

**TOWN OF CUMBERLAND**  
**MEETING OF THE TOWN COUNCIL**  
**MONDAY, SEPTEMBER 13, 1999**

**I. CALL TO ORDER at the Cumberland Town Hall at 7:00 p.m.**

**II. APPROVAL OF MINUTES**

a. August 23, 1999

**III. MANAGER'S REPORT**

**IV. PUBLIC DISCUSSION**

**V. LEGISLATION AND POLICY**

**99 — 096.** To hear a presentation from Town staff re: preparations for Year 2000.

**99 — 097.** To hold Public Hearing to consider Fiscal Year Change.

**99 — 098.** To indicate “willingness to accept” – 32 acres of open space Flintlock Ridge – Tuttle Road.

**99 — 099.** To approve lease with CTC – Satellite Parking Lot – Rt. 1.

**99 — 100.** To consider and act on application of Mark Fortin d/b/a Food Stop for a Victualer's License.

**99 — 101.** To authorize the issuance of \$478,560 General Obligation Bonds in order to finance the cost of acquisition of a new fire truck.

**99 — 102.** To receive and act on request of Alan Smith for zoning amendment to allow storage garage as a permitted use in Highway Commercial Zone – Rt. 9, Lot 3 Map U7.

**99 — 103.** To receive and act on request of Scott Morgan for zoning amendment – Lot 50 Map R7 from Industrial to Medium Density Residential.

**99 — 104.** To appoint Registrar of Voters.

**99 — 105.** Nominating Committee Appointments

**VI. CORRESPONDENCE**

**VII. NEW BUSINESS**

**VIII. ADJOURN**

**MEETING MINUTES OF THE TOWN COUNCIL  
MONDAY, AUGUST 23, 1999**

**Present:** Peter Bingham, Stephen Moriarty John Lambert, James Phipps, Mark Kuntz, Harland Storey, Jeffrey Porter.

Councilor Phipps moved to go into Executive Session at 6:30 p.m. for the purpose of consulting with the Town Attorney in regard to contract negotiations with MDOT and Town of Yarmouth pursuant to Title I M.R.S.A. Sect. 405(6)(E).

Seconded by Councilor Kuntz. **VOTE: UNANIMOUS (7)**

Councilor Phipps moved to come out of Executive Session at 6:55 p.m.

Seconded by Councilor Kuntz. **VOTE: UNANIMOUS (7)**

**I. The meeting was called to order by Chairman Bingham at the Cumberland Town Hall at 7:01p.m.**

**II. APPROVAL OF MINUTES**

a. August 9, 1999

Councilor Lambert moved to approve the minutes of the meeting of August 9, 1999 as written.

Seconded by Councilor Phipps. **VOTE: IN FAVOR (5)**

Stephen Moriarty, Mark Kuntz. **ABSTAIN (2)**

**III. MANAGER'S REPORT**

None

**IV. PUBLIC DISCUSSION**

Cumberland resident, Robert Vail arrived after public discussion was closed. He expressed concern regarding committees appointed by the town. Mr. Vail felt that it is important that there is a continuing process once a committee is appointed. The committee should have a

definitive start and a definitive end. Chairman Bingham stated the Council has met and discussed committee structures. The Council has made some general decisions regarding committees.

- 1) No term limits
- 2) The Council has worked to fill vacancies on major committees.
- 3) The Council will be reviewing other committees as to their relevance.

## V. LEGISLATION AND POLICY

### **99 - 086. To approve Manager's recommendation for appointment of Fire Chief in accordance with Article IV, Section 4 of the Cumberland Town Charter.**

Councilor Lambert moved to approve the appointment of Daniel Small as Fire Chief in accordance with Article IV, Section 4 of the Cumberland Town Charter.

Seconded by Councilor Moriarty. **VOTE: UNANIMOUS (7)**

The Town Manager introduced Daniel Small as the new Fire Chief and congratulated him on his appointment.

### **99 - 087. To hear request of Chebeague Island Community Sailing School regarding use of a portion of Sunset Landing.**

This item was delayed awaiting the arrival of Mr. John Ash. Item # 99 - 087 was heard following item #99 - 092. Mr. John Ash president of the Chebeague Island Community Sailing School (CICSS) spoke regarding his proposal. His proposal includes a 10-year lease of a 150-by-420 foot parcel, construction of a small storage building, and use of a beach area and moorings in the water. The CICSS is a 501-C-3 not for profit corporation. It is sponsored by the Chebeague Island Yacht Club.

Following Council discussion, Councilor Lambert suggested the following:

1. Discussion regarding the continued use of the Yarmouth Wharf/Cousins Island location should be completed before we do anything to Sunset Landing.
2. The Council would like to hear the thoughts from the Ad Hoc Committee on Growth Management for Chebeague Island. This committee is evaluating the overall island direction.

3. The Council would like to see an informal review by the Town Recreation Committee.

Town Manager, Bob Benson mentioned additional permits and approvals regarding use of a portion of Sunset Landing may also be needed.

Councilor Lambert motioned to table the request of Chebeague Island Community Sailing School regarding use of a portion of Sunset Landing until the first meeting in October.

Seconded by Councilor Kuntz. **VOTE: UNANIMOUS (7)**

**99 - 088. To set date for Public Hearing to consider an amendment to the Zoning Ordinance that would allow “landscaping services” as a permitted use in the Local Business district (Sec. 204.6.1)**

Councilor Moriarty moved to set the date of September 27, 1999 for Public Hearing to consider an amendment to the Zoning Ordinance that would allow “landscaping services” as a permitted use in the Local Business district (Sec. 204.6.1).

