

MINUTES
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, June 4, 2012

7:00 p.m. Call to Order

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

I. APPROVAL OF MINUTES

May 14, 2012

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

VOTE: 7-0

UNANIMOUS PASSAGE

II. MANAGER'S REPORT

We have had over 8 inches of rain since the weekend storm. Almost every drainage system in town was over taxed and many roads were washed out. Thankfully, the damage was not too bad.

There will be a Universal Waste day in June (date to be decided). Universal Waste consists of televisions, computers, air conditioners, and fluorescent light bulbs. More information and a definite date will be forthcoming via Town website, Town Crier, and at the next Town Council meeting.

The railroad repair (the installation of additional welded rail) has been postponed to tomorrow. Tuttle & Greely Roads will be closed for approximately 15 minutes each time they come across those intersections to do the repairs. We do not know the exact time that this will be happening.

III. PUBLIC DISCUSSION

Brad Hilton of Blanchard Road said that too often citizens do not get the opportunity to say what a good job the Town Council and Planning Board do. He hears this often from other residents and thought he should mention it. He reminded the public to vote at the next election, even though the three Town Council candidates are running unopposed.

Mr. Hilton said that he is still opposed to impact fees and plans to organize a citizens group and take time to gather some facts. Impact Fees do not make sense anymore and he feels that it should have been abolished 5 years ago. The original objective was to minimize overcrowding of schools and that trend never happened. He feels that he can prove that the mil rate has increased as a result of impact fees. He will be watching the building permit levels and if they pick up to 3.5 permits per month (42 per year), he will drop his efforts. Unfortunately, he does not anticipate this happening.

IV. LEGISLATION AND POLICY

12 – 085 To set a Public Hearing date (June 18th) to consider and act on draft amendments to the Contract Zone Agreement for Small's Brook Crossing, as recommended by the Planning Board.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a Public Hearing date of June 18th to consider and act on draft amendments to the Contract Zone Agreement for Small's Brook Crossing, as recommended by the Planning Board.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 086 To hold a Public Hearing to consider and act on the adoption of a Road Acceptance Ordinance.

Town Manager Shane explained that Town staff and the Ordinance Committee have been working on this ordinance for several months, and he feels that the ordinance is a good one. Simply put, it adds legality to the road acceptance process. The most significant piece of the ordinance is the occupancy requirement of 75%. All the Council comments from past road acceptance discussions have been incorporated into the ordinance.

Public discussion: None

Councilor Stiles said that it is a well done ordinance and addresses all the issues he has had in the past with road acceptance. He asked the Manager to clarify section 5.6 (Drainage Maintenance) as it seems that the people who put the road in are responsible for the maintenance of all detention ponds and infrastructure for perpetuity. There is no time limit.

Town Manager Shane explained that it is the standard that drainage/detention ponds are the responsibility of the homeowners association, as far as maintenance. The maintenance specifics are spelled out clearly in the Subdivision Ordinance and are reviewed during the Planning Board process.

Councilor Gruber said that while the 75% occupancy requirement sounds terrific, he feels that the 2-year warranty agreement should be longer. Perhaps an incentive for the developer might be if they get to 100% occupancy, the warranty period will be 2-years. Otherwise, it will be 3-years, or until they get to 100% occupancy, then it will be 2-years. He feels this will promote completion of developments.

Town Manager Shane said that Councilor Gruber makes a good point. However, it will sometimes be 3 or 4 years before a development is 75% occupied. Given that timeframe, the infrastructure will already have been tested multiple times, and the Town will have tested for defects and done road inspections multiple times. It is a huge success for any subdivision to get to 75% in 3 years.

Public discussion: None

Motion by Councilor Gruber to adopt the Municipal Road Acceptance Ordinance of the Town of Cumberland with the revision of the responsibility of maintenance from 2 years to 3 years.

No second, motion fails.

Councilor Moriarty asked Councilor Gruber what his thought process is in extending 2 years to 3 years.

Councilor Gruber responded that he felt it would give the developer motivation to build a subdivision to 100%.

Councilor Moriarty said that he felt that the motivation to do so would be there anyway.

Councilor Turner said he also does not understand why increasing maintenance agreement from 2 to 3 years would be an incentive to a developer to build to 100%.

Councilor Gruber agreed with these points and decided to withdraw his previous motion.

Motion by Councilor Storey-King, seconded by Councilor Stiles, to adopt the Municipal Road Acceptance Ordinance of the Town of Cumberland.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 087 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the United Maine Craftsmen’s 43rd Annual Cumberland Arts and Crafts Show, August 9th – 12th, 2012 at the Cumberland Fair Grounds.

Town Manager Shane explained that this is a well-attended, successful, annual event at the fairgrounds. Staff has met with the applicant and is recommending approval.

Public discussion: None

Motion by Councilor Stiles, seconded by Councilor Turner, to approve the Mass Gathering Permit for the United Maine Craftsmen's 43rd Annual Cumberland Arts and Crafts Show, August 9th - 12th, 2012 at the Cumberland Fair Grounds.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 088 To re-appoint Susan McGinty as Cumberland’s representative to the EcoMaine Board, and William Shane as alternate, for the term of July 1, 2012 – July 1, 2015.

Motion by Councilor Stiles, seconded by Councilor Copp, to re-appoint Susan McGinty as Cumberland's representative to the EcoMaine Board, and William Shane as alternate, for the term of July 1, 2012 – July 1, 2015.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 089 To consider and act on forwarding amendments to the HC, VOC1,VCC Zones, and Section 104.103 Definitions (Net Residential Acreage), to the Planning Board for a Public Hearing and recommendation.

The HC Zone is located on Route 9 near Corey Road. Approximately 60% of the zone consists of single family homes. Norene Ward (a resident and business owner in the HC Zone) requested a zone change to allow for additional single family homes, duplexes, multiplexes, and motor vehicle service/repair to be allowed in the HC Zone (currently, gas stations and motor vehicles sales are allowed, but not service). There was a neighborhood meeting a few weeks ago, and all those who attended were very much in support of these changes.

The VOC-1 Zone is located on the northern end of Route 100 (near Gray). The change to this zone will be to add multiplexes and to allow for 8,000 square feet per bedroom (the same calculation as the State Plumbing Code). The proposal that Mr. Haggerty presented a few weeks has been scaled down from 12 units to 5-6 units, which is a good compromise and he is still willing to move ahead on the project.

The Net Residential Acreage calculation; currently our ordinance requires a 15% reduction for roads and parking areas. Most engineers would tell you that if they could reach 6%, that would be a lot. The amendment will allow for the calculation of actual road and parking in any development, rather than a flat 15%.

Lastly, a map change in the VCC Zone; the last two properties located at the point of Route 100 and the Old Gray Road will be rezoned to VOC-1.

All these changes are good ones and will benefit many projects.

Councilor Storey-King suggested that in the Net Residential Acreage section (.103.1) the word “applicants” be added for clarity (Area for roads and parking as shown on the applicants proposed plan).

Councilor Moriarty suggested that the Manager ask the Town Planner if she thinks it is a necessary addition, and if so, she can make the amendment before sending it to the Planning Board.

Councilor Storey-King agreed.

Motion by Councilor Moriarty, seconded by Councilor Copp, to forward amendments to the HC, VOC1, VCC Zones, and Section 104.103 Definitions (Net Residential Acreage), to the Planning Board for a Public Hearing and recommendation back to the Town Council.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 090 To set a date of June 18th to hear a report from the Finance Committee Chair and to authorize the Town Manager to transfer inter-departmental operating funds for FY’12.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to set a date of June 18th to hear a report from the Finance Committee Chair and to authorize the Town Manager to transfer inter-departmental operating funds for FY’12.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 091 To hold a Public Hearing to adopt the amended MMA Model General Assistance Ordinance and Appendixes A-C for the period of July 1, 2012 thru June, 2013.

Town Manager Shane explained that these amendments are a direct result of the changes made by the State Legislature in their past session, by reducing the maximum benefits by 10% for General Assistance. It also limits the amount of rent that the Town can be reimbursed for from 12 months to 9 months. The Town receives .50 cents back for every dollar that they spend on General Assistance and if the guidelines are not followed, the Town would not receive any reimbursement.

Public discussion: None

Motion by Councilor Moriarty, seconded by Councilor Turner, to adopt the amended MMA Model General Assistance Ordinance and Appendixes A-C for the period of July 1, 2012 thru June 30, 2013.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 092 To hold a Public Hearing to consider and act on a Class I Liquor License for Doc’s Café and Marketplace for the period of June 4, 2012 – June 4, 2013.

Town Manager Shane said that Doc’s Café had a very successful opening weekend. They have applied for their State Liquor License and the first step in that process is to have Municipal approval. There is a 350 foot setback from schools and churches for any establishment that serves alcohol, and Doc’s may be within that setback if measured as the crow flies, but not by sidewalk distance. The State has been contacted in regard to this and they are of the opinion that if the liquor license gets approved at the Municipal level, they will not have issue with the proximity to the school or church.

Public discussion: None

Motion by Councilor Copp, seconded by Councilor Gruber, to approve the Class I Liquor License for Doc's Café and Marketplace for the period of June 4, 2012 – June 4, 2013.

VOTE: 7-0

UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner - Given the massive amount of rain that we have had, the problem areas are being taken care of very quickly. Kudos to the Public Services Department and MDOT.

Councilor Copp – Condolences to the Logan family of West Cumberland. Polly Logan passed away recently at the age of 87. Her husband passed away 2 years ago and they were both huge assets to West Cumberland and great people.

Reminder to residents to vote on June 12th or before via absentee voting.

Councilor Storey-King – Congratulations to the Town Manager and Fire Chief, Dan Small for another successful Memorial Day Parade and Veterans Monument dedication ceremony. Thank you to Councilor Moriarty for emceeding the dedication ceremony. The monument looks great and she is proud of all the work that was done making it happen.

Thank you to Phil Gleason for moderating Meet the Candidates Night. She encouraged residents who may have missed it to watch the rerun on channel 2.

She had the opportunity to eat at Rachel's On the Green and Doc's Café last week. Both have excellent food.

Councilor Moriarty – Thank the Town Manager and his staff, Fire Chief Small, the Public Works Department, and the Cemetery Association for making the Memorial Day Dedication Ceremony so special.

Chairman Perfetti – A reminder to the viewing audience that because of the election next week, the next Town Council meeting will be on June 18th in order to swear in newly elected Town Councilors. The Council will consider whether to cancel its June 25th meeting on June 18th.

Councilor Stiles – He has heard a lot of positive remarks regarding the parade and wondered if there is a video of the parade and dedication ceremony that could be played on Channel 2.

Town Manager Shane said that unfortunately, there is no video, but the speeches and photos are posted on the Town website.

Councilor Gruber – The Shellfish Commission held a stenciling event recently on the storm drains on Route 88. The freshman class of Greely High School volunteered to work on this project. The stencils are a reminder that anything dumped into a storm drain goes directly to Casco Bay. Thank you to the Public Works and Police departments for all their help with this event. A special thanks goes to Shellfish Commission member, Jessica Joyce for coordinating the entire event.

The Lands & Conservation Commission celebrated Arbor Day by visiting the 4th & 5th grade classes of Mable I. Wilson School and gave the students tree plugs to plant. 330 new trees will be planted in the community. A special thanks to Lands & Conservation Commission member, Penny Asherman who coordinated the event.

Town Manager Shane – Postcards were mailed last week for a Route 100 neighborhood meeting that unfortunately had the wrong meeting date on them. Corrected postcards were mailed the next day. The meeting is this Wednesday, June 6th at 6:00 p.m. at Town Hall to discuss a proposed affordable housing project on Route 100.

VI. ADJOURNMENT

Motion by Councilor Gruber, seconded by Councilor Moriarty, to adjourn.

VOTE: 7-0

UNANIMOUS PASSAGE

TIME: 7:54 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary