping traffic flowing and keeping the residents moving in and out of their driveways. We are very fortunate to have them doing the work on Range Road.

Councilor Moriarty – None

Manager Shane - None

VI. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405 (6)(C) re: real property acquisition.

Motion by Councilor Stiles, seconded by Councilor Copp, to recess to Executive Session pursuant to 1 M.R.S.A., § 405 (6)(C) re: real property acquisition.

VOTE: UNANIMOUS PASSAGE 6-0

TIME: 7:51 p.m.

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

VOTE: UNANIMOUS PASSAGE 6-0

TIME: 8:25 p.m.

Moved by Councilor Perfetti, seconded by Councilor Stiles to authorize the Town Manager to enter into a Memorandum of Understanding with Bateman Partners, LLC regarding development of the Doane Property.

VOTE: UNANIMOUS PASSAGE 6-0

VII. ADJOURNMENT

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

VOTE: UNANIMOUS PASSAGE 6-0

TIME: 8:26 p.m.

Respectfully submitted by,

Brenda Moore
Executive Assistant