

MINUTES
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, July 25, 2011

6:00 p.m. WORKSHOP re: Growth Ordinance Review Committee and a request to transfer Bagshaw impact fees to Greely Baseball - Twin Brook Baseball improvements.

7:00 p.m. Call to Order

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

I. APPROVAL OF MINUTES

July 11, 2011

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

VOTE: 7-0 UNANIMOUS PASSAGE

II. MANAGER'S REPORT

- **Neighborhood meeting re: Tuttle Road paving and sidewalk project**

There will be a neighborhood meeting on Wednesday, July 27th at 6:30 p.m. at Town Hall to discuss the paving of Tuttle Road to the Middle School. The project will also incorporate a sidewalk that will start at the Commons and end at Town Hall. Residents are encouraged to attend to address concerns, ask questions, and get more information regarding the projects.

- **Additional drainage to Route 88 project area**

Town Manager Shane requested that the Council authorize additional monies be allocated for drainage on the Route 88 project. He is requesting that \$45,000 of the contingency to be directed to drainage repair along Ledge Road. This will be a repair and restoration that will prevent drainage easements from deteriorating and damaging Ledge Road.

The Route 88 project will still be under budget when completed, including this request.

Councilor Storey-King asked the Manager if the \$2,700 in the quote for traffic control is necessary. Ledge Road residents can get out from either direction, so it seems unnecessary to have traffic control.

Town Manger Shane agreed and would remove that amount.

Motion by Councilor Stiles, seconded by Councilor Turner, to authorize up to \$45,000 for the repairs to the drainage on Ledge Road as presented.

VOTE: 7-0-1 (Storey-King abstained) MOTION PASSES

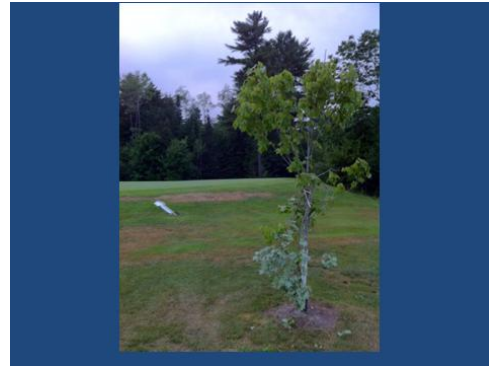
- **MS Society "Great Maine Getaway" Bike Ride on Saturday, August 6th from 7:15 a.m.- 9:30 a.m.**

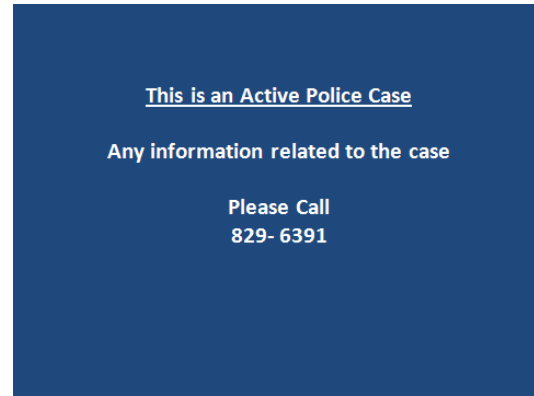
The primary impact of this ride will be in West Cumberland with 300-400 bike riders participating. The Police Department will be directing traffic. Blackstrap, Skillins & Orchard Roads may be difficult to travel on the morning of August 6th.

- **Damage to Val Halla Golf Course**

Town Manager Shane reported that during the night of July 22nd Val Halla Golf Course received approximately \$5,000 worth of damage due to vandalism. The following photos show some of the damage:

Damage to Val Halla
Friday Evening to
Saturday Morning
July 22 -23





Town Manager Shane said that this was significant damage that the taxpayers in this community or the Val Halla staff did not deserve. This was a slap in the face to those hardworking, dedicated employees. If anyone has information about this case please contact the Police Department.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

11 – 123 To hold a Public Hearing to consider and act on setting the FY'12 tax rate as recommended by the Tax Assessor.

Town Manager Shane said that Tax Assessor, Bill Healey, is recommending the FY'12 tax rate be set at \$15.80. This is a .50 cent increase over last year. The increase is due, in part, to the loss of State Revenue Sharing.

Motion by Councilor Stiles, seconded by Councilor Moriarty, to set the municipal tax rate for FY'12 at \$15.80.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 124 To hold a Public Hearing to set rates at which interest will be paid for delinquent taxes and to authorize applying tax payments to the oldest unpaid taxes.

Town Manager Shane explained that this is done everyone year. Maine Municipal Association has recommended that the interest rate for delinquent taxes be set at 7% and that any money collected for delinquent taxes be applied to the oldest unpaid taxes.

Motion by Councilor Storey-King, seconded by Councilor Copp, to set an interest rate of 7% for delinquent real and personal property taxes for FY'12.

Be it further ordered, that all payments for delinquent real and personal property taxes be applied to the oldest, unpaid taxes.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 125 To set a Public Hearing date (August 8th) to consider and act on a Mass Gathering Permit and Victualer's Licenses for the 140th Cumberland Fair to be held from September 25 – October 2, 2011 at the Cumberland Fairgrounds.

Ted Googins of the Cumberland Farmers Club was present to answer any questions that the Council may have. Mr. Googins thanked the Town for all the help over the years with regard to the fair.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a Public Hearing date of August 8th to consider and act on a Mass Gathering Permit and Victualer's Licenses for the 140th Cumberland Fair to be held from September 25th through October 2nd, 2011 at the Cumberland Fairgrounds.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 126 To hold a Public Hearing to discuss the open space at Village Green and recommend if it be public or private.

Town Manager Shane explained that the Bateman Project is in the Planning Board stage for 59 new condominium style homes to be built between Drowne Road and Wyman Way. One of the requirements in the site plan ordinance allows for open space. That open space can either be dedicated to the Town or be dedicated as private space. The developer has no preference to keep the open space and incorporate it into the subdivision or donating it to the Town. The Planning Board had a brief discussion but did not come to a consensus. Several Planning Board Members expressed their feelings that it should remain private. The Lands and Conservation Commission feels that it should remain private, but that a public easement of 20' wide be connected from the extension of Drowne Road to the Town Forest so that eventually there will be a large 2-3 mile side walk that connects Drowne Road, Main Street, and Tuttle Road, to the Town Forest.

Town Manager Shane recommended to the Council that the open space remain private with a 20' wide pedestrian easement to the Town Forest.

Public discussion: None

Councilor Storey-King asked the manager if the Bateman's would be relocating the snowmobile trail or if discussions with the snowmobile club have occurred.

Town Manager Shane said that the Bateman's have had discussions with the snowmobile club and there are plans to relocate the trail and the maintenance building.

Motion by Councilor Turner, seconded by Councilor Gruber, to authorize the Town Manager to accept a pedestrian easement from Bateman Partners, LLC.

VOTE: 7-0 UNANIMOUS PASSAGE

Motion by Councilor Moriarty, seconded by Councilor Stiles that the Council conveys to Mr. Bateman its desire and intent that the open space property remain with the developer and/or the homeowners association, but for the 20' wide public easement that was previously approved.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 127 To appoint an ad hoc committee to study the Growth Ordinance and impact fees and to report back to the Town Council by December 31, 2011 with recommendations.

Chairman Perfetti explained that this item was the topic of the Council Workshop earlier this evening. The Council will be reviewing the Growth and Impact Fee Ordinances that were developed approximately 15 years ago. Times have changed and it has become apparent that it is time to review these two ordinances.

Town Manager Shane added that the Ad Hoc Committee will be meeting with Town Staff and the Town Attorney for a better understanding of impact fees and the Growth Ordinance

Motion by Councilor Copp, seconded by Councilor Turner, to appoint an ad hoc committee consisting of Planning Board members Neagle and Bingham, Town Councilors Gruber, Storey-King and Copp, to study the Growth Ordinance and impact fees and to report back to the Town Council by December 31, 2011 with recommendations.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 128 To send to the Planning Board for a Public Hearing and recommendation an amendment to the Contract Zoning Agreement for the Cumberland Foreside Village Subdivision.

Town Manager Shane explained that several years ago the original Cumberland Foreside Village Subdivision on Route One was 12 lots. Mr. Chase consolidated the rear lots into one large aggregate lot and left the lots bordering Route One as is. He would now like to re-subdivide the large back lot. In order to do this, an amendment to the Contract Zone Agreement is required.

Motion by Councilor Moriarty, seconded by Councilor Storey-King, to forward to the Planning Board for a Public Hearing and recommendation amendments to the Contract Zone Agreement for Cumberland Foreside Village Subdivision for the reconfiguration of the number of commercial lots.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 129 To set a Public Hearing date (August 8th) to consider and act on amending Section 204.8.1.15 of the Cumberland Zoning Ordinance to delete Retail as a permitted use in the Office Commercial South (OCS) Zone, as recommended by the Planning Board.

Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of August 8th to consider and act on amending Section 204.8.1.15 of the Cumberland Zoning Ordinance to delete Retail as a permitted use in the Office Commercial South (OCS) Zone, as recommended by the Planning Board.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 130 To authorize the Town Manager to execute a 3-year contract with BCN Telecom, Inc. for telecommunications services.

Town Manager Shane explained that all three year contracts require Council approval and staff is recommending approval. This is a contract renewal, not a new agreement.

Motion by Councilor Storey-King, seconded by Councilor Gruber, to authorize the Town Manager to execute a 3-year contract with BCN Telecom, Inc. for telecommunications services.

VOTE: 7-0

UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – Congratulated Storey Brothers, Town Staff & Council for the Route 88 project, the Range Road project and other projects that have been completed. MDOT has done some paving on Route 100 and Route 88 and he feels that their decision to pave had to do with the fact the Cumberland committed to these projects during some very tough times.

Regarding the vandalism at Val Halla, he feels that due to the extent of the damage, it does not appear to be a typical high school prank. It feels more like somebody has a vendetta against the Town or the golf course.

Councilor Copp – Many thoughts and prayers are going out to long time Planning Board member, Bill Ward who suffered a stroke last week.

Councilor Storey-King – She agrees with Councilor Turner that the vandalism at Val Halla is a terribly sad thing to have happened. Val Halla has a lot of great youth programs and the Junior Championship is coming up very soon. To have the course in that condition is an embarrassment to the community.

Councilor Moriarty – The Joint Standing Committee with North Yarmouth has met twice over the past couple of weeks to discuss services. The discussion began with Library services, will move on to Recreation, Twin Brook, and then Animal Control and Channel 2. He feels that this committee is off to a good start and will keep the Council informed as discussions progress.

Chairman Perfetti – None.

Councilor Stiles – He also feels that the vandalism at Val Halla is a terrible thing. It not only affects the golf course, but every citizen in this Town. He urged the community to report anything they may have seen to the Police Department.

Councilor Gruber – He was in South Portland recently and was attempting to locate a business on John Roberts Road. He stopped at another business to ask directions and was chatting with the office manager. It turns out he was at Precision Millworks, which is part of Exactitude. The office manager shared that they are excited to be moving the business to Cumberland. It was a good feeling that folks in South Portland have good things to say about Cumberland.

Town Manager Shane – We now have a signed agreement with North Yarmouth. He thanked Marnie Diffin and Paul Napolitano (of North Yarmouth) for expediting the signing of the contract for services.

VI. ADJOURNMENT

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

VOTE: 7-0

TIME: 7:42 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary