

MINUTES
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, September 12, 2011

6:00 p.m. WORKSHOP with Town Attorney re: Bateman Partners Master Development Plan and Drowne Road School Revitalization Project.

7:00 p.m. Call to Order

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

Absent: Councilor Moriarty

I. APPROVAL OF MINUTES

August 22, 2011

Motion by Councilor Gruber, seconded by Councilor Stiles, to accept the minutes as presented.

VOTE: 6-0

II. MANAGER'S REPORT

Cumberland staff did an outstanding job during the hurricane. Thank you to Fire/EMS, Police, and Public Services departments. We were prepared and everyone worked extremely well together.

The railroad work on Corey Road has been postponed to Sept. 19th. The road will be closed for the entire day. Please find an alternative route. Tuttle Road will be closed on Tuesday, September 20th, and Greely Road on Wednesday, September 21st.

In FY'11, recycling increased by nearly 15% over the previous year. Interestingly, trash decreased by almost the exact same number. This is great to see and thanks to all those residents who are doing a good job recycling.

The Veterans Monument golf tournament held last month raised \$5,300.00 for the monument. Thank you to Linda Collins and Eric Moynihan, who organized the event and recruited sponsors, and Mike Smith of Rachel's On the Green for donating all the food. Brian Bickford did an outstanding job as master of ceremonies.

The name stones of the Veterans Monument will be placed in time for Veterans Day. The names will be engraved onsite at Moss Side Cemetery in the spring, in time for Memorial Day 2012. Donations are still being accepted for the project.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

11 – 146 To authorize the Town Manager to execute the Termination of the Lease Purchase Agreement for the Drowne Road School from M.S.A.D. 51 pursuant to the attached document.

Town Attorney, Ken Cole explained that this item is a result of the vote back in June for the M.S.A.D. to give up the Drowne Road School as an active school. The M.S.A.D. was a tenant and the Town, as landlord

has to agree to take the school back. The Town will take possession of the school and the balance of the bond (approximately \$480,000) will be transferred to a lease with Bateman Partners, who has proposed to redevelop the property into 38 affordable, elderly housing units. As part of their proposal, the Bateman's will make an initial payment to the Town equal to the bond balance, then \$1.00 per year for the next 99 years. Bateman Partners have also agreed to payment in lieu of taxes (PILOT) equal to approximately \$22,000 per year, increasing at the same rate as the tax rate.

Attorney Cole went on to explain that the Bateman's need this document in order to complete their submission to Maine State Housing Authority for an attempt at winning a very competitive financing option. These first two agenda items are simply documents to take the building back, and then give it away again.

Chairman Perfetti explained that before this meeting began, the Council had an hour long workshop with Attorney Cole and Nathan Bateman and discussed these issues. He did not want it to appear to the public that the Council had no questions. They already had the opportunity to have their questions addressed.

Motion by Councilor Stiles, seconded by Councilor Turner, to authorize the Town Manager to execute the termination of the Lease Purchase Agreement for the Drowne Road School from M.S.A.D. 51 pursuant to the attached document.

VOTE: 6-0

UNANIMOUS PASSAGE

11 – 147 To reauthorize the Town Manager to execute a Long Term Lease Agreement with Bateman Partners, LLC.

Motion by Councilor Storey-King, seconded by Councilor Gruber, to reauthorize the Town Manager to execute a Long Term Lease Agreement with Bateman Partners, LLC.

VOTE: 6-0

UNANIMOUS PASSAGE

11 – 148 To hold a Public Hearing to consider and act on a draft zoning amendment to Section 4.4(D)(7) of the Subdivision Ordinance re: Performance Guarantees for Major Subdivisions as recommended by the Planning Board.

Town Manager Shane said that this item cleans up the type of performance guarantees the Town is looking for, primarily letters of credit and escrow account, which are more accessible than generic performance payment bonds.

Public discussion: None

Motion by Councilor Stiles, seconded by Councilor Copp, to amend Section 4.4(D)(7) of the Subdivision Ordinance re: Performance Guarantees for Major Subdivisions as recommended by the Planning Board.

VOTE: 6-0

UNANIMOUS PASSAGE

11 – 149 To hold a Public Hearing to consider and act on a draft zoning amendment to Section 424.2.7 of the Cumberland Zoning Ordinance to allow for an increase in sign square footage in the RI, VCC, VMDR, and VMUZ zones as recommended by the Planning Board.

Town Manager Shane explained that several people with home occupations that border a commercial zone brought this item forward. If someone has a home in a commercial district and have a home occupation, they are limited to a 4 square foot sign, while their abutting neighbor (with a commercial business) may have a 25 foot sign. The Planning Board is recommending that a 12 square foot sign be allowed.

Public discussion: None

Motion by Councilor Turner, seconded by Councilor Stiles, to amend Section 424.2.7 of the Cumberland Zoning Ordinance to allow for an increase in sign square footage, not to exceed 12 square feet, in the RI, VCC, VMDR, and VMUZ zones as recommended by the Planning Board.

VOTE: 6-0 UNANIMOUS PASSAGE

11 – 150 To set a date of September 26th to authorize the Town Manager to enter into a labor contract agreement with the Cumberland Police Benevolent Association for the period of July 1, 2011 to June 30, 2014.

Town Manager Shane said that every three years the police department contract is negotiated. He feels that it is a very fair contract for both parties and the Council will have a copy to review prior to the meeting on September 26th.

Motion by Councilor Copp, seconded by Councilor Storey-King, to set a date of September 26th to authorize the Town Manager to enter into a labor contract agreement with the Cumberland Police Benevolent Association for the period of July 1, 2011 to June 30, 2014.

VOTE: 6-0 UNANIMOUS PASSAGE

11 – 151 To authorize the Town Manager to accept back taxes in the amount of \$30,238.46 and issue a quit-claim deed for property identified as Map R08A/Lot 45.

Town Manager Shane explained that with the acceptance of taxes on foreclosed property, a public hearing and authorization of the Town Council is required.

Motion by Councilor Storey-King, seconded by Councilor Copp, to authorize the Town Manager to accept back taxes in the amount of \$30,238.46 and issue a quit-claim deed for property identified as Map R08A/Lot 45.

VOTE: 6-0 UNANIMOUS PASSAGE

11 – 152 To forward to the Planning Board for a Public Hearing and recommendation the rezoning of the Drowne Road School property from RR1 (Rural Residential 1) to VMU(Village Mixed Use) zone.

Town Manager Shane explained that the Drowne Road School is in the Rural Residential district, which requires one acre per multiplex unit. The Town would have to dedicate approximately 38 acres to the Drowne Road School parcel to make the elderly housing portion of the project be in compliance. In order to eliminate an issue that is really simply a line on the zoning map, a request will be sent to the Planning Board to consider rezoning the property to Village Mixed Use zone, which will only require about 3.5 acres.

Motion by Councilor Turner, seconded by Councilor Stiles, to forward to the Planning Board for a Public Hearing and recommendation the rezoning of the Drowne Road School property from the RR1 Zone to the VMU Zone.

VOTE: 6-0 UNANIMOUS PASSAGE

11 – 153 To set a Public Hearing date (September 26th) to consider and act on a Mass Gathering Permit for the Maine Principal Association Regional Cross Country Meet to be held at Twin Brook on Saturday, October 22, 2011 from 8:00 a.m. to 2:00 p.m.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to set a Public Hearing date of September 26th to consider and act on a Mass Gathering Permit for the Maine Principal Association Regional Cross Country Meet to be held at Twin Brook on Saturday, October 22, 2011 from 8:00 a.m. to 2:00 p.m.

VOTE: 6-0

UNANIMOUS PASSAGE

11 – 154 To set a Public Hearing date (September 26th) to consider and act on a Mass Gathering Permit for the Maine Principal Association State Cross Country Meet to be held at Twin Brook on Saturday, October 29, 2011 from 8:00 a.m. to 4:00 p.m.

Motion by Councilor Storey-King, seconded by Councilor Copp, to set a Public Hearing date of September 26th to consider and act on a Mass Gathering Permit for the Maine Principal Association State Cross Country Meet to be held at Twin Brook on Saturday, October 29, 2011 from 8:00 a.m. to 4:00 p.m.

VOTE: 6-0

UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – He was contacted by some residents who said that the area on Route 88 and King's Highway is very overgrown making it very hard to see. He requested that area be mowed to increase visibility to traffic.

He will be out of town and not attending the September 26th Council meeting.

Councilor Copp – The Council had a workshop before the meeting this evening regarding the Bateman Project. He feels that it is important that residents understand that this project will result in affordable housing for our elderly residents. The project will be great for our residents as well as the Town.

Councilor Storey-King – Yesterday was the 10th anniversary of 9/11 and Patriot Day (not to be confused with Patriot's Day that is in April). Next Saturday is Constitution Day. The days between Patriot Day and Constitution Day are Ordinary Hero's Week. In honor of this, she thanked all of our public servants for their commitment to our community, especially the emergency responders.

Chairman Perfetti – On September 19th there will be a workshop re: an update from the Cumberland/North Yarmouth Joint Standing Committee. On the same evening, there will be a special Town Council meeting with the Town of Falmouth re: railroad quiet zones.

Councilor Stiles – Range Road has had its final paving. It looks very nice. He has noticed that cyclists have been using it quite a bit.

He will not be at the Council meeting on September 26th because of the Cumberland Fair and his work with the 4-H Club.

Councilor Gruber – He attended the Cumberland Soccer Club tournament and was impressed at how well it was run.

He thanked the Manager for keeping the Council updated during the hurricane.

Town Manager Shane – Councilor Copp has agreed to work with the local snowmobile club and Central Maine Power to facilitate a meeting to discuss the closure of a significant portion of the club's trails on CMP's power line corridor.

VI. ADJOURNMENT

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

VOTE: 6-0

TIME: 7:41 p.m.

Respectfully submitted by:

Brenda L. Moore
Council Secretary