

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, December 11, 2017

5:30 Nominating Committee Meeting

6:00 P.M. Workshop to hear a report from the Fire Department re: shared equipment

7:00 P.M. Call to Order

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

I. BUSINESS INTRODUCTION

- Bryan Dame of Cumberland Food Company said that business is good since he bought Doc's Café from Rebecca Williams a year ago. They are building their bakery business and will have a lot of new pastries for people to pick up for the holidays. They use as many local products as possible and work hard to compost and recycle. They have cut their waste in half since they began composting. They are open 7 days a week (7 a.m. to 4:00 p.m. during the week and 7:00 a.m. to 2:00 p.m. on the weekends).

II. APPROVAL OF MINUTES

Motion by Councilor Bingham, seconded by Councilor Stiles, to accept the November 27, 2017 meeting minutes as presented.

VOTE: 6-0-1 (Edes abstained) MOTION PASSES

III. MANAGER'S REPORT

Town Manager Shane said that over the past month, it was discovered that the over 4,000 feet of existing waterline on Middle Road has some problems. There have been 2 water main breaks within 20 feet of each other. Upon inspection, the outside of the pipe that had the break, had some corrosion and pitting and is being eaten away from the outside to the inside. We are not sure why this is happening. The plan in the next few months is to line the inside of approximately 670 feet of pipe. This will require 5 excavations along the newly paved road. In the interim, Portland Water District and Storey Brothers will be installing temporary water lines and soil samples will be taken to see if there are any issues with the soils around this section of pipe compared to the rest of it. This will all be done by Portland Water District.

After the last wind storm, the pier at Broad Cove Reserve was inspected for damage. It was discovered that the pilings were not safe and the pier has since been closed. We can see if it is eligible for FEMA funding, but that is doubtful. We have \$200,000 of State funding as well as \$150,000 of homeowners association funding that is committed for the replacement of the pier, but that money doesn't become available until January of 2020. In the meantime, we have to come up with a plan of what to do in the interim. We have 2 floats now and will need 3 more when the new pier is built out. He recommended purchasing the additional 3 floats now, and we can use a float system to replace the pier on a temporary basis. The Coastal Waters Commission will be meeting later this week and will discuss this.

IV. PUBLIC DISCUSSION

Lou Gallaudet of Range Road said that she wants to express her concern about the speed that decisions are being made in regard to the proposed development adjacent to the Town Forest. She attended the charrette and it began with the statement that the intent was to gather information and no decisions have been made on what to do with the land. More than half of the attendees voted to do nothing with the land. Her question is how did we get from that meeting in October to a January 8th meeting to vote on working with the developer? She thinks that a lot of people are concerned about growing Cumberland. There have been a number of new developments and now we hear about the Oceanview project coming. She thinks that we need to listen to the townspeople about how they feel about growth in this town, whether they want it to happen, and if they feel that there are other uses for that land that are not 100 units of housing.

Cathy Wright of Skillin Road said that she also attended the charrette and it was very clear to her what those in attendance wanted, and it was clear that this was going to be put on hold. She does not oppose the multi-generational concept, but there is so much building going on in Cumberland and our neighboring towns, that she is afraid that we are going to overbuild.

In regard to the Tuttle Road sidewalk project, Ms. Wright said that she travels Tuttle Road often and she never sees anybody walking. She feels that that money would be better spent putting a sidewalk on Route 100 at Morrison's Hill. There are two developments at the bottom of Morrison's Hill and businesses at the top. This would allow those residents to walk to the businesses.

Ms. Wright suggested turning lanes and at the intersection of Blanchard Road and Main Street. This intersection gets backed up with the morning traffic.

Bob Vail said that before we look at adding more housing to our community, maybe we should look at transportation issues before we start crowding our streets any further.

V. LEGISLATION AND POLICY

17 – 173 To hold a Public Hearing to consider and act on a Class 1 Liquor License application for Flannel Shirt Food Company, LLC d/b/a Cumberland Food Company, for the period of January 1, 2018 – January 1, 2019.

Chairman Edes opened the Public Hearing.

Public discussion: None

Chairman Edes closed the Public Hearing.

Motion by Councilor Bingham seconded by Councilor Stiles, to approve the Class 1 Liquor License application for Flannel Shirt Food Company, LLC d/b/a Cumberland Food Company, for the period of January 1, 2018 – January 1, 2019.

VOTE: 7-0 UNANIMOUS

17 – 174 To hold a Public Hearing to consider and act on a Class 1 Liquor License application for Louie's Grille, for the period of January 8, 2018 – January 8, 2019.

Chairman Edes opened the Public Hearing.

Public discussion: None

Chairman Edes closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Turner, to approve the Class 1 Liquor License application for Louie's Grille, for the period of January 8, 2018 – January 8, 2019.

VOTE: 7-0 UNANIMOUS

17 – 175 To hold a Public Hearing to consider and act on the 2018 Shellfish License allocations, as recommended by the Shellfish Conservation Commission.

Chairman of the Shellfish Conservation Commission, Mike Brown, explained that the shellfish license allocation request is the same as last year (Recreational Licenses: unlimited resident, 25 non-resident, 8 monthly resident and 2 monthly non-resident. Commercial Licenses: 1 resident and 1 non-resident). The clam stock on the Cumberland shoreline is very bleak, and the commission is exploring amending the Shellfish Ordinance for next year.

Chairman Edes opened the Public Hearing.

Public discussion: Bob Vail said that in the winter month's small clams that are left on the surface freeze and die. Shutting the clam flats down in the winter months is a way to help prevent this.

Chairman Edes closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Gruber, to approve the 2018 Shellfish License allocations, as recommended by the Shellfish Conservation Commission.

VOTE: 7-0 UNANIMOUS

17 – 176 To hold a Public Hearing to consider and act on the designation of proposed TIF District #8 (Tuttle Road Development Project) and the adoption of a Development Program for the same and to amend TIF District #1, as recommended by the TIF Committee.

Town Manager Shane explained that TIF District #8 will be located in the Senior Housing Overlay District and the properties encompassed in TIF District #8 will be the properties known as the Godsoe property, the Doane property, the Allen property and the Town property. The Town will be allowed to "shelter" the taxes that are paid on these properties and the TIF Committee is recommending that 50% of the taxes go directly to the General Fund and 50% to the TIF Fund. TIF District #1 includes the Tuttle Road side of Twin Brook. This allowed the Town to use a portion of the TIF monies to develop Twin Brook. That money has been exhausted so there is no more TIF money that can be put into Twin Brook. We would like to amend TIF District #1 to remove approximately 90 acres of Twin Brook from the TIF District. By doing this, it will free up acreage for other TIF Districts in the future. We are allowed up to 5% of the total land in our community to be in a TIF District. We are wasting almost 100 acres of non-taxable land in TIF District #1. This is the only amendment to TIF District #1.

Chairman Edes opened the Public Hearing.

Public discussion: Bob Vail said that designating this area of Cumberland as TIF District #8, the Town is inciting growth. He feels that we as a Town have stretched ourselves to thin as far as housing is concerned. He is not in favor of the buildout of these properties. We have to look at the traffic issues. He does not want to see more traffic congestion added to our Town.

Lou Gallaudet said that she agrees with Mr. Vail that traffic is an issue. This is a nice sized little Town that many people do not want to get any bigger with a lot of new housing.

Chairman Edes closed the Public Hearing.

Ordered by Councilor Turner, seconded by Councilor Stiles, that the Town hereby (a) designates the Tuttle Road Development Project Municipal Tax Increment Financing District and adopts the Development Program for the District, such designation and adoption to be on the terms and provisions of the Tuttle Road Development Project Municipal Tax Increment Financing District Development Program” (“Development Program”) as presented at this Town Council Meeting, and as has been on file in the Town Clerk’s Office, a copy of which is incorporated herein by reference; (b) makes the findings set forth in the Development Program; (c) adopts the financial plan including the percentage of increased assessed value of said District to be retained as captured assessed value in accordance with the Development Program; and (d) authorizes the Town Manager to submit to the State of Maine Commissioner of Economic and Community Development for approval such applications and further documentation as may be necessary or appropriate for final approval and establishment of the Tuttle Road Development Project Municipal Tax Increment Financing District and its Development Program and financial plan pursuant to 30-A M.R.S.A. Chapter 206.

VOTE: 7-0 UNANIMOUS

Further ordered by Councilor Turner, seconded by Councilor Stiles, that the Town, acting pursuant to the provisions of Title 30-A, Chapter 206 of the Maine Revised Statutes, hereby adopts the Third Amendment to the Town of Cumberland TIF #1, Municipal Development Tax Increment Financing Development Program (the “Third Amendment”) as presented to this meeting and as has been on file in the Town Clerk’s Office, a copy of which is incorporated herein and made a part of the minutes of this meeting. The Town Manager, acting singly, is hereby authorized and directed, on behalf of the Town of Cumberland to execute and submit to the Commissioner of the Maine Department of Economic and Community Development (“DECD”) such applications and further documentation as may be necessary or appropriate for any necessary final approval of the Third Amendment; and the Town Manager be, and hereby is, authorized and empowered, at his discretion, from time to time, to make such technical revisions to the Third Amendment as he deems reasonably necessary or convenient in order to facilitate the process for review and approval of the Third Amendment by the Commissioner of DECD, so long as such revisions are not inconsistent with the Third Amendment or the basic structure and intent of the District or the Third Amendment.

VOTE: 7-0 UNANIMOUS

17 – 177 To hold a Public Hearing to consider and act on amendments to Chapter 282 (Vehicles and Traffic) of the Cumberland Code, as recommended by the Ordinance Committee.

Councilor Storey-King explained that the Police Chief reviewed the Traffic Ordinance and suggested the amendments. They are mostly housekeeping amendments. There will be handicapped stickers available for people who drive senior residents to appointments, etc.

Chairman Edes opened the Public Hearing.

Public discussion: None

Chairman Edes closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Copp, to amend Chapter 282 (Vehicles and Traffic) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

17 – 178 To hold a Public Hearing to consider and act on amendments to Chapter 84 (Fees and Fines), Section 31 (Vehicles and Traffic) of the Cumberland Code, as recommended by the Ordinance Committee.

Councilor Storey-King said that most of the parking violation fees were around \$10.00 and they are being increased to \$25.00.

Chairman Edes opened the Public Hearing.

Public discussion: None

Chairman Edes closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Bingham, to amend Chapter 84 (Fees and Fines), Section 31 (Vehicles and Traffic) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

17 – 179 To hold a Public Hearing to consider and act on a speed limit reduction request to MDOT for Blackstrap Road, Blanchard Road Extension and Route One.

Town Manager Shane explained that the Town does not set speed limits. In order to get a speed limit reduction, a Public Hearing must be held and a letter sent on behalf of the Town Council to the Maine Department of Transportation with the request. We will be asking for consideration of reducing the speed limit on Route One from 45 – 50 mph to 40 mph for the entire corridor, Blackstrap Road to 35 mph, and 25 mph on Blanchard Road Extension (no speed posted currently).

Chairman Edes opened the Public Hearing.

Public discussion: Cathy Wright of Skillin Road asked why is reducing the speed limit on Route One being considered. She has never encountered any problems on Route One.

Tom Foley of 29 Granite Ridge Road said that he attended a meeting in Falmouth where consultants presented a plan from Johnson Road in Falmouth through Cumberland, that included a hotel, conference center, medical and office buildings. There is a large track of land that runs between 295 and Route One. Falmouth also plans to put housing in between Route One and Route 88. This is an enormous amount of change that will impact Cumberland traffic. The 15 mph school zone on Route One is the most ignored school zone in the entire State because there is no foot traffic at the Friend's School. He witnesses people using the new turning lanes on Route One as passing lanes. The dangers of using 295 make people more likely to use Route One. There is less traffic and less danger of an accident. He sees Route One being used a more of a thoroughfare. All of these issues can be used to strengthen our case with the MDOT when requesting the speed limit reduction on Route One.

Bob Vail said that when we improve sight lines and reduce traffic flow (speed) let's not forget the opportunity to add striping to allow passing where appropriate.

Bill Kinney of 3 Friar Lane said that he travels Route One 3 to 4 times per day and the problem he sees is the school zone and the speed limit dropping from 50 mph to 15 mph. He feels that going from 40 to 15 mph would be safer. He supports reducing the speed limit to 40 mph.

Jeff Kalinich of 371 Blanchard Road Extension said that posting a 25 mph speed limit on Blanchard Road Extension is a good idea. He suggested moving the "Dead End" sign back so that it is a little more prominent to traffic.

Ryan Stinneford of Stonewall Drive is also very much in favor of posting a 25 mph speed limit on Blanchard Road Extension. It is a neighborhood with a lot of children on bikes and families walking their dogs. It is very dangerous right now with vehicles driving 45 to 50 mph.

Chairman Edes said that he is opposed to reducing the speed limit on Route One, but he is in favor of the other two. The 15 mph school zone on Route One is ridiculous. There is no foot traffic or parking allowed on Route One at the Friend's School and it is a hazard.

Chairman Edes closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Gruber, to authorize the Town Manager to make a request to MDOT for a speed limit reduction on Blackstrap Road, Blanchard Road Extension and Route One.
VOTE: 6-1 (Edes opposed) MOTION PASSES

17 – 180 To hold a Public Hearing to consider and act on a request to MDOT for a traffic signal at Route 100 and Skillin Road.

Town Manager Shane the Town has met with the State traffic engineer onsite to discuss the Town's concerns with turning traffic, the speed of traffic, and multiple near misses at that intersection. With the increase of commercial development in that area, there has been an increase in traffic. We are asking for a traffic study and recommendation from MDOT. He suggested also asking them to look at the Main Street intersection.

Chairman Edes opened the Public Hearing.

Public discussion: Jeff Kalinich of 371 Blanchard Road Extension said that he feels that the Route 100 intersection is getting worse and as the Town Manager pointed out, there will be more traffic there with the new commercial development. He is in support of this.

Councilor Storey-King said that a former MSAD 51 Athletic Director was always hesitant to send students to the West Cumberland Field to practice because of that intersection and the danger to new, inexperienced drivers. If we could send kids to West Cumberland to practice sports, it would ease up on the field use a Twin Brook.

Councilor Copp said that he owns 3 sides of that intersection. People use it to cut across and skip the stop sign.

Chairman Edes closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Stiles, to authorize the Town Manager to make a request to MDOT for a traffic signal at the intersection of Route 100 and Skillin Road and the intersection of Main Street and Route 9.

VOTE: 7-0 UNANIMOUS

17 – 181 To hold a Public Hearing to consider and act on accepting Wyman Way as a Town road.

Town Manager Shane said that all the paperwork has been submitted and reviewed by the Town Attorney.

Chairman Edes opened the Public Hearing.

Public discussion: Bob Vail urged the Council to accept Wyman Way only after the two speed bumps are removed.

Chairman Edes closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Turner, to accept Wyman Way as a Town road.

VOTE: 5-1-1 (Stiles opposed, Gruber abstained) MOTION PASSES

17 – 182 To hold a Public Hearing to discuss a Contract Zone Agreement with John Paynter.

Town Manager Shane explained that this agreement is for property located off Greely Road Extension that is part of the agreement that the Council made with Mr. Paynter in the purchase of a little over 20 acres of land.

It will allow Mr. Paynter to access the rear of his property where there are 2 existing structures that are within the setbacks. This will allow the 2 buildings to stay where they are. All of the underlying zoning requirements will stay in place.

Chairman Edes opened the Public Hearing.

Public discussion: None

Chairman Edes closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Gruber, to accept the staff recommendation to enter into a Contract Zone Agreement with John Paynter, and to move forward in the Contract Zone Agreement process.

VOTE: 7-0 UNANIMOUS

17 – 183 To appoint John Brushwein as Tax Assessor for the period of January 1, 2018 through December 31, 2020.

Motion by Councilor Bingham, seconded by Councilor Turner, to appoint John Brushwein as Tax Assessor for the period of January 1, 2018 through December 31, 2020.

VOTE: 7-0 UNANIMOUS

17 – 184 To appoint members to Boards and Committees.

Motion by Councilor Copp, seconded by Councilor Bingham, to reappoint the following:

Board of Adjustments and Appeals: Amanda Vigue and Sally Pierce

Coastal Waters Commission: Mike Schwindt and Brent Sullivan

Cumberland Housing Authority: James Clifford and Joyce Frost

Lands & Conservation Commission: David Young

Forestry Subcommittee: Ted Chadbourne

Trails Subcommittee: Rachel Becker-McEntee

Ocean Access Committee: Maureen Ann Connolly and Sandra Gorsuch-Plummer

Planning Board: Steve Moriarty and Peter Sherr

Parks & Recreation Commission: Amy Amico and Sally Pierce

Personnel Appeals Board: Katherine Brooks and James Clifford

Prince Memorial Library Advisory Board: Thomas Foley, Mark Lapping and Eli Rivers

Shellfish Conservation Commission: Ralph Oulton

Motion by Councilor Copp, seconded by Councilor Bingham, to appoint the following:

Janene Gorham to the Lands & Conservation Commission

Timothy Schneider and Eli Wilson to the Lands & Conservation Commission Forestry Subcommittee

Charles Kenny to the Planning Board

Linda Draper to the Prince Memorial Library Advisory Board

VOTE: 7-0 UNANIMOUS

17 – 185 To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 20 Castle Rock Drive.

Town Manager Shane said that this is a rear setback issue with a garage. The building is located within the building envelope, but out of the setback by approximately 13 feet in the rear.

Motion by Councilor Gruber, seconded by Councilor Bingham, to authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 20 Castle Rock Drive.

VOTE: 7-0 UNANIMOUS

17 – 186 To set a Public Hearing date of January 8th to consider and act on a Joint Development Agreement with Developers Collaborative.

Motion by Councilor Gruber, seconded by Councilor Copp, to set a Public Hearing date of January 8th to consider and act on a Joint Development Agreement with Developers Collaborative.

VOTE: 4-3 (Edes, Storey-King, Stiles opposed) MOTION PASSES

17 – 187 To consider and act on cancelling the December 25th Town Council Meeting.

Motion by Councilor Bingham, seconded by Councilor Stiles, to cancel the December 25th Town Council Meeting.

VOTE: 7-0 UNANIMOUS

VI. NEW BUSINESS

Councilor Bingham – On January 8th, the Lands & Conservation Forestry Sub-committee will be making a presentation to the Council on their work over the last 6 months, their recommendation on the tree cutting on the Greely Road side of Twin Brook, and reporting on their site walk at Knight's Pond.

Councilor Gruber – The Finance Committee held a joint meeting with the M.S.A.D. 51 Finance Committee. It was a very productive meeting. They discussed school enrollment, capital projects for both the school and Town, state revenue and valuation.

The “Stuff a Bus, Fill a Belly” campaign wrapped up last week. Over 6,800 pounds of food was donated to our Food Pantry. It was a great event.

Food Pantry Christmas baskets will be distributed on December 22nd.

The Fire Department had their annual pancake breakfast to benefit Toys for Tots. It was a wonderful event, as usual.

The Lands & Conservation Commission Trails Sub-committee is looking at potential trail connectivity of all the Town trails.

The Aging in Place Committee will be meeting with the Living Well in North Yarmouth group tomorrow to talk about collaborative efforts.

Councilor Storey-King – she thanked everyone who shops locally and encouraged everyone to try to shop local.

M.S.A.D. 51 will hold classes' right up until December 22nd and December 20th will be a full day, not ½ day (Wednesday).

There is a meeting on December 13th at the Lunt Auditorium in Falmouth for the Rails to Trails Pathway proposed by PACTS. She knows a lot of hunters who are opposed to this who will attend.

She attended a Parks & Recreation Committee last week. They are working on a policy for the acceptance of gifts, such as benches, to be placed on Town owned land. She did some research and found that this is the responsibility of the Lands & Conservation Commission.

She thanked everyone who volunteers to serve on a Town Board or Committee.

Councilor Copp – none

Chairman Edes – none

Councilor Stiles – none

Councilor Turner – none

VII. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 9:04 P.M.

WORKSHOP re: Farm Based Specialty Event License

Respectfully submitted by,

Brenda L. Moore
Council Secretary