

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, MARCH 28, 2011

7:00 p.m. Call to Order

I. APPROVAL OF MINUTES

VOTE: 7-0 UNANIMOUS PASSAGE

II. MANAGER'S REPORT

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

11 – 043 To hear a report from Beth Blakeman-Pohl of 21 Reasons re: underage drinking.

Ms. Blakeman-Pohl explained that Casco Bay C.A.N. is a coalition of local law enforcement agencies, schools, organizations, and businesses who work together to prevent and reduce youth substance abuse. Their project helps to build healthy communities with policies and practices to prevent underage drinking and youth substance abuse. The program is a 5-year, grant funded project.

Councilor Porter asked Ms. Blakeman-Pohl what this group is doing in Cumberland specifically.

Ms. Blakeman-Pohl said that there is a steering committee that is represented by the 6 communities. They meet to discuss what is happening in the communities and what needs have to be met as it pertains to this project. As an example, the schools are interested in getting more education on prescription drug misuse. Trainers will be brought in to help the school nurses, doctors, and counselors. In addition, a \$10,000 grant will be dedicated to the law enforcement agencies to assist them with projects that they have identified. There will be a “Take Back Drug Event” in Cumberland on April 30th from 9 a.m. – noon where residents can drop off their unused prescription drugs to be properly disposed of.

11 – 044 To hear a report from the Twin Brook Facility Advisory Committee Chair re: facility rules & policies, community garden, and horses at Twin Brook.

Town Manager Shane introduced John Leavitt, Chair of the Twin Brook Advisory Committee.

Mr. Leavitt explained that the Twin Brook Advisory Committee met last month and would like to recommend some amendments to the Twin Brook Facility Rules & Policies. After almost a year of discussion, the committee suggests that the use of horses in the facility be discontinued, due to numerous issues. The other suggestion is the adoption of the Maine Principals Association rules regarding lightening during an athletic event. If lightening or thunder is seen or heard, the

suspension of athletic activities for at least 30 minutes will be required for safety reasons. These items will be discussed with the Council in workshop in April.

Mr. Leavitt introduced Karen Marden to present the community garden project that the Twin Brook Committee endorses.

Ms. Marden explained that the first year would be the pilot program. The location of the garden would be in the rear section of Twin Brook near the dog walking parking lot. This location was chosen because it is close to the water line and because of the good visibility. The first year, the garden area will be small with expansion plans the following year. The vegetables will be donated to the local food pantry. After the first year, 10 x10 foot plots will be “leased” to those interested. Yarmouth charges \$35/year for a plot lease in their community garden and requires 6 hours of volunteer work per year (weeding, etc.).

Motion by Councilor Porter, seconded by Councilor Perfetti, to accept the Twin Brook Facility Advisory Committees recommendation regarding the community garden and to authorize the Town Manager to work with the community garden group in the development of the area.

VOTE: 7-0 UNANIMOUS PASSAGE

Motion by Councilor Porter, seconded by Councilor Perfetti, to set a Public Hearing date of April 11th to consider and act on amending the Twin Brook Recreation Facility Rules to adopt the Maine Principals’ Association Lightening Policy, and to prohibit horses at Twin Brook.

VOTE: 7-0 UNANIMOUS PASSAGE

Motion by Councilor Moriarty, seconded by Councilor Perfetti, to set a Workshop date of April 25th to review rule and format changes to the existing Twin Brook Recreation Area Policy.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 045 To hold a Public Hearing to add Section 204.23, Route 100 Corridor Residential Overlay, to the Cumberland Zoning Ordinance.

Town Manager Shane explained that this item was before the Council several months ago, when a resident was not granted a driveway opening permit from MDOT. Town staff met with MDOT and requested that they allow commercial driveway access along the Route 100 corridor. They denied the request because of site distances and speed through the corridor. Town staff has worked with the Planning Board and created an overlay district, from the Falmouth town line to the Gray town line to allow a residential use in the zone only if a commercial driveway permit is not approved. This will likely impact approximately 6 properties in that zone.

Mary Pat Warming, on behalf of her son who owns the property that started this situation. She is hopeful that the Council approves this item this evening so they can market the property.

Motion by Councilor Perfetti, seconded by Councilor Moriarty, to amend the Cumberland Zoning Ordinance by adding Section 204.23, Route 100 Corridor Residential Overlay, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 046 To hold a Public Hearing to consider and act on amendments to Main Street zoning as recommended by the Town Center Advisory Committee.

Councilor Moriarty said that because the workshop on this item will be resumed at the end of the meeting, he made the following motion:

Motion by Councilor Moriarty, seconded by Councilor Stiles, to table this item to April 11, 2011.

VOTE: 6-1 (Porter opposed) MOTION PASSES

11 – 047 To hold a Public Hearing to consider and act on an Off Premise Retailer with Malt & Vinous for Basil Provisions, 137 Main Street, for the period of March 2011 – March 2012.

Town Manager Shane explained that staff has reviewed the application and Town Clerk, Tammy O'Donnell has met with the applicant and recommends approval.

Motion by Councilor Perfetti, seconded by Councilor Turner, to approve the Off Premise Retailer with Malt & Vinous for Basil Provisions, 137 Main Street, for the period of March 2011 - March 2012.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 048 To authorize the Town Manager to execute a 5-year contract with Cintas Uniforms for Public Services uniforms.

Town Manager Shane explained that as part of the Public Services union contract, the Town is required to provide uniforms. Public Services Director, Chris Bolduc has negotiated a contract with Cintas Uniforms that the Town Attorney is reviewing.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to authorize the Town Manager to execute a 5-year contract with Cintas Uniforms for Public Services uniforms, pending approval of agreement by Town Attorney.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 049 To set a Public Hearing date (April 11th) to consider and act amendments to Section 204.9, Village Center Commercial District (VCC), of the Cumberland Zoning Ordinance to add Aggregate Processing and Construction Operations with a 500' set back from Route 100, as recommended by the Planning Board.

Town Manager Shane explained that this property is currently an abandoned gravel pit and Rodney Coleman is proposing relocating his construction operation there. The pit will require a lot of grading to slope the banks and make it a more useful piece of property. Mr. Coleman is proposing mainly screening of materials, similar to the operation of the Town gravel pit. The Planning Board agrees with these uses and recommended a site plan to restrict hours of operation, trucks, etc. This operation would be similar to that of Storey Brothers on Middle Road, with a shop and equipment home base.

Councilor Moriarty asked the Manager if the construction operation and aggregate processing would continue indefinitely, or if this is part of a reclamation project for the pit.

Town Manager Shane responded that the pit reclamation would start first. Phase one would be a site plan, that would be a grading plan. As this plan progressed, Mr. Coleman would be able to submit another site plan for the location of the business as well as an aggregate processing area. The processing piece will be indefinite in duration.

Councilor Porter asked if additional material would be allowed to be brought into the site for processing.

Town Manager Shane responded that he would, but it would likely be limited to a certain area. The first step would be for Mr. Coleman to come before the Planning Board with a grading plan, which shows what is there now and what he is proposing to do. The second step would be a master plan for his operation and perhaps some other construction type businesses.

Councilor Porter asked if this site could be utilized as a place where there is continued traffic; with dump trucks coming and going, dropping off material, screening material, and sending it back out.

Town Manager Shane said that is a good point, and that could happen with no restrictions on the aggregate processing. Limitations can be placed on the operation with site plan or the ordinance.

Councilor Copp said that he does not ever see this as being an active gravel pit. Mr. Coleman will likely fill the hole in to make it a useable property. He may haul fill in, but will not be extracting any materials.

Councilor Moriarty said he is torn right now because while he is in favor of doing whatever it takes to reclaim the pit, there is a difference between reclamation and the introduction of a new use (which has never been permitted, even under the old zoning) which could last indefinitely.

Councilor Turner said if we want to have the area reclaimed, we can't expect a business to go in there and reclaim it and then assume they will stop within a few years. Part of the motivation for someone to want to clean up a real eye-sore will be for them to be able to run their business there for a considerable amount of time.

Motion by Councilor Copp, seconded by Councilor Turner, to set a Public Hearing date of April 11th to consider and act amendments to Section 204.9, Village Center Commercial District (VCC), of the Cumberland Zoning Ordinance to add Aggregate Processing and Construction Operations with a 500' set back from Route 100, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 050 To set a Public Hearing date (April 11th) to consider and act on a Wharfing Out Permit for Carole & Delvyn Case, 18 Ole Musket Road, Cumberland Foreside, Map U2, Lot 20.

Motion by Councilor Stiles, seconded by Councilor Moriarty, to set a Public Hearing date of April 11th to consider and act on a Wharfing Out Permit for Carole & Delvyn Case, 18 Ole Musket Road, Cumberland Foreside, Map U2, Lot 20.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 051 To accept an anonymous donation in the amount of \$10,000.00 to be allocated to the General Assistance fund and authorize the Town Manager to execute a gift letter.

Town Manager Shane said that a very generous citizen, who cares a great deal about people, has come forward to donate another of three checks received this year to benefit the general assistance fund and those in need of help.

Motion by Councilor Perfetti, seconded by Councilor Copp, to accept an anonymous donation in the amount of \$10,000.00 to be allocated to the General Assistance fund and authorize the Town Manager to execute a gift letter.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 052 To appoint a member to a Board/Committee.

Councilor Moriarty explained that the Town Council Nominating Committee met this evening with Charles (Bill) Kenny who expressed interest in serving on the Cool Cities Committee and the Shellfish Conservation Commission.

Motion by Councilor Moriarty, seconded by Councilor Porter, to appoint Charles Kenny to the Cool Cities Committee and the Shellfish Conservation Commission.

VOTE: 7-0 UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – None

Councilor Copp – None

Councilor Porter – There was an article in the paper today regarding the no feeding of deer signs. The Portland Press Herald cannot seem to find Cumberland on a map when something positive happens in our community, but they can trump something up about a great divide over signs.

Everyone now knows that he will not seek re-election to the Town Council. He hopes that many others will consider public service because it is a very positive thing.

Given the new census numbers, we did not grow as large as anticipated. Cumberland counts for 67% and North Yarmouth is 33%. This shift in numbers will have an interesting dynamic in future discussions with our neighbors.

Councilor Perfetti – None

Chairman Storey-King – Referenced a thank you note from Linda Emery for the no deer feeding signs. Mrs. Emery was the person who came forward to request an ordinance against feeding of deer. The signs were a compromise and Mrs. Emery acknowledged that the signs were the best decision after all.

Letter of commendation from Maine Medical Center and Mercy Hospital for participating in their EMS Program.

Councilor Porter, we are all saddened by your departure.

Councilor Stiles – He will be seeking re-election. He told Councilor Porter that he will be missed.

Councilor Moriarty – The no feeding of deer signs look nice and he hopes that people pay attention to the message and take the lead.

Town Manager Shane – Echoed the sentiments that Councilor Porter will be missed.

As he discussed at the last meeting, we have been exploring the possibility of the expansion of the gas main above the fairgrounds. We have a great need in our community, with 4 school buildings, a public works facility, fire stations, Town Hall and Library, but there is still a cost. The utility company is not willing to pay for the expansion and the cost would be the Town's. The Manager suggested looking into this being a regional project where cost sharing with Falmouth and Yarmouth is explored. Instead of this being a 3 million dollar project, it would cost each community approximately 1 million dollars to extend the gas main to Route One. The Manager suggested a meeting with the three Town Managers and the gas company to gather more information and numbers. He will report back to the Council as he gets more feedback from the other communities.

VI. ADJOURNMENT

Motion to adjourn to workshop by Councilor Perfetti, seconded by Councilor Turner.

VOTE: 7-0

TIME: 8:22 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary