

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, JANUARY 26, 2009

6:00 p.m. WORKSHOP with Town Attorney re: Poverty Abatements

7:00 p.m. CALL TO ORDER

I. APPROVAL OF MINUTES

January 12, 2009

II. MANAGER'S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

09 – 009. To hear a request from The Long Group re: a Contract Zone request for a bank to be located at the former Chase Flower Shop site on the corner of Main Street and Farwell Avenue.

09 – 010. To hold a Public Hearing to consider and act on a Victualer's License, Special Amusement Permit, Class I Liquor License, and Mobile Service Cart License for The Sparrow's Nest, d/b/a The Viking Grill, for the period *February 2009 – February 2010*.

09 – 011. To appoint members to Town Boards/Committees for 2009.

09 – 012. To set a Public Hearing date (*February 9th*) to authorize the Town Manager to bond the reconstruction of Range Road.

09 – 013. Resolution in support of PACTS "High Priority Project" Candidates.

09 – 014. To set a Public Hearing date (*February 23rd*) to consider and act on a zone change to the Doane Property, Map U10, Lot 7B, from Rural Residential One (RR1) to Village Mixed Use Zone (V-MUZ), allowing a mix of residential, office commercial and retail uses.

V. NEW BUSINESS

VI. ADJOURNMENT

VII. WORKSHOP (after Council Meeting) re: non-conforming uses

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, JANUARY 12, 2009

6:00 p.m. Workshop

7:00 p.m. Call to Order

6:00 p.m. WORKSHOP with the Route 88 Bike/Pedestrian Committee re: Committee report and recommendation.

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

Committee Members: Mike Lebel, Julie Restuccia, John Tarling, Carolyn Murray, Tom Gruber, Lisa Nolan, John Ferland, and Town Manager Shane. There were 10 residents in the audience.

Mike Lebel presented an overview of the project. Funding estimated to be \$240,000.00 +/- for the engineering for the project.

7:00 p.m. ROLL CALL: Present: Chairman Turner, Councilors Copp, Perfetti, Porter, Stiles, Moriarty, and Storey-King.

I. APPROVAL OF MINUTES

December 22, 2008

Motion by Councilor Stiles, seconded by Councilor Copp, to accept the minutes as presented.

VOTE: UNANIMOUS PASSAGE 7-0

II. MANAGER'S REPORT

The Manager and Police Chief Charron have checked Range Road to see if it is necessary to close the road for the winter because of the condition of the road. The Manager also checked with the equipment operator who has plowed the road this year. The consensus is to wait another couple of weeks.

Management met this morning with the Public Works and Parks Union in regards to the tough budget climate right now. Both have agreed to forego 50% of their overtime pay and accept it as comp time, which will save the town between \$20,000.00 to \$30,000.00 over the winter. The Manager would like to thank the Unions for their cooperation. They were very generous and have stepped up to the plate.

A week from tomorrow, Tuesday, January 20, 2009, the Manager will be meeting with the Cumberland Emergency Management Team to discuss the Presidential declaration that has come from the ice storm. It has been declared as a disaster, so we will be eligible for financial aid for the cost that the Town spent on that storm.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

09 – 001 To hear a report from Library Director, Thomas Bennett re: Library update.

Library Director Thomas Bennett presented a slide show re: the work that was completed on the building over the summer. Mr. Chuck St. Hilare of Auburn was hired to do several repair projects to the library. Bricks were re-pointed, acid washed, and water proofed. Several were in need of replacement as well. Great care was taken to be as historically accurate as possible with the repairs. The slates on the roof were repaired, replacing 60 of them as well. Gutter work was also done, with the gutters being connected to the downspouts. The repairs that were done should preserve the building for the next 50 years. Councilor Storey-King thanked Mr. Bennett for the link on the town web site to the roads in the Town of Cumberland and their history. Councilor Copp asked if it was still possible to obtain a passport from the library. Mr. Bennett explained that citizens can do their application at the library and it is then mailed out on the same day. It is best if an appointment is scheduled.

09 – 002 To appoint members to Town Boards/Committees for 2009.

Motion made by Councilor Porter, seconded by Councilor Moriarty to table this item until the January 26, 2009 meeting.

VOTE: UNANIMOUS PASSAGE 7-0

09 – 003 To hold a Public Hearing to act on the 2009 Municipal Warrant for unlicensed dog owners/keepers.

Town Manager Shane explained that this is an annual event. The warrant gives the Animal Control Officer the authority to issue warrants for all unlicensed dogs.

Motion by Councilor Perfetti, seconded by Councilor Story-King to issue the 2009 Municipal Warrant for unlicensed dog owners/keeper.

VOTE: UNANIMOUS PASSAGE 7-0

09 – 004 To hold a Public Hearing to consider and act on the Greely High School Swimming Pool License renewal for calendar year 2009.

Town Manager Shane explained that staff is recommending approval of this license. Councilor Moriarty questioned if this is part of the renovation project. Yes, it is part of the renovation, and is still being used until after swim season. Public Hearing opened. No comment. Public Hearing closed.

Motion by Councilor Stiles, seconded by Councilor Perfetti to approve the Greely High School Swimming Pool License renewal for calendar year 2009.

VOTE: UNANIMOUS PASSAGE 7-0

09 – 005 To hold a Public Hearing to consider and act on a Victualer's License for Bernie's Xpress located at 121 Blackstrap Road for the period of January 2009 – June 2009.

Town Manager Shane explained that this is the previous location of Fog Cutter Coffee. There is a new owner, Bernie's Express. Manager Shane recommended that the approval be contingent upon inspection by the Health Inspector. All paper work is in place. Councilor Storey-King questioned why this was not put to public notice first. Town Manager Shane explained that we typically do a notice, however, there is no requirement by law that we have to do that. Chairman Turner opened the public hearing. The owners thanked the Council. Chairman Turner closed the public hearing.

Motion by Councilor Porter, seconded by Councilor Stiles to approve the Victualer's License for Bernie's Express located at 121 Blackstrap Road for the period of January 13, 2009, thru June 30, 2009, contingent upon approval by the health inspector.

VOTE: 6-0-1 PASSAGE (Councilor Copp abstaining)

09 – 006 To set a Public Hearing date (January 26th) to consider and act on a Victualer's License, Special Amusement Permit, Class I Liquor License, and Mobile Service Cart License for The Sparrow's Nest d/b/a Viking Grill for the period of February 2009 – February 2010.

Town Manager Shane explained this is part of a continuing effort to privatize part of Val Halla. The Town has accepted a proposal from Charlie Sparrow to operate the Viking Grill. He will also be doing the alcohol services for the MSGA. This is for the cart license and the special amusement permit as well. Councilor Porter clarified that the Town is only looking to privatize this portion of Val Halla, not the golf course itself. Public Hearing opened. No comment. Public Hearing closed.

Motion by Councilor Perfetti, seconded by Councilor Moriarty, to set a public hearing date of January 26, 2009, to consider and act on a Victualer's License, Class I Liquor License, Special Amusement Permit, and a Mobile Service Cart License for the Sparrow's Nest d/b/a Viking Grill for the period of February 2009-February 2010.

VOTE: 6-0-1 (Councilor Storey-King abstaining)

09 – 007 To set a Public Hearing date (January 26th) to consider and act on amendment to Article XIV, Section 14-3 of the Cumberland Traffic Ordinance, prohibiting parking on the west side of Blanchard Road, south of the exit for Sevee & Maher and to the west side of Main Street through and including the new church exit.

Town Manager Shane explained that this item was given to the Council by the Planning Board. If this item goes forward, a public hearing needs to be scheduled. If the Council decides to not go any further with this item, it can be tabled. Councilor Perfetti stated that adding 12 more parking spaces and restricting parking seems excessive to him. It would seem to make it more dangerous. Councilor Moriarty requested that a sketch be given to the Council when it comes before them again. Councilor Porter stated that we should give this 6 -12 months to see if the parking is truly an issue once the new spaces are available. Councilor Copp stated he agreed with Councilor Porter. Councilor Moriarty questioned if the Council has an obligation to hear this out, as it was presented by the Planning Board. Town Manager Shane explained that the Council has the authority to restrict parking. The Planning Board made a recommendation to the Council. The project will go forward, however, the Planning Board would like the Council to revisit this as a safety issue. Chairman Turner clarified that tabling this issue does not mean the Council is killing it.

Motion by Councilor Perfetti, seconded by Councilor Copp to *table this item until July*.

VOTE: UNANIMOUS PASSAGE 7-0

09 - 008 To hear a report from the Finance Committee Chair re: FY'09 2nd quarter financials.

Councilor Stiles explained that the Town's expenses are up 2.1%, and if they continue that way, we will have a shortfall of \$137,748.00. Normally this would not raise an eyebrow, except that revenues are down by 4%. When the two are netted together, it shows a shortfall of \$281,000.00.

The budget committee met earlier to look at ways to address this. Councilor Moriarty questioned if the revenue shortfall included property taxes. Councilor Stiles responded that property taxes are holding steady. Chairman Turner stated that the trend is showing figures that the Council obviously does not like. The Council is looking at this pretty hard and there will be some hard choices to make.

V. NEW BUSINESS

Councilor Copp thanked Public Works and Parks for stepping up. He truly appreciates their effort. It shows they really care about their jobs and they do a great job.

Councilor Storey-King commented that she has been at Twin Brook a lot in the couple of weeks, and has noticed that there is a lot of dog waste on the trails. She would encourage people to take dogs on the Greely Road side of Twin Brooks. The trails are in great shape, thank you to the Ski Club. The trail maps that are on line need to be updated as well. The historical society is hosting a presentation by Ruth Norton on Thursday night at 7:30 p.m.

Councilor Porter also thanked the Union body. Councilor Porter has a letter from Eco-Maine for a nomination for the Eco-Excellence award. Councilor Porter suggested the letter be given to the Cool Cities Committee for a nomination. Councilor Porter questioned when the Cool Cities Committee will have a report for the Council. Finance Director Alex Kimball, also part of the Cool Cities Committee responded that the committee should have some recommendations by the end of the next meeting for the Council.

Councilor Stiles thanked the plow drivers for the great work that they do. He would also like to remind people that they should not be shoveling snow into the roadway. There is a stiff penalty for doing so.

VI. ADJOURNMENT

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

VOTE: UNANIMOUS PASSAGE 7-0

TIME: 7:50 p.m.

WORKSHOP HELD re: goal setting for FY'10at 7:51 p.m.

Respectfully Submitted,

Tammy O'Donnell
Deputy Town Clerk