

MINUTES
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, May 24, 2010

7:00 p.m. Call to Order

Present: Chairman Copp, Councilors Turner, Perfetti, Porter, Storey-King, Stiles and Moriarty, and Town Manager Shane.

I. APPROVAL OF MINUTES
April 26, 2010

Motion by Councilor Porter, seconded by Councilor Stiles, to approve the April 26, 2010 minutes with name correction as noted.

VOTE: PASSAGE 6-0-1 (Councilor Perfetti abstained)

May 10, 2010

Motion by Councilor Moriarty, seconded by Councilor Turner, to approve the May 10, 2010 minutes with name correction as noted.

VOTE: PASSAGE 7-0

II. MANAGER'S REPORT

- Route 88 and Range Road projects will begin next week.
- Approximately 75 test pits will be taken on Route 88 starting next week.
- Thanked the White Pine Community Church for the landscaping work church volunteers performed at town hall recently. The volunteers spread about twelve yards of mulch around town hall under the direction of the town Parks Foreman.
- Reminder this is the last week of extended hours at the town's brush facility. After this Saturday we will go back to our regular summer hours, 9:00 am to 12:30 pm.

III. PUBLIC DISCUSSION

Rita Yavinsky, 16 Ole Musket Road, requested a status report on Route 88 and questioned if a systematic status report could be provided to the taxpayers regarding this and other major construction projects. Manager responded that he will provide update reports at each council meeting and will include information in the Crier. The test pits occurring on Route 88 are necessary to "check for different pipe elevations." The actual street elevations will be compared against the construction drawings.

Ms. Yavinsky queried whether the council would or has considered term limits. Councilor Porter responded, "I am not aware of any conversations regarding term limits. I don't support term limits" at the federal, state or local level." He believes that term limits are in place now for council and school board members as a result of the three year election term for each of these offices. Councilor Moriarty provided historical information regarding the town's charter commission process in 1994/1995. The topic of term limits "did come up... and members were not interested. Term limits were not a part of the recommendation." Ms. Yavinsky requested the council "have an open discussion on term limits" to find out whether "that's something that resonates with the taxpayers." Councilor Stiles commented that project updates are posted to the town web page. The Range Road contractors are in close contact with the neighbors. "Grover has coordinated that very well."

IV. LEGISLATION AND POLICY

- 10 – 064 To hold a Public Hearing to consider and act on a Wharfing Out Permit for 21 Sturdivant Road as recommended by the Coastal Waters Commission.
*Applicant requested TABLE to June 14th***

Town Manager Shane indicated the applicant is out of town and has requested a tabling of this item.

Motion by Councilor Stiles, seconded by Councilor Moriarty, to table this item.

VOTE: UNANIMOUS PASSAGE 7-0

- 10 – 065 To hold a Public Hearing to consider and act on a Victualer's License application for Tulips Cupcakery and Farm to operate at the Farmer's Market, for the period of May 24th through June 30th, 2010.**

The Town Manager explained this application is a new application. However, due to the date of this application request, this evening's approval covers the licensee only through June 30, 2010. The applicant must submit a FY' 11 application next month to cover the new July 1, 2010 through June 30, 2011 license period.

Motion by Councilor Storey-King, seconded by Councilor Turner, to approve a Victualer's License for Tulips Cupcakery and Farm to operate at the Farmer's Market for the period May 24 through June 30, 2010.

VOTE: UNANIMOUS PASSAGE 7-0

- 10 – 066 To set a Public Hearing date (June 14th) to consider and act on a Mass Gathering Permit and Victualer's Licenses for the United Maine Craftsmen's 41st Annual Cumberland Arts & Crafts Show, August 12, 13, & 14, 2010 at the Cumberland Fair Grounds.**

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a Public Hearing date of June 14th to consider and act on a Mass Gathering Permit and Victualer's Licenses for the United Maine Craftsmen's 41st Annual Cumberland Arts & Crafts Show, August 12, 13, & 14, 2010 at the Cumberland Fair Grounds.

VOTE: UNANIMOUS PASSAGE 7-0

- 10 – 067 To set a Public Hearing date (June 14th) to consider and act on amendments to Section 204.14.3.3 Industrial Zone (I) of the Cumberland Zoning Ordinance re: side setback buffering, as recommended by the Planning Board.**

Manager Shane explained this item relates to the West Cumberland Industrial Zone. We have expanded the allowable uses in the zone and addressed concerns raised regarding topography that makes buffering ineffective.

Chairman Copp requested abutters affected by these zoning amendments receive a notice regarding the upcoming public hearing. The Manager explained the town does not typically mail notices for such public hearings, but does advertise the council agendas. He did agree to mail notices to abutters for

this item, however,

Motion by Councilor Stiles, seconded by Councilor Perfetti, to set a Public Hearing date of June 14th to consider and act on amendments to Section 204.14.3.3 Industrial Zone (I) of the Cumberland Zoning Ordinance re: side setback buffering, as recommended by the Planning Board.

VOTE: UNANIMOUS PASSAGE 7-0

10 – 068 To set a Public Hearing date (June 14th) to consider and act on a Mass Gathering permit for the Cumberland Soccer Club Labor Day “Just For Fun” Soccer Tournament to be held at Twin Brook Recreation Facility on September 4 & 5, 2010.

Town Manager Shane requested a public hearing date of June 14, 2010. He noted he held a preliminary meeting with the event organizers regarding the license application and fees. Councilor Moriarty questioned whether the Manager expects the applicants to request a fee waiver. The Manager did not.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a Public Hearing date of June 14th to consider and act on a Mass Gathering permit for the Cumberland Soccer Club Labor Day “Just For Fun” Soccer Tournament to be held at Twin Brook Recreation Facility on September 4 & 5, 2010.

VOTE: UNANIMOUS PASSAGE 7-0

10 – 069 To set a Public Hearing date (June 14th) to award a three year solid waste/recycling contract.

Motion by Councilor Moriarty, seconded by Councilor Storey-King, to set a Public Hearing date of June 14th to award a three year solid waste/recycling contract.

VOTE: UNANIMOUS PASSAGE 7-0

V. NEW BUSINESS

COUNCILOR TURNER – purchased his brush dump permit this year and utilized it this past weekend; he noted the excellent quality of the town’s mulch and encouraged residents to take advantage of this free product; very satisfactory; loads of mulch and it’s good stuff.

COUNCILOR PERFETTI – thanked the Library for this past weekend’s Two Ole’ Friends concert – he and his children attended - it was fantastic - I hope they can do other similar items; Sunday celebration for Bill Landis was a wonderful event; the Town Center committee decided at its last meeting to shrink the area under consideration to north of Tuttle and Blanchard; another neighborhood meeting is scheduled for June 10th.

COUNCILOR STOREY-KING – she encouraged wireless internet router owners to consider security protection; it’s prudent to add security to your wireless internet connections; she can check on her students if they are using the school server but when they are on another server “I’ve lost them.”

CHAIRMAN COPP – thanked Linda Emery for her kind letter; Sunday’s dedication for Bill Landis was well attended and a great thing for a great guy.

COUNCILOR STILES – agreed with the Chairman’s comments; June 2nd is the Candidate’s Night Forum - public can attend and ask questions of candidates - Peter Bingham will moderate and it will be televised live and rebroadcast.

MANAGER SHANE – gave a slide presentation of the Veterans Monument project - the center stone of the granite monument was placed last Friday and is engraved to read “In grateful recognition of all Cumberland residents who have served our country in times of war and peace. It is a “monument of gratitude” to those who have served; the area currently covered in stone dust will eventually be covered in brick; another monument will be placed to the right and left of the center monument; 680 names so far and the two additional monuments will also contain 680 names each; been determined; extended thanks to Glen Hutchins for his assistance in raising \$24,000 in contributions; a fundraising sign will be placed on site showing our donation progress and it is donated by Joe Loring, owner of Cumberland’s Graphx Signs.

The Manager reviewed the Memorial Day Parade schedule of events – a tent will be set up at Greely High School and the monument site and a commemorative pin will be provided to all donors. He addressed the issues involving absentee voting of MSAD Referendum Ballots - they are available now but they may not be returned to the clerk until after the conclusion of the district budget meeting – 105 voters have received absentee ballots to date and only 92 voters have wished to take a MSAD Validation ballot.

VI. ADJOURNMENT

Motion by Councilor Perfetti, seconded by Councilor Storey-King, to adjourn.

VOTE: UNANIMOUS PASSAGE 7-0

TIME: 7:37 pm

Respectfully submitted,

Nadeen Daniels, Cumberland Town Clerk