

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, MARCH 14, 2011

6:00 p.m. Workshop with Town Center Advisory Committee Liaisons to review committee recommendation.

7:00 p.m. Call to Order

Present: Chairman Storey-King, Councilors Moriarty, Stiles, Perfetti, Porter, Copp, and Turner

I. APPROVAL OF MINUTES

February 28, 2011

Motion by Councilor Perfetti, seconded by Councilor Turner, to accept minutes as presented.

VOTE: 7-0

UNANIMOUS PASSAGE

II. MANAGER'S REPORT

Our thoughts and prayers are with the victims of the earthquake in Japan and the devastation there. Many Cumberland residents have family, friends, and business associates there. No words can express our sorrow and we hope that the horrible situation gets better for them quickly.

The Twin Brook Committee met last week and will be making a recommendation to the Council on March 28th for a community garden project in Twin Brook. Karen Marden will be present at that meeting to talk about this exciting project.

The Manager has had discussions with Maine Gas who is hoping partner with the Town to expand the gas main from above the fairgrounds to the Main Street area. This will allow the schools, public works facility, fire station, and library to all become part of the natural gas distribution system. This would be a huge long-term benefit. There will be some cost sharing between the Town, school, and Maine Gas. He would like the Council to consider having representatives from Maine Gas meet with the Council and the School Board so that everybody can understand the big picture. The high pressure gas main requires a "step down" to a useable distribution level, which costs 1 to 1.5 million dollars, and then the cost is approximately \$300,000 per mile for the extension and connection to homes. It may take a couple of years before we are able to move this forward, but it would be a worthwhile opportunity.

The new LED street lights have been installed at the intersection of Main Street and Tuttle Road. The Cool Cities Committee has been working toward this for the past couple of years. LED lights are much brighter and extremely efficient. This is part of a test project with CMP and the cost of running these lights will reduce the cost by ½.

We learned today from the State Liquor Licensing Bureau that a formal Council vote is necessary to approve a liquor license application for the Sparrow's Nest at Val Halla. There is a lapse of about two weeks between the new proprietor taking over and Mr. Sparrow's existing license, which expires on March 15th. This item has been added to the end of this agenda.

III. PUBLIC DISCUSSION

Chairman Storey-King read the following letter:

Dear Town Councilors,

Please let this letter from the 135 members of the Cumberland Farmer's Club convey a special thank you to our Town Manager, Mr. Shane. For the past few years, Mr. Shane has been very supportive in many aspects of the Cumberland Fair, providing opportunity for Fire, Police, Rescue, Public Works, and his administrative staff to work together as we move to make positive changes to our fair and provide great programs that are family oriented. We extend a thank you to him and will look forward to continuing this positive business relationship. We also thank the Town Councilors and ask you to thank him on our behalf.

Sincerely,

Michael Timmons

President of the Cumberland Farmers Club

Town Manager Shane said that the Farmers Club does a great job for the community and he appreciates the very kind words.

IV. LEGISLATION AND POLICY

11 – 030 To hold a Public Hearing to consider and act on a Victualer's License application for the Cumberland/North Yarmouth Boys Youth Lacrosse, effective March 14, 2011 through June 30, 2011.

Town Manager Shane said that staff is recommending approval.

Public Discussion: None

Motion by Councilor Perfetti, seconded by Councilor Moriarty, to approve the Victualer's License application for the Cumberland/North Yarmouth Boys Youth Lacrosse, effective March 14, 2011 through June 30, 2011.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 031 To hold a Public Hearing to consider and act on a Victualer's License application for the Cumberland/North Yarmouth Girls Youth Lacrosse, effective March 14, 2011 through June 30, 2011.

Public Discussion: None

Motion by Councilor Moriarty, seconded by Councilor Stiles, to approve the Victualer's License application for the Cumberland/North Yarmouth Girls Youth Lacrosse, effective March 14, 2011 through June 30, 2011.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 032 To hold a Public Hearing to authorize the Town Manager to enter into an agreement with the "First Tee" Program.

Town Manager Shane introduced Val Halla Golf Pro, Brian Bickford to explain this exciting opportunity which will enhance our junior golf program.

Mr. Bickford explained that this has been a 6-year effort to bring Junior Golf to Maine. Mr. Bickford reviewed the following information regarding the program:

Val Halla Golf & Recreation Center & The First Tee of Maine



Presentation Overview

- What is the First Tee?
- Why does the First Tee want to be at Val Halla?
- When will the transition occur?
- How will we transition our existing programs?
- What does it mean to Val Halla?



What is The First Tee?

- Mission: To impact lives of young people by providing educational programs that build character, instill life-enhancing values and promote healthy choices through the game of golf.
- Video...



Why Does the First Tee Want to be at Val Halla?

- Home of the Maine Golf Foundation.
- Home of the Largest Junior Golf Program in the State of Maine.
- A Culture of Promoting Junior Golf.



How and When Will The Transition Occur?

- As soon as possible...a phased-in approach.
- We are in the building process...
 - Coaches
 - Volunteers
 - Lesson Plans
 - Determining times to offer programming.



What Does It Mean to Val Halla?

- Signing a *Facility Agreement*.
- Legitimizing Val Halla's position as a leader in Junior Golf.
- Increased junior and family golf volume on the course and the driving range.
- A contract for Director of Golf Services of \$20,000 annually.
- Future potential of capital improvement monies as needs arise.





Councilor Porter asked Mr. Bickford to explain how he envisions the First Tee Program to work within the parameters that exist on a golf course.

Mr. Bickford explained that the program would not be bringing in a lot more junior golfers from all over Cumberland County, but rather certifying our existing juniors into the program. Val Halla will be the “home course” for the program, but the program will branch out to Lewiston/Auburn, Bangor, and the Rockland area. Mr. Bickford said that he does not feel that the program will have an impact on our existing volume.

Councilor Stiles asked Mr. Bickford what the financial obligation of the Town is to support the program.

Mr. Bickford said that the financial obligation is a donation of golf rounds from the age of 5 – 18, which equates to approximately one round per year that will be donated to the kids for a certification test. Other than that, Mr. Bickford knows of no other financial obligation.

Councilor Moriarty asked Mr. Bickford if the Val Halla Trustees are supportive of this program.

Mr. Bickford responded that he was not able to attend the last meeting of the Trustees, but is confident that they will be very supportive.

Public Discussion: None

Motion by Councilor Porter, seconded by Councilor Stiles, to authorize the Town Manager to enter into a 5-year agreement with the “First Tee” Program.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 033 To hold a Public Hearing to authorize the Town Manager to execute a two year contract with Lowell & Lloyd Smith for the operation of the Viking Grill.

Town Manager Shane explained that several months ago, a Request for Proposals was sent out for the operation of the Viking Grill at Val Halla. Four, very competitive proposals were received and reviewed by a sub-committee of the Val Halla Board of Trustees, and a few Town staff members. Both groups came up with the same recommendation to endorse the contract of Lowell & Lloyd Smith.

Public Discussion: None

Motion by Councilor Copp, seconded by Councilor Stiles, to authorize the Town Manager to execute a 2- year contract with Lowell & Lloyd Smith for the operation of the Viking Grill at Val Halla.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 034 To hold a Public Hearing to consider and act on a Victualer’s License, Class I Liquor License, Special Amusement Permit, and Auxiliary Mobile Golf Cart License for Rachel’s on the Green at Val Halla, for the period of April 2011 – April 2012.

Public Discussion: None

Motion by Councilor Stiles, seconded by Councilor Moriarty, to approve the Victualer’s License, Class I Liquor License, Special Amusement Permit, and Auxiliary Mobile Golf Cart License for Rachel’s on the Green at Val Halla, for the period of April 4, 2011 – April 1, 2012.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 035 To appoint a member to the Twin Brook Facility Advisory Committee.

Councilor Moriarty explained that there are currently two vacancies on the Twin Brook Advisory Committee. The nominating committee met with Iwona Tarling and recommends her appointment to a three-year term on the Twin Brook Committee.

Motion by Councilor Copp, seconded by Councilor Stiles, to appoint Iwona Tarling to the Twin Brook Facility Advisory Committee.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 036 To consider and act on extending the date of the moratorium on gravel extraction to June 28, 2011.

Town Manager Shane explained that there is currently a referendum petition in circulation that could potentially put this item on the June 14th election ballot. The ordinance language that will be forwarded to the Planning Board changes the gravel extraction portion of the ordinance to permit the use with a Contract Zone. The Planning Board will review the recommendations, act upon them, and send them back to the Council in late May. The Council may choose to wait until after the election to act upon these items. This simply allows the Planning Board to complete their work, the referendum to occur, and the Council to act on the amendments to the language or to table it indefinitely because it is a dead issue.

Motion by Councilor Perfetti, seconded by Councilor Turner, to extend the moratorium ordinance regarding extraction of earth materials and water extraction, pumping and/or bulk storage, to June 28, 2011 pursuant to the following:

The Town Council of the Town of Cumberland hereby ordains that the Moratorium Ordinance Regarding Extraction of Earth Materials and Water Extraction, Pumping and/or Bulk Storage enacted on November 8, 2010 be, and hereby is, extended as follows:

WHEREAS, the Town of Cumberland is under threat of increased development pressure from the extraction of earth materials in the Town and the extraction, pumping and/or bulk storage of water for wholesale commercial purposes, which uses as currently allowed, are inconsistent with other allowed and existing uses in the areas where such uses are allowed and further due to the potentially serious environmental and other impacts from such uses, including potential impacts upon groundwater and surface water quality and levels and upon abutting uses; and

WHEREAS, this development pressure was unanticipated and has not been adequately provided for in the Town's current zoning or other land use ordinances; and

WHEREAS, there is a strong likelihood that the Town will continue to be subjected to this development pressure due to the lack of adequate regulations or restrictions on the location and effects of these uses, especially in close proximity to incompatible land uses that could be adversely impacted by the noise, vibration, emissions, hours of operations, odors and other impacts resulting from these high intensity and high impact uses, as well as the environmental consequences of such uses and further due to the high demand for the minerals and water extracted and the manufactured materials and services resulting from these uses; and

WHEREAS, amendments to the zoning and other land use ordinances require public hearings by the Planning Board and a vote by the Town Council; and

WHEREAS, the Town has previously enacted a Moratorium Ordinance Regarding Extraction of Earth Materials and Water Extraction, Pumping and/or Bulk Storage and is in the process of developing new ordinances but has not had sufficient time to finalize and adopt those ordinances; and

WHEREAS, in the judgment of the Town, these facts continue to create an emergency within the meaning of 30-A M.R.S.A. § 4356(1)(B) and require extension of the Moratorium Ordinance as immediately necessary for the preservation of the public health, safety and welfare;

NOW, THEREFORE, the Town of Cumberland hereby ordains that the Moratorium Ordinance Regarding Extraction of Earth Materials and Water Extraction, Pumping and/or Bulk Storage be, and hereby is, extended until June 28, 2011, unless earlier repealed by action of the Town Council.

VOTE: 6-0-1 (Copp abstained)

MOTION PASSES

11 – 037 To hold a Public Hearing to consider and act on adoption of the FY'12 Municipal Budget.

Councilor Perfetti thanked the Town Manager for his continued fiscal discipline, transparency, and willingness to discuss with the Council the financial goals of the Town. In a time of cynicism and mistrust, he would offer our Town Manager and Administration as an example of good governance.

Town Manager Shane explained that this budget has decreased by \$22,000.00 in operating costs over last year's budget. It has no increases related to municipal or county government. Town staff has worked diligently and kudos to Finance Director, Alex Kimball, who spend countless hours with the Manager going through the budget line by line. The Finance Committee met for 5 hours on Presidents Day and reviewed it line by line. The Manager feels that this is a responsible budget consistent with our economic times.

Councilor Stiles congratulated the Town Manager for increasing the bond rating of the Town from AA- to AA. That is a great achievement.

Public Discussion: None

Motion by Councilor Perfetti, seconded by Councilor Copp, to approve the FY'12 Municipal Budget not to exceed \$7,964,843.00.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 038 To set a Public Hearing date (March 28th) to consider and act on amendments to Main Street zoning as recommended by the Town Center Advisory Committee.

Councilor Moriarty said that there will be another workshop on this item on March 28th and some changes to the text are likely. He feels that it would be a good idea to have the amendments completed and available for public review before this item is placed on an agenda and enactment considered.

Councilor Porter suggested moving this item forward, much like any other item that has come before the Council. He feels that the Council has done its work on this and it is time to make a decision. He acknowledges that there will be changes, but the Town Center Advisory Committee made their recommendation almost a year ago and he sees no reason to delay it any further.

Motion by Councilor Porter, seconded by Councilor Stiles, to set a Public Hearing date of March 28th to consider and act on amendments to Main Street zoning as recommended by the Town Center Advisory Committee and forwarded to the Town Council without change.

VOTE: 6-1 (Moriarty opposed) MOTION PASSES

11 – 039 To set a Public Hearing date (March 28th) to add Section 204.23, Route 100 Corridor Residential Overlay, to the Cumberland Zoning Ordinance.

Town Manager Shane explained that this item came before the Council several months ago as a result of a resident not being able to obtain a driveway entrance permit to her property on Route 100. This overlay will allow residential uses within the Route 100 corridor commercial districts that are not developable for commercial use due to MDOT restrictions.

Motion by Councilor Moriarty, seconded by Councilor Perfetti, to set a Public Hearing date of March 28th to add Section 204.23, Route 100 Corridor Residential Overlay, to the Cumberland Zoning Ordinance.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 040 To set a Public Hearing date (March 28th) to consider and act on a Contract Zone Agreement for Phase One of the Doane Property Revitalization Project with Bateman Partners, LLC.

Councilor Porter said that he would like to see the State model regarding efficiency in residential housing and the latest technology (LED) in street lighting be included in the Contract Zone Agreement for this project.

Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of March 28th to consider and act on a Contract Zone Agreement for Phase One of the Doane Property Revitalization Project with Bateman Partners, LLC.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 041 To authorize the Town Manager to execute a 5-year lease with Wells Fargo on behalf of Club Cart Enterprises for the lease of 46 electric carts for Val Halla Golf Course.

Town Manager Shane explained that this is a renewal of the 5-year cart program. The carts are leased and replaced every 5 years.

Councilor Porter pointed out that the lease document stated that it is for a 67 month term.

Finance Director, Alex Kimball explained that the payments are only for 6 months out of each year for the term of the lease.

Motion by Councilor Stiles, seconded by Councilor Moriarty, to authorize the Town Manager to execute a 67 month lease with Wells Fargo on behalf of Club Cart Enterprises for the lease of 46 electric carts for Val Halla Golf Course.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 042 To hold a Public Hearing to consider and act on an extension of the Class I Liquor License for The Sparrow’s Nest, d/b/a Viking Grill, for the period of March 15, 2011 to April 2, 2011.

Public Discussion: None

Motion by Councilor Stiles, seconded by Councilor Turner, to add item 11-042.

VOTE: 7-0

UNANIMOUS PASSAGE

Motion by Councilor Moriarty, seconded by Councilor Stiles, to approve an extension of the Class I Liquor License for The Sparrow’s Nest, d/b/a Viking Grill, for the period of March 15, 2011 to April 2, 2011.

VOTE: 7-0

UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – The nominating committee appointed Iwona Tarling to the Twin Brook Committee this evening. Her son, Sam Tarling won the collegiate NCAA 10 kilometer freestyle event. He is the national champion in the entire country. We should all be proud of Sam. That is quite an honor for a Cumberland resident.

Councilor Copp – Per the Historical Society’s newsletter, The Town of Cumberland turns 190 years old this month.

Councilor Porter – Thank you to Charlie Sparrow, we will miss him. We look forward to working with the new owners.

Councilor Perfetti – None

Chairman Storey-King – Beginning April 15th you will be able to register for recreation programs online. Reminder to drivers not to drive on the shoulders of roads, as they are very soft and vehicles can get stuck. The Planning Board meets tomorrow evening. They will be discussing Phase I of the Doane Property Revitalization.

Councilor Stiles – Donation are still needed for the Veterans Monument to fund the purchase of the name stones.

Councilor Moriarty – He likes the fact that the Council meeting minutes now include copies of PowerPoint slides that are presented during the meeting. It makes for a much more effective record that is useful for the Council, the public, and future historians.

Town Manager Shane – None

VI. ADJOURNMENT

Motion by Councilor Copp, seconded by Councilor Perfetti, to adjourn.

VOTE: 7-0

UNANIMOUS PASSAGE

TIME: 8:32 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary