

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, December 10, 2012

6:00 p.m. Workshop to discuss Aquifer Protection Ordinance amendments.

7:00 p.m. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Stiles, seconded by Councilor Perfetti, to accept the November 26, 2012 minutes as presented.

VOTE: 7-0

UNANIMOUS PASSAGE

II. MANAGER'S REPORT

Finance Director, Alex Kimball will be leaving us the first of the year. Alex has accepted the position of Finance Director for Cumberland County. It is a great opportunity for Alex, but a huge loss for the Town. Alex is a great friend and the best Finance Director around.

III. PUBLIC DISCUSSION

Brad Hilton of Blanchard Road requested that the Council make a resolution to not sell two of the Town owned lots of land behind his home. Specifically, tax map R06/lots 15 & 16. Mr. Hilton's land goes from Blanchard Road, approximately ½ way toward Greely Road Ext. The Town owned land goes from the back of Mr. Hilton's land, all the way to Greely Road Extension. Mr. Hilton feels that this is a great opportunity for a trail system from Greely Road Extension to Blanchard Road, for hiking or snowshoeing. He would like the Town to agree not to sell those parcels of land, and have a forester look at the property, maintain it professionally, and create some walking trails.

Town Manager Shane explained that the Council will be reviewing the list of Town owned land at its January 28th meeting. There are 8-12 properties on the list that would only have value to abutters. The Manager will have maps of these two parcels for the Council to view and consider Mr. Hilton's request.

IV. LEGISLATION AND POLICY

12 – 192 To hold a Public Hearing to consider and act on amending the Cumberland Shellfish Conservation Ordinance, as recommended by the Shellfish Conservation Commission.

Shellfish Conservation Commission Chairman, Mike Brown explained that the Commission added a Conservation Fee to all licenses 3 years ago, and added the definition of the Conservation Fee to the Ordinance this year. This is the only amendment to the Ordinance.

Chairman Moriarty opened the Public Hearing.

Public discussion: None

Chairman Moriarty closed the Public Hearing.

Motion by Councilor Perfetti, seconded by Councilor Gruber, to amend section 105 (Definitions) of the Cumberland Shellfish Conservation Ordinance by adding a definition for Conservation Fee, as recommended by the Shellfish Conservation Commission.

12 – 193 To consider and act on reappointing Town Clerk, Tamara O'Donnell as Registrar of Voters for the period of January 1, 2013 – December 31, 2014.

Councilor Gruber said that everyone appreciates all that Tammy does. The entire election and voting process is very well run. We are very lucky to have her.

Motion by Councilor Storey-King, seconded by Councilor Turner, to reappoint Town Clerk, Tamara O'Donnell as Registrar of Voters for the period of January 1, 2013 – December 31, 2014.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 194 To consider and act on cancelling the December 24, 2012 Town Council Meeting and rescheduling it to December 17, 2012.

Motion by Councilor Stiles, seconded by Councilor Copp, to cancel the December 24, 2012 Town Council Meeting and reschedule it to December 17, 2012.

VOTE: 6-1 (Perfetti opposed) MOTION PASSES

12 – 195 To set a Public Hearing date (December 17th) to consider and act on authorizing the Code Enforcement Officer to enter into a Consent Agreement with property owners located at 249 Gray Road.

Chairman Moriarty explained that the property is currently on the market and the appraisal discovered a minor setback violation.

Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of December 17th to consider and act on authorizing the Code Enforcement Officer to enter into a Consent Agreement with property owners located at 249 Gray Road.

VOTE: 7-0

UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – He received a couple of calls from residents on the Foreside who have been noticing oil delivery trucks are parking on Route 88 instead of pulling into driveways. You do not see this happening in other parts of Town, and he wonders if there is a difference if a road has a bike path. This is happening very frequently and it is hazardous.

Town Manager Shane said he would report this issue to the Police Chief.

Councilor Copp – None

Councilor Storey-King – Motion by Councilor Storey-King, seconded by Councilor Stiles, to remove from the table and place on the December 17, 2012 Town Council agenda the following:

To set a Public Hearing date of January 14, 2013 to consider and act upon a zone change request from John Paynter for property located along the east side of Knight's Pond (map R06/Lot 33).

VOTE: 7-0

UNANIMOUS PASSAGE

Councilor Storey-King thanked the Council and Town employees for the beautiful flowers that were sent to her father-in-laws funeral service. She, Bob, and the boys thank everyone for their support.

Last Monday, she attended a meeting regarding the possible closure of the North Yarmouth Memorial School. One of the issues raised was parking. She has concerns about the parking that is taking place on Tuttle Road. Every day at dismissal, there are cars parking on Tuttle Road instead of using the student pick up area. This is very dangerous and she asked the public to think about how unsafe this is. She feels that the Council has to look at this. Children are walking between cars and into the travel lane to get into parked vehicles. It is a very dangerous situation.

Town Manager Shane said the no parking on Tuttle Road could be placed on the January 14th agenda for action by the Council.

Chairman Moriarty asked if this was the pleasure of the Council.

It was the consensus of the Council to put the no parking on Tuttle Road on the January 14th agenda.

She encouraged people to continue their enthusiasm after the holidays by continuing their generous giving to the food pantry.

Councilor Perfetti – Thank you to the Town Manager and Town staff for making the tree lighting happen. His 6 year old was very happy.

Chairman Moriarty – The Town has census data that suggests that there could be a reapportionment of the MSAD #51 Board of Directors by adding one Cumberland member. This is not a decision that the Council or School Board can make. There is a very detailed, 3-option procedure to this process, with the simplest being a letter from the Town Council to the School Board requesting that they ask the Commissioner if a reapportionment is appropriate.

Motion by Councilor Gruber, seconded by Councilor Turner, to request that the M.S.A.D. 51 Board of School Directors communicate with the Commissioner of the Maine Department of Education to determine the necessity for reapportionment based upon the 2010 census.

VOTE: 7-0 UNANIMOUS PASSAGE

Councilor Stiles – None

Councilor Gruber – The Food Bank now has 65 registered users (66% of those are residents of the service community – Cumberland, Pownal, New Gloucester & North Yarmouth). 75 volunteers have come forward wanting to help. This is a real community event.

The Lands & Conservation Commission met last week and asked him to see if collaborative efforts can be joined with North Yarmouth. He met with the Chair of the North Yarmouth Select Board, Steve Palmer, and they will be discussing the opportunities for joint education, trails, invasive species, potential grants, etc.

He took Councilor Copp up on his challenge at the last meeting to collect money to help pay for the new lights on the Christmas tree on the corner of Tuttle Road and Main Street. He has collected almost ½ of the \$2500 that was needed to get the tree lights repaired this year.

Town Manager Shane – The Ordinance Committee will be meeting before the end of the year to review the two most recent zone change requests.

He was honored to be invited to and attend the annual 4-H Pig Club banquet. The event has grown over the years and it is so exciting to see so many young kids who are involved in the club.

- VI. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(A)(1) re: discussion or consideration of appointments, and pursuant to 1 M.R.S.A., § 405(6)(C) re: real property acquisition.

Motion by Councilor Stiles, seconded by Councilor Copp, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(A)(1) re: discussion or consideration of appointments, and pursuant to 1 M.R.S.A., § 405(6)(C) re: real property acquisition.

VOTE: 7-0

UNANIMOUS PASSAGE

TIME: 7:42 p.m.

- VII. ADJOURNMENT**

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

VOTE: 7-0

UNANIMOUS PASSAGE

TIME: 9:03 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary