

**MINUTES**  
Cumberland Town Council Meeting  
Town Council Chambers  
**MONDAY, November 14, 2011**

**6:00 P.M. Workshop** re: Impact Fees and Growth Ordinance.

**7:00 p.m. Call to Order**

**Present:** Chairman Perfetti, Councilors Moriarty, Turner, Storey-King, Gruber, & Stiles.

**Absent:** Councilor Copp

**I. APPROVAL OF MINUTES**

October 24, 2011

Motion by Councilor Storey-King, seconded by Councilor Gruber, to accept the minutes with one correction.

VOTE: 6-0

UNANIMOUS PASSAGE

**II. MANAGER'S REPORT**

The Veterans monument name stone are now in place. We are excited about the Memorial Day dedication ceremony. Fundraising efforts are going well, only another \$10,000 to go. We have collected 650 (+/-) Veterans names that will be inscribed on the stones during the month of April. The week of Thanksgiving, there will be a 2 page ad in the Forecaster listing the names of the Veterans that we have collected to date. We are asking that the public review the list for accuracy or for any Cumberland Veterans that are not on the list and should be. If anyone has questions or comments on the published list, they can contact Brenda Moore at Town Hall.

There will be a Cumberland Maine Business Association (CMBA) meeting this Wednesday @ 7:00 p.m. at Rachel's on The Green at Val Halla. Cumberland businesses get together to network and get information from the Town regarding new businesses coming to town, business expansions, etc.

**III. PUBLIC DISCUSSION**

None

**IV. LEGISLATION AND POLICY**

**11 – 173 To consider and act on the adoption of a Post Issuance Compliance Policy relating to bonds issued by the Town.**

Town Manager Shane explained that this policy relates to compliance measures that are already in place. The Town Attorney will be present at the next Council meeting and will be able to answer any questions that the Council may have relating to this new policy. The Manager recommended tabling this item until then.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to table this item to the November 28, 2011 meeting.

VOTE: 6-0

UNANIMOUS PASSAGE

**11 – 174 To forward the Growth & Impact Fee Ordinance to the Planning Board for a Public Hearing and a recommendation.**

Chairman Perfetti explained that this item came before the Council within the last 6 months and it was forwarded to the Growth Ordinance & Impact Fee Committee (consisting of Councilor Storey-King, Copp and Gruber, and Planning Board members Chris Neagle (Chair) and Peter Bingham).

Town Manager Shane explained that impact fees were implemented in the Town of Cumberland 10 years ago because of the massive amount of growth that was happening in the '90's. Impact fees have to be directed toward a specific purpose. That purpose was determined to be acquisition of open space and improvements to recreational areas. From 2000-2010, the Town has collected approximately \$700,000 in impact fees and was able to purchase the Rines Forest and do lot of improvements to the Twin Brook Recreation Facility. When the committee looked at this, they felt that the \$700,000 was a burden taken off the existing homeowners of the community. They also felt that it is not a severe imposition on new home buyers and should continue, but with some mechanisms in place to defend the impact fees. That mechanism was the reimbursement of those costs for Twin Brook and Rines Forest. A calculation was developed based on the average price of a home in Cumberland, the outstanding balance of Rines Forest and Twin Brook bond, and the cost of what that bond would be today. That number came up to \$1.13 per square foot (\$1.36 presently), a .17 cent reduction to the impact fee. The committee decided to eliminate all the sub-categories that are previously in the growth permit, allow 50 permits per year, reduce the impact fees from \$1.36 to \$1.13 per square foot (still exempting the first 500 sf of building), using Rines Forest and Twin Brook as our reimbursement model, and look at not exempting senior housing projects from the impact fee. The action this evening is simply to forward this to the Planning Board for a recommendation.

Motion by Councilor Gruber, seconded by Councilor Storey-King, to forward the Growth & Impact Fee Ordinance to the Planning Board for a Public Hearing and a recommendation.

