

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, August 22, 2011

Absent: Chairman Perfetti

VOTE: 6-0 UNANIMOUS PASSAGE

The Veterans Monument Committee is recommending that the Phase II stones (name stones) be put in place by Veterans Day of this year. Collette Monument will be engraving the names on site (at Moss Side Cemetery) in early spring 2012 in time for a Memorial Day dedication. The list of Veterans names that have been collected will be published in the Forecaster in groups of 100 to allow the public to review the names and contact us with corrections or additions.

None

VOTE: 6-0 UNANIMOUS PASSAGE

11 – 139 To hold a Public Hearing to consider and act on a Mass Gathering Permit and Victualer’s Licenses for Nassau Broadcasting for Maine’s Ultimate Fall Yard Sale to be held at the Cumberland Fairgrounds on Saturday, October 15, 2011 from 9:00 a.m. to 2:00 p.m.

Town Manager said that staff is recommending approval of the application.

Public discussion: None

Motion by Councilor Stiles, seconded by Councilor Turner, to approve the Mass Gathering Permit and Victualer’s Licenses for Nassau Broadcasting for Maine’s Ultimate Fall Yard Sale to be held at the Cumberland Fairgrounds on Saturday, October 15, 2011 from 9:00 a.m. to 2:00 p.m.

VOTE: 6-0

UNANIMOUS PASSAGE

11 – 140 To authorize the Town Manager to execute a Long Term Lease Agreement with Bateman Partners, LLC for the Drowne Road School Revitalization Project.

Town Manager Shane explained that Request for Proposals were sent out for the Drowne Road School Revitalization Project. Bateman Partners have a vision to convert the school into a senior housing complex. There were no proposal (other than Bateman’s) received in response to the RFP. The Town will lease the property to the Bateman’s for 50 years. The payments for the lease will be \$480,000 (the balance owed on a bond) over a three year period (\$160,000 each year) then \$1.00 thereafter. Payment in lieu of taxes of \$80,000 annually will be paid by Bateman Partners with increases at the same rate as tax rate. The Town requested that Bateman Partners consider independent living for special needs residents, and the Bateman’s were open to this. The project should be completed in approximately 18 months. It is very exciting to put a non-taxable piece of property back on the tax rolls, and to gain some much needed revenue for the community.

Councilor Stiles asked for clarification in the agreement regarding an on-site nurse at the facility. He believes that the agreement should read an “on-site nursing station”. As it currently reads, Bateman Partners is going to provide nursing care. He does not think that is the intent.

Town Manager Shane said that the Bateman proposal included 24/7 nursing care. They do a lot of work with Mercy Hospital and they believe this brings value to the facility.

Councilor Moriarty said that this is Phase III of the project. He asked the Manager if this project would go forward even if there were delays with Phase I.

Town Manager Shane said that it would. This is an almost standalone project.

Motion by Councilor Storey-King, seconded by Councilor Gruber, to authorize the Town Manager to execute a Long Term Lease Agreement with Bateman Partners, LLC for the Drowne Road School Revitalization Project.

VOTE: 6-0

UNANIMOUS PASSAGE

11 – 141 To amend the Val Halla Board of Trustees bylaws to allow additional members.

Councilor Stiles explained that the Val Halla Board of Trustees feel that more than 7 members would be helpful in assuring that a quorum is met, and is requesting amending the bylaws allow up to 9 members.

Since there are now 3 Town Council Liaisons on this board, Councilor Moriarty suggested also amending the first paragraph to read: "...non-voting members shall be a **up to three** Town Councilors and the Town Manager".

Motion by Councilor Stiles, seconded by Councilor Turner, to amend the Val Halla Board of Trustees bylaws to allow up to 9 Trustees and up to 3 Town Councilors to serve as non-voting members.

VOTE: 6-0

UNANIMOUS PASSAGE

11 – 142 To set a date of September 19, 2011 to hold a Special Joint Town Council Meeting with the Town of Falmouth re: quiet zone informational session with the Federal Railroad Administration.

Town Manager Shane explained that a lot more information pertaining to this has been obtained since the last Town Council meeting. Railroad quiet zones are railroad crossings that a train is not required to sound their whistles when entering. There are four railroad crossings in Cumberland (Greely Road, Muirfield Road, Route 9, and Tuttle Road). With the new track upgrades, the trains will be traveling up to 68 mph. Currently, the train whistles 3-4 times while approaching and going through a crossing. At the last meeting, several residents requested that the Council support quiet zones, particularly at the Muirfield crossing, which was a quiet zone previously. To establish a quiet zone is expensive. Each crossing will require 4 gates across the road costing \$100,000 - \$150,000 per crossing. Another option could be wayside horns, which warns of an approaching train, but with a fraction of the noise. This option is also approximately \$100,000 per crossing. The third option would be channelization. This consists of a curb with posts situated on the centerline of the road at railroad crossings (this would not be an option on Tuttle Road because of traffic turning from Crossing Brook Road).

A presentation by the Federal Railroad Administration is important so that they can explain why they do not typically support quiet zones and the Council can balance out their decision making with safety, quality of life, etc. A joint meeting will be a nice, collaborative effort to address a common issue.

Motion by Councilor Turner, seconded by Councilor Gruber, to set a date of September 19, 2011 to hold a Special Joint Town Council Meeting with the Town of Falmouth re: quiet zone informational session with the Federal Railroad Administration.

VOTE: 6-0

UNANIMOUS PASSAGE

11 – 143 To appoint a Town Council ad hoc committee re: railroad quiet zones.

Councilor Moriarty asked volunteers to be the committee. Councilors Turner, Gruber, & Stiles volunteered. Councilor Moriarty will be acting Chairman at the meeting in Chairman Perfetti's absence.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to appoint Councilors Turner, Stiles, and Gruber to a Town Council ad hoc committee re: railroad quiet zones.

VOTE: 6-0

UNANIMOUS PASSAGE

11 – 144 To set a Public Hearing date (September 12th) 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 explained that this is clean up language to specify more clearly the types of Performance Guarantees that the Town is looking for, how they are decided upon, and how they are dispensed.

Motion by Councilor Stiles, seconded by Councilor Storey-K, to set a Public Hearing date of September 12th 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.

VOTE: 6-0

UNANIMOUS PASSAGE

11 – 145 To set a Public Hearing date (September 12th) 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.

Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of September 12th 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.

VOTE: 6-0

UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – The Route 88 project is remarkable. He feels that a lot of cyclists are using the road that did not use it before. They appear to go a lot faster and it scares him. They run the risk that a vehicle will come out of a side street or driveway and they could get hurt.

Councilor Copp – It was brought to his attention that residents pay the same fee to play golf at Val Halla that a non-resident pays. Since he does not play golf, he didn't realize this. It seems to him that residents should get a break on the fee.

Town Manager Shane said that residents receive discounts and \$100 worth or credit with a membership to spend at the golf course.

Councilor Storey-King – School begins on August 31st. Please drive safely and watch out for children.

She visited the farmers market recently and it was fabulous. She encouraged residents to visit the farmers market in the parking lot of Town Hall on Saturdays.

Councilor Moriarty – Route 88 is much more beautiful than it was ever projected to be in sketches. It is an amazing piece of construction.

The Bateman project received preliminary approval from the Planning Board last week. Mr. Bateman must now go to the State for certain approvals and then can come back before the Planning Board for local final approval.

The other interesting item on the Planning Board agenda was a sketch plan review for a café and office space at the former Dr. Hanson property. The plan also includes demolition of the back building, and replacing it with a 5 unit apartment building, which would include an archway that would resemble the historical archway that is

currently there. The Planning Board was enthusiastic about the plan and the project will be moving forward through the process.

Councilor Stiles – In regard to the railroad crossing work, would it be possible to use Harris Road and get permission from the property owners with the fence to allow vehicles to use Route 9, to Harris Road, to Tuttle Road.

Town Manager Shane said this was a great idea and he would look into it.

Councilor Gruber – He agreed with Councilor Turner regarding the bicyclists on Route 88 going too fast, but he feels that drivers do not respect the cyclists. He wondered if signs reminding drivers of the distance that a vehicle must give a bicycle would be helpful.

The fields at Twin Brook are fantastic. The Public Works department has done a great job.

Town Manager Shane – There has been a request from the developer who owns the property next to Record Lumber to consider the addition of multiplexes to the VCC zone. There is currently no residential housing permitted in the zone. The Manager asked the Council if they would like to send this request to the ordinance sub-committee for further review, or is there any interest among the Council members to look at it.

Councilor Moriarty asked if any member of the Council wanted to this matter.

There was none.

VI. ADJOURNMENT

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

VOTE: 6-0

UNANIMOUS PASSAGE

TIME: 8:07 p.m.

Respectfully submitted by:

Brenda L. Moore
Council Secretary