

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, October 8, 2012

7:00 p.m. Call to Order

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

Excused: Councilor Copp

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Storey-King, to accept the September 24, 2012 meeting minutes as presented.

VOTE: 5-0-1 (Stiles abstained)

MOTION PASSES

II. MANAGER'S REPORT

- The Cumberland Recreation Dept. submitted a short film entitled "The Test" to the Portland Film Festival this past weekend and have honored us with 1st place in the Children's Block Category.
- The Greely Golf Team finished runner up to Gorham in the State Golf Championship this past weekend. Coach Brian Bickford, our Rec Director and Golf Operations Director, was very pleased with the result. 4 golfers under the score of 80. Very impressive.
- Pavement reclamation scheduled to begin this week on Friar Lane with paving to immediately follow. Weather has not been cooperating with this end of year project, but we will complete it this month.
- Food Bank update: Greely High School Seniors Kyle Bickford, Alex Moore and Tim Storey were part of the paint crew two weekends ago. They did a phenomenal job. The finish coat of paint went on the last three days. Thank you to Mar-re Treblecock at Greely HS who was able to secure the volunteers with 24-hours' notice!

Bob Vail constructed the exterior wall this past weekend, and Adam and Amber Dews from the North Yarmouth Congregational Church completed the interior wall and door. Linda Shane has been a painting machine, despite her husband's lack of painting talent, she completed the interior and exterior painting today.

ONE STOP SHOPPING AT TOWN HALL THIS WEEKEND

- Last weekend of the Cumberland Farmer's Market
- Absentee Voting from 9:00 a.m. - Noon
- There will be a food drive the next 2 Saturdays from 9 a.m. to noon for the Food Bank. Stop by and visit. The new Food Bank is located in the back of Town Hall. Drive right up. As close to a drive in window as you will find. Items needed are:

- Canned goods
 - Paper Towels
 - Toilet Paper
 - Liquid Laundry Detergent
 - Dishwasher Liquid
- Meet the Candidates Night is scheduled for Wednesday, October 24th at 7:00 p.m. The televised event will host our Senate & Representative candidates who will be present to answer questions. Chris Tyll, Dick Woodbury, Joe Kumiszczka, and our own Steve Moriarty.
 - Bulky Waste Pick-up is happening next week, October 15th – 19th. For a list of acceptable items to be picked up, residents can look on the Town's website or ad in the Forecaster.
 - Joe Libby, representing the Cumberland/North Yarmouth Little League, is requesting Council permission this evening to install drainage at the fields behind the former Drowne Road School, particularly the Bailey Field closest to Town Hall. This item will need to be added to the agenda this evening if the Council is willing to act upon it. The Manager said that he does not foresee any issues with the request.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

12 – 169 To hold a Public Hearing to consider and act on junkyard/recycler permit renewal for Cumberland Salvage.

Town Manager Shane said that staff is recommending approval.

Chairman Moriarty opened the Public Hearing.

Public comment: None

Chairman Moriarty closed the Public Hearing.

Councilor Gruber reminded the Council that they are looking at a new Aquifer Protection Ordinance, and while he realizes that Cumberland Salvage is grandfathered, it could be an issue in the future and something to think through while considering the Aquifer Protection Ordinance.

Motion by Councilor Stiles, seconded by Councilor Turner, to approve the junkyard/recycler permit renewal for Cumberland Salvage.

VOTE: 6-0

UNANIMOUS PASSAGE

12 – 170 To hold a Public Hearing to consider and act on draft zoning amendments to the Official Cumberland Zoning Map to change Tax Assessor Map R07 Lots 44, 45, 45A and 45B from the Industrial District (I) to the Rural Residential District 2 (RR2), as recommended by the Planning Board.

Chairman Moriarty explained that this item was before the Council previously and they forwarded it to the Planning Board for their consideration. It is now returned to the Council from the Planning Board with an approval and a recommendation. The amendment involves changing several lots that are currently in the Industrial Zone (in West Cumberland) to Rural Residential II lots, so they can be used for residential purposes.

Town Manager Shane added that the application has been reviewed and staff is recommending approval.

Chairman Moriarty opened the Public Hearing.

Public discussion: Mark Kuntz said that he believes that Chairman Moriarty will be moving on to bigger and better things come November. Mr. Kuntz thanked Chairman Moriarty for his service to the Town of Cumberland. Mr. Kuntz has served on the Council with Chairman Moriarty and added that Mr. Moriarty is a very dedicated person and Mr. Kuntz wanted to thank him personally.

Chairman Moriarty closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Gruber, to amend the Official Cumberland Zoning Map to change Tax Assessor Map R07 Lots 44, 45, 45A and 45B from the Industrial District (I) to the Rural Residential District 2 (RR2), as recommended by the Planning Board.

VOTE: 6-0 UNANIMOUS PASSAGE

12 – 170(a) To consider and act on a request from the Cumberland/North Yarmouth Little League re: improvements and maintenance to the Bailey Field.

Joe Libby of Hedgerow Drive, President of the Cumberland/NY Little League, explained that there has been an ongoing issue with Bailey Field not draining properly. It can take 4-5 days for the field to dry after a heavy rain, which impacts the League's ability to schedule games. The Little League Board is in a position to make a capital commitment to the field and improve the drainage system, which would likely include excavation, installation of drainage, and rebuilding the fields. They are hoping to do the work this fall in order for the sod to have time to sit and be ready for spring.

Chairman Moriarty clarified with Mr. Libby that the Little League is not seeking public funding, but permission to do the field work that he had described.

Mr. Libby said that is correct. They are simply asking for the Council's blessing.

Councilor Gruber thanked Mr. Libby for doing this and asked him if he has an estimated cost for the repairs to the field.

Mr. Libby said that they have a couple of quotes, the highest being \$14,700 and the lowest being \$9,900. The low quote includes a sizeable donation of labor and some of the materials from the contractor.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to authorize the Town Manager to enter into an agreement with the Cumberland/North Yarmouth Little League to improve the drainage to the Bailey Field.

VOTE: 6-0 UNANIMOUS PASSAGE

12 – 171 To consider and act on authorizing the Town Manager to enter into an agreement with the Cumberland/North Yarmouth Football Boosters for construction of a storage shed at the West Cumberland Athletic Field.

Town Manager Shane explained that since this project involves building a new structure, it would require going through the site plan lite process, which is a staff review. Mr. Guidi, of the Football Boosters has met with staff and is aware of the steps necessary to move forward with the project.

Chairman Moriarty clarified that this project is similar to the previous item, in which the Football Boosters will fund the project, and are simply asking for permission from the Council.

Dave Lawrence of the Football Boosters said that he has been able to secure donations of labor and materials for the project. The raised structure would be helpful for filming football games and using the space to keep the scorekeeper out of inclement weather. He is hopeful that the Council will support this project.

Motion by Councilor Gruber, seconded by Councilor Storey-King, to authorize the Town Manager to enter into an agreement with the Cumberland/North Yarmouth Football Boosters for construction of a storage shed at the West Cumberland Athletic Field.

VOTE: 6-0

UNANIMOUS PASSAGE

12 – 172 To hear an update from the Town Manager re: new ordinance language for the Aquifer Protection Zones.

Town Manager Shane explained that he and staff met with John Sevee last week to discuss a variety of issues related to Cumberland's aquifers. The one consistency that kept coming up during the meeting was that current allowed uses that are on aquifers town wide really need to be looked at to determine if it is the best use for that particular area (even though it may be allowed). It may not be the aquifer protection ordinance that has to be adjusted, but rather the zoning ordinance that would be impacted. Mr. Sevee felt that a parallel look at both ordinances was a good idea. The Manager met with property owners on both sides of Blackstrap Road to advise them that this was happening and that the Council would be holding informational meetings in the near future, which would be beneficial for them to attend. We are at the starting line of understanding aquifers and the importance of protecting them, but more information will be forthcoming for the Council and the public.

Councilor Stiles said that he is concerned with protecting the businesses that are currently operating, particularly Cumberland Salvage, the Storey pit, and David Chase's pit. He hopes they will have input through the aquifer protection ordinance process.

Town Manager Shane said they will have input, but he cannot protect them from uses that would be harmful to the aquifer. If they wanted to start doing something different on their property years from now, that would be a policy decision that the Council would have to make to allow the use or not. Understanding the aquifers and the impact on them is an education process. The uses that are allowed today are monitored with no impact, but new uses in the future will have to be looked at very closely.

12 – 173 To set a Public Hearing date (October 22nd) to consider and act on repealing and replacing Chapter 235 (Solid Waste) of the Cumberland Code.

Town Manager Shane said that staff is in the process of reviewing the Solid Waste Ordinance and making it more Cumberland friendly. The current ordinance is very generic and originated when 15 communities got together to build Regional Waste Services in Portland.

Motion by Councilor Storey-King, seconded by Councilor Stiles, to set a Public Hearing date of October 22nd to consider and act on repealing and replacing Chapter 235 (Solid Waste) of the Cumberland Code.

VOTE: 6-0

UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – There has been a pile of junk placed curbside at a house across from the fair grounds. It appears that the pile has shrunk, but it has been there longer than it should have been.

Last Thursday, he had the pleasure of attending the Maine Municipal Association Convention with Town Manager Shane and Economic Development Director, Alyssa Tibbetts. He attended some interesting meetings while he was there.

Councilor Storey-King – The Recreation Advisory Committee has been doing some great work. They have been reviewing the youth policies regarding levels of competition, and playing time. It seems to be coming from a place of uniformity and what is best for the children. She applauded the committee and their hard work.

Greely football has begun. They are playing Mountain Valley at home on Friday evening.

Councilor Perfetti – None.

Chairman Moriarty – Sadly, a former Cumberland Town Councilor has passed away. Dan Bates was a resident of the Wildwood neighborhood and served a single term on the Town Council from 1984 – 1987, and was Chairman during his last year. Thoughts go out to Dan's family.

The Cumberland/North Yarmouth Joint Standing Committee met last week after a few months off. It was a successful and productive meeting. There are two new members from North Yarmouth and the committee will continue to alternate meeting locations between Cumberland and No. Yarmouth. The next meeting will be in January.

Councilor Stiles – Thank you to the residents of Cumberland for helping with the food bank and helping his 4-H group. The Town was able to purchase meat for the food bank freezer at the 4-H auction. He thanked the Atlantic Regional Credit Union, Norton Financial Services, Rachel's On the Green, Fred Kinney, and the many anonymous donors. The auction helps the 4-H kids and residents in need of food.

Councilor Gruber – He had the pleasure of working an evening at the West Cumberland Methodist Church's booth during the fair. There was a money jar put out for donations to the food bank and the church has generously offered to match those donations. The whole process of putting the food bank together has been a tremendous community event. The Manager's wife, Linda Shane, has been doing a great job painting in the new food bank.

VNA Home Health is offering free flu shots for anyone who comes to their facility at 50 Foden Road in South Portland.

Town Manager Shane – It is important to mention that North Yarmouth residents are also donating to the food bank. North Yarmouth Selectman, Mark Girard, helped build shelves in the food bank.

In regard to the two subdivisions that the Council approved on Route 100, Walnut Hill has run into some problems with the DEP and Army Corp of Engineers. They will not be allowed to put the road into the subdivision through the wetland as planned (directly across from Castle Rock). The road will have to be moved 50 – 75 feet up Route 100. The Manager and Planner had been working with MDOT to reduce the speed limit and add a center lane from J. Brothers, all the way through the corridor. DOT is supportive of that plan.

VI. ADJOURNMENT

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

VOTE: 6-0

TIME: 7:45 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

Not present at meeting. Minutes taken from DVD of meeting.