AGENDA
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, February 9, 2009
6:00 p.m. Workshop
7:00 p.m. Call to Order

6:00 p.m. WORKSHOP with Gorrill-Palmer Engineers re: Range Road updates

I. APPROVAL OF MINUTES
   January 26, 2009

II. MANAGER’S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

   09 – 015 To hold a Public Hearing to authorize the Town Manager to bond the reconstruction of Range Road.

   09 – 016 To accept donations on behalf of the Fire Department.

   09 – 017 To set a Public Hearing date (February 23rd) to consider and act on an Off-Premise Retailer with Malt & Vinous License for Basil Provisions, 137 Main Street, for the period of March 2009 – March 2010.

   09 – 018 To set a Public Hearing date (February 23rd) to consider and act on authorizing a license for access to Greely Road Extension.

   09 – 019 To set a Public Hearing date (February 23rd) to consider and act on a Wharfing Out Permit for Scott Searway, 3 Ledge Road.

   09 – 020 To hear a report from the Town Manager re: introduction to the FY’10 municipal budget.
09 – 021 To set dates for FY’10 municipal budget workshop.

V. NEW BUSINESS

VI. EXECUTIVE SESSION – pursuant to Title 36 M.R.S.A., § 841, re: Poverty Abatement Application.

VII. ADJOURNMENT
MINUTES
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
ROLL CALL: Chairman Turner, Councilors Copp, Perfetti, Storey-King, Porter, Stiles and Moriarty.

I. APPROVAL OF MINUTES

January 12, 2009
Motion by Councilor Porter, seconded by Councilor Perfetti, to accept the minutes as presented. VOTE: UNANIMOUS PASSAGE 7-0

II. MANAGER’S REPORT

• Finance Committee meeting with the town of North Yarmouth next week regarding cost-sharing of Library and Recreation services.
• Has received many emails in response to his remarks during the last workshop related to the upcoming budget year. Effective immediately, Town Hall is closed on Friday and employees received corresponding pay reductions. “It has been some very trying times” and we are working to avoid a $250,000 hit in the upcoming budget. Revenues are off, especially in the area of excise collections. “A lot of those (cuts) may carry forward in the next budget.” A topic of discussion received with some controversy is that regarding consolidating fire and rescue services. The true and full impact of a consolidation of fire and rescue/paramedic services “probably hasn’t been totally flushed out yet. There is a trade-off.” The combined fire and rescue budgets have been reduced by $50,000 due to rescue response by dual-trained fire/emt personnel. Our regional partners are also facing the same budgetary challenges and are either already providing the service in this manner or looking at such a merger. The Manager has instructed both Chiefs to provide their budgets in a status quo fashion, and the topic of consolidation efforts will be reviewed at the Finance Committee level. He believes the town will need to “get to a consolidated service some day.” But the pros and cons must be flushed out first. “I guarantee you we are going to do what is best for the community.”

III. PUBLIC DISCUSSION

None. Chairman Turner announced that at a recent meeting of the Shellfish and Coastal Waters Commission he learned of the Broad Cove clam flat closure due to “outrageously high” levels of e-coli and fecal coli form. We will “try to get to the bottom of this.” The Town Manager stated the contamination is due likely to a septic system failure in the Route 88 area. If “we can’t identify and mitigate the source” the closure “may be another six to nine months.”

At this time, Chairman Turner addressed Item 09-010 at this time.
IV. LEGISLATION AND POLICY

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.

Town Manager Shane recommended approval of the licenses pending the Health Inspector’s approval. He believes Mr. Sparrow has “some great plans” for the grill and will bring the restaurant “up to the next level. We’re very excited to have him on board.”

No public comments received. Councilor Stiles asked whether this evening’s license approval allowed the sale of liquor anywhere other than the grill and banquet facility. The Town Clerk explained the applicant must provide a diagram of the licensed premises and the state will authorize the sale and/or consumption of alcohol only at the diagramed locations. The mobile service cart permits sale of bottled and canned beer on the course. Councilor Moriarty asked about the opening date and menu items. The restaurant will open officially on April 1, 2009. Mr. Sparrow intends to “bring back the Sunday brunch.”

Motion by Councilor Porter, seconded by Councilor Stiles, to approve the 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.

VOTE: PASSAGE 6-0-1 (Councilor Storey-King abstained)

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.

The Manager explained the group’s presentation document was posted to the town’s web site last week and introduced Mr. Tom Long, consultant for Atlantic Regional Federal Credit Union. Mr. Long described the group’s efforts as “participatory” and included neighborhood meetings. Atlantic Regional Federal Credit Union has 68 years of service covering 17,000 members between Cumberland and Sagadahoc counties. The credit union offers full-service lending and deposits and has a twelve percent capital position.

Mr. Long described Cumberland as the most populated community in Maine not presently serviced by a financial institution. Cumberland residents are older, more affluent, and full-nested homeowners compared to the rest of the state. Greater than 80% of Cumberland’s residents leave the community on a daily basis for employment. This branch will provide an employment base in the community, creating seven jobs in the first year with summer teller positions from the local student body. In addition to the public benefit from the new jobs, the branch will conduct financial education workshops for students, provide teachers with outside financial experts, host student field trips to branches as requested, and provide charitable giving in the form of sponsorships and scholarships.

The Cumberland Comprehensive Survey showed that 72% of our residents support a bank or credit union within the community. The location at 327 Main Street is a “dated” facility that has “probably seen its useful life” and “the proposed reuse will positively impact the streetscape on Main Street, replacing the current structure with a structure more appropriately fitted in this environment.” The architectural renderings showed a facility that resembled a two-story home. Joseph DiDonato, the designer of the Twin Brook Shelter, was selected as the architect for the project. The building
rendering depicted a two-story, 3,300 square foot building, with a first floor banking center which includes a “kid center”, and a second story so added “to incorporate the building into its surroundings.”

The credit union intends public improvements which will include reconstructing the Main Street sidewalk and addition of a sidewalk on both sides of Farwell Avenue; improving the turning radius onto Farwell Avenue from Main Street; constructing six curb parking spaces on Farwell Avenue (five of which will be located in front of the post office); relocating the Main Street crosswalk nearest 327 Main Street to the north corner of Cottage Farms Road, creating two green space park seating areas on premise; a landscape buffer and fencing along the property line adjacent to the drive-up; and improving streetscape with architectural design.

Mr. Long detailed the Contract Zone request as follows: a 39,000 square foot lot area with a lot frontage reduction from 150 to 90 feet; a rear setback reduction from 35 to 12 feet from Farwell Avenue, and a side setback reduction from 15 to 12 feet for the side shed and driveway.

Chairman Turner asked whether the non-compliance would still be an issue if the parking spots across from the post office didn’t exist, and the response was affirmative. Councilor Porter complimented Mr. Long on his presentation and questioned whether any consideration was given to a green design. Councilor Moriarty explained it was necessary to recuse himself because his law firm represented both the Long Group and the Maine Credit Union League. Councilor Perfetti asked how many members are Cumberland residents and was inform approximately 70 residents are members currently.

The following persons spoke during the public hearing: Melissa Gattine, Farwell Avenue, asked about the anticipated traffic count. Tom Erico, Wilbur Associates, who estimated a traffic generation of approximately 76 cars during a weekday peak hour and 77 during the Saturday peak hour, completed the study. Of that amount, about half would be considered “new vehicles to the area.” The remaining are vehicles already in the system traveling within the community. About 20 new vehicles are anticipated to enter and exit during the peak hour. Melissa expressed concern over the idea of 20 additional vehicles turning in that area. She stated the five parking spots will be added along her property line. Mr. Erico responded that his analysis is that the project will not have any detrimental impact to the Main Street/Farwell Avenue intersection. Dan Nuzzi, Main Street, spoke against referring this request to the Planning Board. The comprehensive plan speaks to businesses within an existing commercial zone, which this is not, and he does believe this project serve a public purpose. He is also concerned that Cumberland will receive additional requests if this contract zone is approved. Mr. Nuzzi suggested that while the comprehensive survey responses indicated support for a financial institution, the responses did not necessarily specify a Main Street location. Councilor Porter remarked that the survey did show 54% +/- favored Main Street. Councilor Moriarty believes a zoning amendment made in the last few years removed the distinction of a “clear” benefit. Penny Asherman, Hemlock Drive, drives through the intersection daily and finds it “extremely difficult as it is.” There is also not sufficient space for the children coming on and off the buses. She believes parking on Farwell Avenue should be prohibited. Councilor Stiles asked the traffic engineer about the sidewalks and curbing on Farwell Avenue. The town’s property easement will be utilized to accommodate parking space. Mr. Long indicated the neighborhood meetings produced “three take aways:” (1) a carport style drive thru, (2) parking in front of the post office presents a hazard, and (3) placement of a mailbox on the credit union property for customer ease. “I understand it’s a very fluid process” and parking plans will be considered in that process. Councilor Copp added that existing parking in front of the post office allows for turning in the roadway. With this site plan, that will be prohibited. He believes there is a public benefit to the proposal and reiterated this site has been utilized as a commercial site for twenty years. “I do like what I see.” Kate Mullen, Farwell Avenue, sees the current traffic behavior and is concerned with one entrance on a residential neighborhood.
“You’re talking about huge numbers of people,” pedestrians and buses. Mr. Erico replied, “It’s a complimentary use rather than a competitive use” and the plan manages the traffic “in a better way” to get those vehicles out of the travel paths “so it is smoother.” The raised sidewalks also help to separate the pedestrians from the vehicles. The bank lot can be utilized as a “way to relieve a little bit of pressure from Farwell.” The bank customers may also exit off Main Street. Bill Follett, Main Street, expressed concern about property rights and traffic exiting Main Street with the large number of pedestrians. “We’re taking from one…to benefit a private business” and it “doesn’t meet with public benefit in my opinion.” Eliza Jane Adamson, Candlewyck Lane, whose children travel on foot and bicycle by this area to and from school, suggested the area congestion has grown as a result of the proximity of the schools. Public comments closed at 8:14 p.m.

Chairman Turner remarked that a higher percentage of increase in value in the Main Street properties likely exists because of the convenience of the schools and existing businesses. Therefore, he does not feel the addition of the bank will be to the detriment of the properties in the area. Councilor Perfetti believes the “whole discussion is around whether or not this is a public benefit.” This request for a third contract zone in a one block radius “effectively changes the zone without saying we changed it.” The process is “anti competitive” because it provides “luck that other banks don’t have.” While he is tempted by the redesign of the sidewalk, he does not believe the town would require another business to provide these improvements. Councilor Follett agreed, “In a perfect world we would have an overlay district.” But, “we’ve had an up and down on Main Street” with a time where it contained predominantly businesses. “What is being done here is a drastic improvement.” Councilor Stiles stated he had an insurance office on Main Street at one time, “and there were no houses there when I first started bicycling through Cumberland.” Councilor Storey-King is “appalled at the backing up” of cars on Farwell Avenue. With the additional parking and sidewalks “there’d be no place to back up.” When the comprehensive plan was first written, the property was a flower shop. Councilor Storey-King is supportive of a credit union because they offer “shared banking services” and are member owned. There is no competition among the gas station, dentists, lawyers, or convenience store. She suggested a conversation regarding the bus drop-off location. Overall, there have been attempts to make the traffic on Main Street better. Councilor Copp remarked this process allows the council to put stipulations on the project, as the council requires. “I do think this will improve” the traffic issues. The Manager explained any property owner may submit a contract zone contract request. The council will consider the Planning Board’s recommendation, but can approve or reject the recommendation. He then explained the citizens’ initiative process available to opponents of this project. Chairman Turner added the zoning ordinance provides for the approval of Contract Zones.

Motion by Councilor Porter, seconded by Councilor Copp, to forward to the Planning Board a Contract Zone request from The Long Group to locate a credit union at the former Chase Flower Shop site at the corner of Main Street and Farwell Avenue.

VOTE: PASSAGE 5-1-1 (Councilor Perfetti opposed; Councilor Moriarty abstaining)

A ten minute break was taken at 8:35 p.m.

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

Councilor Porter stated the Nominating Committee held two interview sessions with committee applicants, with the second session held earlier this evening. The Nominating Committee wished to recommend the following appointments for three year terms (unless otherwise noted):

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<th>BOARD/COMMITTEE</th>
<th>NAME</th>
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<tr>
<td>Board of Adjustment &amp; Appeals</td>
<td>Ronald Copp, Sr., Edward Kirstein, David Joyce</td>
</tr>
<tr>
<td>Cumberland Housing Authority</td>
<td>James Clifford, Joyce Frost</td>
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1-26-09
Lands & Conservation Commission  Penny Asherman, Louis “Chip” LeBlanc, Derek Viger, and R. Samuel York
Planning Board  Robert “Bob” Coulliard, John Ferland
Personnel Appeals Board  Katherine Brooks, James Clifford, William Ward
Prince Memorial Library  Louis “Chip” LeBlanc
Recreation/Community Ed  Dick Campbell, Joe Silvestri
Rines Property Advisory  Robert Heyner, Lisa Judd, Robert Waterhouse, and Mitch Elliott
Twin Brook Advisory  John Eldredge, Bill Green, Glenn Hutchins
Val Halla Trustees  Steve Sloan, Tim Moody, John Zappia (3 years) and William Putnam (2 years)
Veteran’s Monument Committee  Bob Storey, Sr., Harland Storey, David Joyce, (new committee) Glenn Hutchins, and Bill Brown

Motion by Councilor Porter, seconded by Councilor Moriarty, to appoint the committee members as read. Councilor Storey-King recommended the town ask whether MSAD 51 wishes to appoint a school board member representative to the Community Recreation Advisory Board.
VOTE:  UNANIMOUS PASSAGE 7-0

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

The Town Manager requested a 6:00 p.m. workshop prior to the next council meeting of February 9, 2009.

Motion by Councilor Stiles, seconded by Councilor Copp, to set a public hearing date of February 9, 2009 to authorize the Town Manager to bond the reconstruction of Range Road.
VOTE:  UNANIMOUS PASSAGE 7-0


The Town Manager requested adoption of the Resolution Endorsing PACTS’ High Priority Projects. The project list is sent to our congressional delegation for federal funding.

Councilor Storey-King asked about the status of the Yarmouth inter-modal project and the Manager indicated the request is in the funding process. There are also projects submitted on behalf of all the communities for economic stimulus funding, including the reconstruction of Skillins Road. Twelve million dollars is allocated for all of the greater Portland communities. Councilor Porter asked if Route 88 or any other Cumberland project is included in this list, and there are no specific town projects. The Manager explained the high-priority projects are within the greater Portland region and benefit our residents as they travel over these roads and bridges. Councilor Stiles feels it is unfortunate that Cumberland is not high on the priority list but does support advancement of projects that impact our residents and those of the larger area. The Manager responded that they have either done so or are in the process, when asked by Councilor Moriarty if other communities are being asked to adopt the same resolution. Councilor Moriarty sated he regrets the lack of Cumberland specific projects and “has a lot of trouble with earmarks in general,” but “we are not an island unto ourselves.” Councilor Porter expressed he does not support earmarks or “things that don’t support our community” specifically. Motion by Councilor Stiles, seconded by Councilor Perfetti, to adopt the attached Resolution in Support of the Portland Area Comprehensive Transportation System (PACTS) list of high-priority project candidates for federal funding.
VOTE:  PASSAGE 6-1 (Councilor Porter)

1-26-09  5
09 – 014 To set a Public Hearing date (February 23rd) to consider and act on a zone change Mixed Use Zone (V-MUZ), allowing a mix of residential, office commercial and retail uses.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a public hearing date of February 23, 2009 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.

VOTE: UNANIMOUS PASSAGE 7-0

V. NEW BUSINESS

Councilor Copp – requested the town to push back snow banks in West Cumberland along the Route 100/Blackstrap Road and Route 100/Mill Road intersection.

Councilor Perfetti – thanked the town for providing an outdoor ice rink; he received a compliment praising the town for making some difficult budget decisions given the current economic situation; encouraged residents to pay attention to the tax proposals before the legislature - give it some perspective - $600,000 is an “entire department of town” that would be either lost or replaced by real estate taxes if the excise tax initiative is approved.

Councilor Storey-King – none.

Councilor Porter – none.

Chairman Turner – none.

Councilor Stiles – Range Road has been posted to local use only because of the winter conditions; town hall is now closed on Fridays.

Councilor Moriarty – none.

Town Manager Shane – last week A H Grover placed two 10 x 25 foot box culverts on Corey Road in just 48 hours; truly an amazing feat and he will post photos of the project to the web site and local channel 2 this week

Motion by Councilor Storey-King, seconded by Councilor Perfetti to adjourn to a workshop regarding non-conforming uses.

VOTE: UNANIMOUS PASSAGE 7-0

TIME: 9:08 p.m.

VI. ADJOURNMENT

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

Workshop concluded at 10:00 p.m.

Respectfully submitted,
Nadeen Daniels, CMC
Town Clerk