

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, September 9, 2013

6:00 P.M. Tour of new ambulance

6:15 P.M. WORKSHOP re: Hunting on Town owned property & discussion re: dedication of Town Report.

7:00 p.m. Call to Order

Present: Councilors Stiles, Turner, Copp, Storey-King, Gruber, Edes and Bingham

I. APPROVAL OF MINUTES

Motion by Councilor Bingham, seconded by Councilor Edes, to accept the August 26, 2013 minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Town paving has started. The area of Orchard and Whitney Roads are being paved now. Blanchard Road will not be paved until after the fair. The gas main work on Blanchard Road should be wrapping up in the next day or so.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

13 – 138 To hold a Public Hearing to consider and act on a Class I Liquor License for James Guidi d/b/a Louie's Grille located at 319 Main Street, for the period of October 1, 2013 through October 31, 2014.

Chairman Stiles opened the Public Hearing.

Town Manager Shane said that the application is complete and staff is recommending approval. Mr. Guidi is present this evening to give an update on the construction of his new café.

Mr. Guidi said that the café should be opening October 15th – 30th. Construction has delayed the October 1st target opening date. Louie's Grille will be a burger and steak establishment. Brenda Pitcher will be doing the baking with coffee and pastry being served in the morning opening at 6:30, then lunch beginning at 10:30 a.m. and closing for dinner service by 9:00 p.m.

Councilor Edes asked Mr. Guidi for the seating and parking capacity of the café.

Mr. Guidi said that per the zoning requirements, the seating maximum is 48, which he plans to have. As far as parking spaces, the entire site can hold up to 32 spaces.

Public discussion: None

Chairman Stiles closed the Public Hearing.

Motion by Councilor Turner, seconded by Councilor Bingham, to approve the Class I Liquor License for James Guidi d/b/a Louie's Grille located at 319 Main Street, for the period of October 1, 2013 through October 31, 2014.

VOTE: 7-0

UNANIMOUS

13 – 139 Council discussion re: consideration of amending the Traffic Ordinance to consider alternative traffic calming measures for Val Halla Road, Hedgerow Drive, and Country Charm Road area and prohibition of left turn.

Town Manager Shane explained that this topic has been brought many times to Councilors by residents. Approximately 10 years ago, residents of the neighborhood came before the Council to request some traffic calming measures for the roads coming and going from Val Halla. The no left turn from Val Halla Road to Country Charm Road and Hedgerow Drive results in some vehicles making a U-turn on Val Halla Road, and turning right on Country Charm or Hedgerow to go through to Main Street. Manager Shane said that if the Council decides to amend the traffic ordinance, the neighborhood should be invited to the Public Hearing to give the Council their input.

Councilor Bingham said he would not have a problem eliminating the no left turn if seasonal speed bumps on Hedgerow and Country Charm can be installed.

Councilor Edes asked the Manager how much the speed tables cost.

Manager Shane said the two speed tables and signs would cost approximately \$6,000.

Chairman Stiles said that he would like the stop sign at Val Halla Road and Hedgerow Drive removed.

Jim Guidi of Hedgerow Drive said there are a lot of children at the end of Hedgerow Drive, and he hears a lot of complaints from his neighbors about vehicle driving too fast. Mr. Guidi agreed that seasonal speed bumps are a good solution and the no left turn seems a bit ridiculous.

Motion by Councilor Bingham, seconded by Councilor Turner, to set a Public Hearing date of October 14th to consider and act on amending the traffic ordinance to eliminate the prohibition of left turn on to Hedgerow Drive and Country Charm Road, from Val Halla Road, and install a seasonal speed table, half way, on Hedgerow Drive and Country Charm Road.

VOTE: 7-0

UNANIMOUS

Councilor Turner suggested consideration of removal of the stop sign on Val Halla Road and adding a speed table there as well.

Councilor Edes said that the Ordinance Committee considered this and decided it would be best to leave the stop sign.

13 – 140 To set a Public Hearing date (September 23rd) to consider and act on amendments to Section 216 (Sewers) of the Cumberland Code, as recommended by the Board of Sewer Appeals.

Motion by Councilor Copp, seconded by Councilor Edes, to set a Public Hearing date of September 23rd to consider and act on amendments to Section 216 (Sewers) of the Cumberland Code, as recommended by the Board of Sewer Appeals.

VOTE: 7-0

UNANIMOUS

13 – 141 To set a Public Hearing date (September 23rd) to consider and act on draft zoning amendments to Chapter §315-4 of the Cumberland Code (Word Usage and Definitions - Business and Professional Office) to add the phrase: *This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes.*

Motion by Councilor Storey-King, seconded by Councilor Edes, to set a Public Hearing date of September 23rd to consider and act on draft zoning amendments to Chapter §315-4 of the Cumberland Code (Word Usage and Definitions - Business and Professional Office) to add the phrase: *This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes.*

VOTE: 7-0 UNANIMOUS

13 – 142 To set a Public Hearing date (September 23rd) to consider and act on draft zoning amendments to § 315- 52 of the Cumberland Code (Height Regulations) to increase the building height from 35 feet in all districts to 40 feet.

Town Manager Shane said that the Code Enforcement Officer will be present on September 23rd to answer questions. Roof additions such as cupola's can put a structure over the height restriction. This is becoming more problematic.

Motion by Councilor Edes, seconded by Councilor Copp, to set a Public Hearing date of September 23rd to consider and act on draft zoning amendments to § 315- 52 of the Cumberland Code (Height Regulations) to increase the building height from 35 feet in all districts to 40 feet.

VOTE: 7-0 UNANIMOUS

13 – 143 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, draft zoning amendments to §118-7A(1) of the Cumberland Code (Growth Permits) to increase the maximum number of new growth permits issued annually.

Town Manager Shane said that the Code Enforcement Officer advised him that we are about to hit the annual maximum in growth permits (which is a very good problem to have). The Ordinance Committee has discussed this and Assistant Town Manager Tibbetts is here to explain more.

Assistant Manager Tibbetts explained that we will exceed the 50 growth permits allowed and anticipate the number to reach 70 by the end of the year. Over the past 10 years, the numbers have ranged from the lowest of 16 permits in 2010 and the highest of 68 in 2003. The proposal is to increase the maximum allowable growth permits to 65 plus an additional 7 for affordable housing units, as required by statute. The Ordinance Committee discussed allowing the carry forward of up to 10 permits from the prior year and borrowing up to 10 permits from a subsequent year, not to exceed 85 permits in any one calendar year.

Councilor Storey-King said that the Ordinance Committee intended to prevent any mass, sudden, thoughtless growth. We have done a good job of thoughtful growth in this community and we should expect that to continue.

Motion by Councilor Gruber, seconded by Councilor Copp, to forward to the Planning Board for a Public Hearing and recommendation, draft zoning amendments to §118 of the Cumberland Code (Growth Management) to increase the maximum number of new growth permits issued annually.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Turner – Wishes his wife of 35 years a happy birthday today, and will address one of her pet peeves, which is pedestrians not walking against traffic and cyclists not riding with traffic. Recently, he encountered this on Route 88 where 3 cyclists stopped on the road to talk, causing oncoming traffic to veer out of the way to avoid them. This is very dangerous and inconsiderate.

Councilor Bingham – Acknowledged the passing of Bert Davis. Bert was a Pearl Harbor survivor, who spent a lot of time in our schools educating kids on WWII. Bert was usually present at our Memorial Day parade and speaking there. He was a key part of the life and acknowledgement of Veterans.

Thank you to the Veterans Monument Committee for their work. The committee consists of: Bill Shane, David Joyce, Linda Collins, Harland Storey and Bob Storey. The work that the committee did meant a lot to many, many people in this community. As his personal thanks to the Veterans Monument Committee, Councilor Bingham pledges to purchase three wreaths every Christmas season to place on the monuments.

Councilor Storey-King – On Veterans Day this year (November 11th) there will be a very special celebration to honor our Korean War Veterans. Donations are being accepted for advertising space in the celebration program. The money will provide a meal and a t-shirt for the Korean War Veterans participating in the event. To date, Atlantic Regional Credit Union has purchased a full page ad, and Charlie Sparrow purchased an ad for his painting/home repair business. She is getting a bit of reluctance from the high school and middle school band directors, because Veterans Day is a holiday and they are concerned that the students will be looking forward to a long weekend and may not want to participate. She reminded the community that the reason we have the day off from school or work, is to honor our Veterans. Giving up 30 minutes on that morning is not a lot to ask.

Cumberland was mentioned in the Maine Municipal Association publication (The Maine Townsman) in an article about towns that make the sharing of personnel work. Our shared Assessor and Code Enforcement Officer with Yarmouth was mentioned and the fact that support from the Manager's made it work. This was very nice press for the Town.

She wants to let everyone know that the Ordinance Committee is no longer working on the fire ordinance and they have left it as is.

Councilor Gruber – He cannot thank the community enough for the volunteer work they do at the Food Pantry. Councilor Storey-King's mother volunteers and Councilor Turner's wife will be joining the volunteers.

Thank you to the resident who made a donation for children's school supplies. We were able to help out a large number of families with school supplies.

Thank you to Town Manager Shane and his wife for all the work they do at the Food Pantry.

He has recently joined the Southern Maine Agency on Aging Board. He is a strong advocate for the aging residents in our community.

Chairman Stiles – The September 23rd Town Council meeting start time will be moved back to 7:30 to allow him to get his duties at the fair done and make it to the Council meeting.

He urged the Council to help him solicit funds for the 4-H auction to raise money for meat for the Food Pantry.

Councilor Edes – Asked the Manager the status of the Animal Control Officer position.

Manager Shane said that Chuck Burnie has retired from the Police Department, but is willing to help us out until an ACO is hired. We are currently working with the towns of Falmouth, North Yarmouth and Yarmouth to share 2 ACO's. We should know more in the next couple of weeks.

Councilor Edes said that he has heard good things from residents about how helpful the employees are in the Code Enforcement Office, and that Bill Longley in particular, is very good to work with.

Councilor Copp – Referenced a newsletter from the Historical Society that had a school picture from 1951 that had Brad Hilton in it. Carolyn Small has so many old, interesting pictures. Mrs. Small and the entire Historical Society do a great job.

Town Manager Shane – ICMA is now offering a Roth IRA plan that we can offer our employees if the Council authorizes him to enter into the agreement with ICMA.

Motion by Councilor Bingham, seconded by Councilor Turner. to authorize the Town Manager to enter into an agreement with ICMA to include a Roth IRA Plan.

VOTE: 7-0 UNANIMOUS

The NCAA Division III Men's Cross Country National Championship has invited Cumberland to put our name in the running to hold their event at Twin Brook next year. It is an honor to be considered and the Manager will draft a letter on behalf of the Town Council to be reviewed at the next meeting.

Councilor Storey-King said that the Twin Brook Committee is meeting this week and she would like to advise them of this out of consideration.

The Cumberland/North Yarmouth Joint Standing Committee will meet on Thursday to discuss community updates and the possibility of combining Public Works facilities.

Town Hall will be closed on September 30th for employee training and employee appreciation luncheon.

We have received a Wharfing Out Permit for 15 Ledge Road for a pier replacement. The Coastal Waters Commission will be holding a site-walk and application review on September 16th, and then it will come before the Council on September 23rd with the commission's recommendation.

VI. ADJOURNMENT

Motion by Councilor Storey-King, seconded by Councilor Edes, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME: 8:05 P.M.

Respectfully submitted by,

Brenda L. Moore
Executive Assistant