

# MINUTES

Cumberland Town Council Meeting  
Town Council Chambers

**MONDAY, September 25, 2017**

**6:00 P.M. Ordinance Committee Meeting**

## **7:00 P.M. Call to Order**

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

### **I. BUSINESS INTRODUCTION**

Jim Guidi of Louie's Grill said that Louie's has been in business for a little over 4 years and running the restaurant has been a lot of fun. Louie's has become a great meeting place and the employees have become like family. Head Chef, Mike Tardif, does a great job. Brenda Pitcher of Cumberland Baking operates out of Louie's and prepares all the desserts. Louie's is open Monday through Saturday for lunch and dinner.

### **II. APPROVAL OF MINUTES**

Motion by Councilor Bingham, seconded by Councilor Turner, to accept the September 11, 2017 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

### **III. MANAGER'S REPORT**

Town Manager Shane explained that agenda items 17-131, 132 and 133 will be tabled. They were on the last Planning Board agenda, but the Planning Board decided that they need more time to consider these items, so they were tabled to their October meeting.

There has been increased accident activity at the intersection of Range Road, Winn Road and Cross Road. We restriped the intersection and installed larger stop signs on both sides. The brush will be cut back to improve sight distance. He is concerned about driver inattention and speed and that people are not paying attention. Also, there seems to be more traffic on Cross Road since it has been improved. The Police will be doing speed details in that area in the near future.

In regard to the Middle Road project, we have run into more ledge than expected as well as soils that were in poor condition that had to be excavated. This will cause a delay in the project's completion date. As long as the weather is good, Storey Brothers will continue to get as much work done and paving completed as far as they are able before winter.

### **IV. PUBLIC DISCUSSION**

Representative Dale Denno gave a brief update of what has been happening in Augusta. His highest priority has been property tax relief. School funding for our district was increased by over \$330,000 enabling the district to offset potential property tax increases.

More financial support was given to families of disabled children and adults, and increased compensation for caregivers of the elderly and disabled.

Rural Maine hospitals are in dire financial straits and there have been some proposals that would put even more pressure on them. This is an area that he feels some good legislative work has been done.

A disappointment for him has been the failure to pass early voting. Other defeats were the solar bill and the Governor vetoing the ban on texting while driving.

Upcoming sessions will take up recreational marijuana use, rank choice voting, and various bonds.

The Governor has put forward a bill to place Special Education for 3 - 5 year olds into the school system. Currently this is handled by a separate agency. This will have huge implications to the school systems on many levels.

Clay Holtzman of 125 Bruce Hill Road said that one of the many reason he and his family chose Cumberland over other communities was the Cumberland Fairgrounds, which they live across from. For them, it's part of what makes their new home special. His family, along with many of their neighbors and a growing number of Cumberland residents, has concerns about the negative impact of relocating the Public Works facility to the fairgrounds. Although there are several potentially negative impacts including traffic, noise, safety, cost and environmental concerns, this could potentially forever change an institution that has stood for nearly 150 years. An industrial use facility, no matter whether it is for private or public use, is fundamentally out of step with history, purpose, use and intent of the Cumberland Fairgrounds. By placing this facility and all that goes with it (waste oil disposal, salt storage, brush dump, heavy vehicle storage and dozens of employees, not to mention significant increases in traffic, new town easements and traffic patterns) we would be putting at risk a unique piece of history and part of this community's identity that once it is gone, it is gone forever. It is his belief that this use is incompatible with the fairgrounds, which at this moment is filled with families, children, residents, and citizens from surrounding communities.

Yesterday, at a ceremony marking the opening of the Cumberland Fair, longtime Cumberland resident Jeff Woodbury accepted a lifetime achievement award on behalf of his late father, Frank Woodbury. He was struck by Jeff's comments when he shared some of his earliest memories of what it was like growing up at a house that was literally located on the fairgrounds. He talked about how he learned to ride his bike and later drive a car on the fairgrounds. These are experiences that shape people and make them want to stay in Cumberland for years, even generations, like the Woodbury's have. These are the kinds of experiences the fairgrounds always has and always should shape. Not the roar of snow plows or concerns about oil seepage into ground water.

The Cumberland Fairgrounds means something different to each of us, but he thinks it is fair to say that it means something special to all of us. He respects the Town's interest in this location, but he believes that it is overlooking the long-term damage that would be caused by pursuing a short-term and convenient solution.

He urged the Town Council to understand that what's at stake here is much more than adjacent property values, environmental impact and added cost for taxpayers of Cumberland to bear. What's also at stake here is a piece of something we all love and we all care about. It is up to us to protect it. He asked that the Town Council reverse course on this proposal and examine other, more appropriate locations. We owe this to ourselves, our children, and the members of the Cumberland Farmers Club past, present and future, who have dedicated their livelihoods to make the fairgrounds and Cumberland what it is today: a very special place that is unlike any other. Let's work to keep it that way.

Rachel Becker-McEntee who lives on the corner of Blanchard and Bruce Hill Roads said that she chose to live in Cumberland because of its rural character. The cost of a new Public Works facility will be 4 to 6 million dollars. The Town cannot afford this at the moment and she wonders why we would put that amount into a new facility for a shrinking department. More services are being contracted out and nobody is sure what the Town's need is going to be in 20 years and if we will need a new 10-acre facility. She has learned that upgrading the current facility could be done for 1.5 million dollars. That is a savings of up to 4.5 million dollars. Why would the Town want to have the tax payers to take on that burden for a new facility that is not needed? As a member of the Lands & Conservation Commission and as an Environmental and Land Use Attorney, she is concerned that there are some critical wetland habitats that

border the proposed area. This makes it a poor choice, as well as the cost of permitting and engineering, to put an industrial use facility on that site would be very expensive and very time consuming.

## V. LEGISLATION AND POLICY

**17 – 131 To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning), Section 28.4B (Senior Housing Community (SHC) Overlay District) to include a portion of a lot located on Greely Road (Tax Map R04/34A).**

Motion by Councilor Stiles, seconded by Councilor Turner, to table.

VOTE: 7-0 UNANIMOUS

**17 – 132 To hold a Public Hearing to consider and act on an update to the Official Zoning Map of the Town of Cumberland to expand the Senior Housing Community Overlay District to include a portion of a lot located on Greely Road (Tax Map R04/34A).**

Motion by Councilor Stiles, seconded by Councilor Turner, to table.

VOTE: 7-0 UNANIMOUS

**17 – 133 To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning), Section 4 (Word Use and Definitions – Accessory Dwelling Unit) and Section 45 (Conversions) of the Cumberland Code.**

Motion by Councilor Stiles, seconded by Councilor Turner, to table.

VOTE: 7-0 UNANIMOUS

**17 – 134 To hold a Public Hearing to adopt the Maine Municipal Association Model General Assistance Ordinance and Appendices A-D for the period of October 1, 2017 through September 30, 2018.**

Town Manager Shane said that this is an annual renewal. Maine Municipal Association puts together a model general assistance program that most municipalities adopt. It is the model we have adopted every year.

Chairman Edes opened the Public Hearing.

Public discussion: none

Chairman Edes closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Bingham, to adopt the Maine Municipal Association Model General Assistance Ordinance and Appendices A-D for the period of October 1, 2017 through September 30, 2018.

VOTE: 7-0 UNANIMOUS

**17 – 135 To accept and award the bid for the purchase of the former Whitman house.**

Town Manager Shane explained that no bids were received and asked if the Council had any objection to re-advertising this to sell to the lowest bidder without a minimum bid. The Council agreed to re-advertise.

Motion by Councilor Stiles, seconded by Councilor Turner, to table.

VOTE: 7-0 UNANIMOUS

**17 – 136 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Maine Principals Association Regional Cross Country Meet to be held on October 21, 2017 from 9:00 a.m. to 3:30 p.m. at Twin Brook Recreational Facility.**

Town Manager Shane said that staff is recommending approval.

Chairman Edes opened the Public Hearing.

Public discussion: none

Chairman Edes closed the Public Hearing.

Councilor Storey-King said that she is the Council Liaison to the Parks and Recreation Commission. The commission did not meet in person, but did have the opportunity to review the application and comment via e-mail. The public should be aware that all spectators for this event will be required to park at the High School or Middle School and be transported by bus to Twin Brook.

Motion by Councilor Copp, seconded by Councilor Stiles, to approve the Mass Gathering Permit for the Maine Principals Association Regional Cross Country Meet to be held on October 21, 2017 from 9:00 a.m. to 3:30 p.m. at Twin Brook Recreational Facility.

VOTE: 7-0 UNANIMOUS

**17 – 137 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Maine Principals Association State Cross Country Meet to be held on October 28, 2017 from 9:00 a.m. to 3:30 p.m. at Twin Brook Recreational Facility.**

Chairman Edes opened the Public Hearing.

Public discussion: none

Chairman Edes closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Turner, to approve the Mass Gathering Permit for the Maine Principals Association State Cross Country Meet to be held on October 28, 2017 from 9:00 a.m. to 3:30 p.m. at Twin Brook Recreational Facility.

VOTE: 7-0 UNANIMOUS

**17 – 138 To consider and act on authorizing the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon payment of \$844.80 for property identified as Tax Map R06/Lot 25.**

Town Manager Shane explained that payment will remove the property from the foreclosure list and pay all penalties and interest.

Motion by Councilor Turner, seconded by Councilor Copp, to authorize the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon payment of \$844.80 for property identified as Tax Map R06/Lot 25.

VOTE: 7-0 UNANIMOUS

**17 – 139 To authorize the Town Manager to execute a 5-year contract with Axon Enterprises for the purchase of TASER supplies.**

Town Manager Shane explained that Lieutenant Young did some research in attempt to reduce the cost of TASER supplies. Our officers have to be certified each year by expending up to 2 cartridges per year. This contract is for only supplies and will save us \$400 to \$600 per year. Any contract more than 1 year requires Town Council authorization.

Motion by Councilor Bingham, seconded by Councilor Gruber, to authorize the Town Manager to execute a 5-year contract with Axon Enterprises for the purchase of TASER supplies.

VOTE: 7-0 UNANIMOUS

The next item was added to the agenda.

**17 – 140 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, adding Farm Based Specialty Events in the RR1 and RR2 Districts.**

Councilor Storey-King explained that the Ordinance Committee has been working on this for quite a while, and they are proposing the addition of Farm Based Specialty Events to our permitted uses in the RR 1 and RR2 Districts. The definition of a Farm Based Specialty Event is “the use of a registered farm of at least 5-acres in size, for uses other than farming, to allow farm operations additional revenue streams. These events may include, but are not limited to, weddings and summer camps”. This language comes from our most recent Comprehensive Plan. The last Comprehensive Plan Committee was looking for ways to keep the rural character of our community, but this costs money that most often comes from the farmers and large land owners. The Ordinance Committee wants to make sure that neighbors are protected by placing limits on the events that can be held. She is recommending that the Council forward this to the Planning Board for their review and recommendation.

Councilor Stiles said that he feels that this is moving along too quickly. The Council is being asked to vote on something that that they know very little about. He feels that this should have been presented at a workshop to see if the Council had any interest in moving this forward to the Planning Board. There needs to be more discussion. He is not for or against it at this point, he simply needs more information.

Councilor Gruber said that he is also concerned with the speed of the process. He would like to see this as an agenda item at the next Council meeting to allow everyone to get more information and discuss it.

Town Manager Shane said that this process started back in January. An individual tried unsuccessfully to solicit an application for this use and was advised by the Code Enforcement Officer and Town Planner that there was nothing defined for this use. She said that she wanted to supplement her flower business and that is when the Comprehensive Plan language on supplementing farming was brought to light.

Councilor Bingham said that since it will have a Public Hearing with the Planning Board prior to it coming back to the Council for a Public Hearing, it should be moved forward for a vote.

Motion by Councilor Storey-King, seconded by Councilor Bingham, to send to the Planning Board for review, recommendation and a Public Hearing, the addition of Farm Based Specialty Events as a permitted use in the RR1 and RR2 Districts.

VOTE: 4-3 (Copp, Gruber and Stiles opposed) MOTION PASSES

**VI. NEW BUSINESS**

**Councilor Turner** – today was a beautiful, hot day and he spent some time at the Broad Cove Reserve. There is a sign where the original gate used to be that says “no dogs allowed on this property”. He has been told by some people that a couple of days ago, a dog was well behaved dog with its owner on the beach swimming. At the same time, there was another dog, sitting by its owner on the beach. The signs are very obvious that dogs are not allowed. If we are serious about this, there should be a significant fines for violating this rule and it should be enforced.

**Councilor Stiles** – the fair is going on right now and there will be 31 market hogs available at the auction this year. We met our donation goal for the food pantry. Thank you to everyone who donated. The total donations so far is \$14,223.00. This is a wonderful cause that helps the 4-H kids and the food pantry.

**Chairman Edes** – no new business.

**Councilor Copp** – he suggested that all the farms in our community be notified of the Planning Board meeting where the last item will be discussed.

He congratulated Councilor Stiles for his hard work and meeting his goal for donations to the 4-H auction. Cumberland residents are very fortunate to have a food pantry. He has friends who live in northern Maine and they desperately need a program like ours.

**Councilor Storey-King** – Friday night is Military Appreciation night at the Greely football game. Veterans and their guest get free admision to the game.

**Councilor Gruber** – he always attends the Greely football military appreciation game night and brings along a friend who is a World War II veteran.

The Aging in Place Forum will be held on November 4<sup>th</sup> at the middle school. A lot of effort has been put into this event.

The Coastal Waters Commission met last week. Dave Witherill is doing a great job as Chairman since Lew Incze left. They will be bringing some ordinance amendments to the Ordinance Committee then the Council very soon.

The Lands & Conservation Commission is developing a position statement in regard to their feelings on the development of the Town owned property adjacent to the Town Forest.

The Conservation Subdivision Committee will be ready to make a recommendation to the Town Council soon. Mike Schwindt has been doing a great job as Chairman.

**Councilor Bingham** - he is very appreciative of the Greely football military appreciation night.

He reminded everyone to stop by and visit all the community vendors at the Cumberland Fair.

**Town Manager Shane** – on Monday, October 2<sup>nd</sup> from 4 – 5 p.m. there will be a ground breaking ceremony for the new Performing Arts Center.

On October 25<sup>th</sup> at 6:30 p.m. there will be a public meeting to recruit citizens to participate in assisting the Council on the development of the town owned land adjacent to the Town Forest. We hope to get over 100 people who can participate and give us some feedback.

In November, there will be a meeting with some of our neighboring communities to discuss transportation and regionalization.

**VII. ADJOURNMENT**

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

VOTE: 7-0 UNANIMOUS

TIME: 8:45 P.M.

Respectfully submitted by,

Brenda L. Moore

Council Secretary

(Minutes prepared by video – not present at meeting)