VOTE: 6-0 UNANIMOUS PASSAGE

**11 – 175 To set a Public Hearing date (November 28<sup>th</sup>) to consider and act on the 2012 Shellfish License allocations and to amend the Cumberland Shellfish Conservation Ordinance, as recommended by the Shellfish Conservation Commission.**

Motion by Councilor Stiles, seconded by Councilor Gruber, to set a Public Hearing date of November 28<sup>th</sup> to consider and act on the 2012 Shellfish License allocations and to amend the Cumberland Shellfish Conservation Ordinance, as recommended by the Shellfish Conservation Commission.

VOTE: 6-0 UNANIMOUS PASSAGE

**11 – 176 To set a workshop date of November 28<sup>th</sup> re: Crossing Brook subdivision silent second mortgages.**

Motion by Councilor Moriarty, seconded by Councilor Turner, to set a workshop date of November 28<sup>th</sup> at 6:00 p.m. re: Crossing Brook subdivision silent second mortgages.

VOTE: 6-0 UNANIMOUS PASSAGE

**11 – 177 To set a date of November 28<sup>th</sup> to hear a report from the Ordinance Committee re: Fireworks Ordinance.**

Councilor Moriarty explained that the Ordinance Committee will meet on November 21<sup>st</sup> and be ready to report back to the Council, possibly for action but not necessarily. The Council can take action anytime between now and the first of the year because the new law takes effect on January 1, 2012.

Motion by Councilor Moriarty, seconded by Councilor Gruber, to set a date of November 28<sup>th</sup> to hear a report from the Ordinance Committee re: Fireworks Ordinance.

VOTE: 6-0

UNANIMOUS PASSAGE

## **V. NEW BUSINESS**

**Councilor Turner** – asked the Manager for an update on the Senior Circuit Breaker program.

Town Manager Shane responded that the program has been funded and signs will go up around Town next week to remind residents to apply.

**Councilor Storey-King** – reminded residents that shellfish licenses are valid until the end of the year.

She wanted to clarify her remarks at the last meeting regarding the red flags at the cemetery. Most of the flags are markers for existing graves, but who is buried there is not known.

Since the next Council meeting will be after Thanksgiving, she said that she feels very blessed to be here and wished everyone in the community a Happy Thanksgiving.

**Councilor Moriarty** – he echoed Councilor Storey-King's sentiment and wished everyone a Happy Thanksgiving.

**Chairman Perfetti** – referred to a letter from Robert & Brenda Piampiano who voiced their opposition to the proposal that the Town would spend money to upgrade the railroad crossings. Chairman Perfetti corrected the Piampiano's and reminded them and the public that the Town had not spent money on railroad crossing upgrades. In fact, the Council has decided to do nothing at this time and wait.

He wished everyone a Happy Thanksgiving and safe travels to those who have to travel.

**Councilor Stiles** – Happy Thanksgiving to everyone.

**Councilor Gruber** – The M.S.A.D 51 Strategic Thinking and Planning Task Force had their second meeting recently. The goal of the task force is to have a strategic plan to the board by April. The task force is comprised of M.S.A.D. board members, residents from Cumberland and North Yarmouth, Rob Wood (No. Yarmouth Selectman), and himself.

He attended a meeting with the leaders of the Cumberland churches to discuss what each congregation is doing to help those in need. Maurice Jefferies of PROP (Cumberland General Assistance Administrator) was also present. Councilor Gruber said he was very impressed by the number of programs and the collaboration between the various churches.

The Lands and Conservation Commission still needs new members. Anyone interested can contact Brenda Moore at Town Hall.

**Town Manager Shane** – thank you to all the Cumberland residents who voted. We had 50% voter turnout, which is amazing. We collected over 20 bags of groceries for people who brought food to the polls for the food pantry. Thank you to Town Clerk, Tammy O'Donnell who does a great job with the elections.

**VI. ADJOURNMENT**

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

VOTE: 6-0

TIME: 7:27 p.m.

Respectfully submitted by,

Brenda Moore  
Council Secretary