Seconded by Councilor Kuntz. **VOTE: UNANIMOUS (7)**

**99 - 089. To set date for Public Hearing to consider an amendment to the Zoning Ordinance that would repeal and replace Section 206, Site Plan Review.**

Councilor Kuntz moved to set the date of September 27, 1999 for Public Hearing to consider an amendment to the Zoning Ordinance that would repeal Section 206, Site Plan Review.

Seconded by Councilor Moriarty. **VOTE: UNANIMOUS (7)**

**99 - 090. To set date for Public Hearing to consider an amendment to the Zoning Ordinance that would add a new section to the Zoning Ordinance, Sec. 433, regulating wireless telecommunications facilities.**

Councilor Moriarty moved to set the date of September 27, 1999 for Public Hearing to consider an amendment to the Zoning Ordinance that would add a new section to the Zoning Ordinance, Sec. 433, regulating wireless telecommunications facilities.

Seconded by Councilor Lambert. **VOTE: UNANIMOUS (7)**

**99 - 091. To reaffirm the Town Council’s willingness to accept the open space parcel at**

**the Valley Road Subdivision.**

The Town Manager recommended delaying this item until the arrival of the Town Planner. This item was taken out of order.

Town Planner, Donna Larson explained that in March 1999 the Town Council considered accepting the open space parcel at the Valley Road Subdivision. The Council decided to table the item until the 500' of trail constructed by the developer connected to another trail. The developer has agreed to build a 4' wide trail with a bark chip surface to the trail in the adjacent CMP right-of-way. The town would supply the bark chips, which are in abundance since the ice storm. Before going to the expense of constructing the trail, the developer wants an indication from the Council that this proposal is acceptable. A visual slide show was presented to the Council by the Town Planner to further explain the situation regarding the open space parcel at the Valley Road Subdivision.

Councilor Lambert moved to reaffirm the Town Council's willingness to accept the open space parcel at the Valley Road Subdivision provided the trail is completed due to the satisfaction of the Town Planning Board Council and the Town Manager.

Seconded by Councilor Kuntz. **VOTE: IN FAVOR (5)**

Harland Storey. **ABSTAIN (1)**

Jeffrey Porter. **OPPOSED (1)**

**99 - 092. To set 1999 Tax Rate.**

Councilor Lambert moved that the tax rate for 1999 be increased by a total of \$1.25 to \$20.30 per thousand dollars of valuation.

Seconded by Councilor Moriarty. **VOTE: UNANIMOUS (7)**

**99 - 93. To set interest rate to be charged on delinquent 1999 real and personal property taxes.**

Councilor Lambert moved to set the interest rate to be charged on delinquent 1999 real and personal property taxes at 10%.

Seconded by Councilor Moriarty. **VOTE: UNANIMOUS (7)**

**99 - 094. To authorize application of real estate tax payments to the oldest unpaid tax.**

Councilor Lambert moved to authorize and direct the Tax Collector/Treasurer, pursuant to Title 36, M.R.S.A., Section 906, to apply any tax payment received from an individual as payment for any property tax against outstanding or delinquent taxes due on said property in chronological order beginning with the oldest unpaid tax bill, provided, however, that no such payment be applied to any tax for which an abatement application or appeal is pending unless approved in writing by the taxpayer.

Seconded by Councilor Kuntz. **VOTE: UNANIMOUS (7)**

**99 - 095. To set rate at which interest will be paid on overpayment of real estate taxes.**

Councilor Lambert moved to set 6.0% as the rate at which interest is paid on overpayment of real estate taxes.

Seconded by Councilor Phipps. **VOTE: UNANIMOUS (7)**

## **VI. WORKSHOP**

- Development Rights
- Conservation Easements
- Agricultural Zone
- Impact Fees
- Building Cap

The Workshop began at 7:55 p.m.

Town Planner, Donna Larson opened with a brief introduction. She included a map that displayed land that is enrolled in tree growth open space and farmland. The second map showed the active farms for purposes of discussing farmland zoning and agricultural zoning. Town Attorney, Ken Cole was present to discuss the various options outlined in his presentation. Town Assessor, Paula Jansmann was present to discuss assessing issues.

After much discussion, the Council decided to continue its study of various options. Discussion included such options as: a limit on the number of building permits issued annually, imposing a cap on building permits and exploring acquisition of development rights on land. Councilor Lambert suggested reviewing an inventory of farmland and open space. Once the inventory is complete, priorities will be established. Issues regarding the Town Preservation Fund were also addressed.

The Council decided against impact fees, as well as establishing agricultural zoning.

The Workshop ended at 9:00 p.m.

## **VII. CORRESPONDENCE**

- 1) Town of North Yarmouth: Council Chair: re: Workshop recreational facilities/library services.
- 2) State of Maine DOT:Urban/Rural Initiative Program (URIP)
- 3) Thank you: Craig Weeman: Acting Fire Chief
- 4) Thank You: Fire Chief Selection Committee: Robert Humphreys, Med Bowen, Lance Dow, K.C. Putnam, Don Rawnsley, Jeff Steinman, Mark Robinson
- 5) Article: Sunday Telegram 8/15/99 “Farmers Say Tax Policy Forces Land Breakups”
- 6) County of Cumberland: Commissioner’s Meeting 7/26/99
- 7) Solid Waste to RWS
- 8) Jensen, Baird, Gardner & Henry: Open Space Plan
- 9) Jensen, Baird, Garner & Henry: Building Permit Cap
- 10) Forcaster Article: 8/5/99 “Selectmen Ponder “Bundled” Services”

## **VIII. NEW BUSINESS**

Councilor Moriarty brought up for consideration a crosswalk near the Congregational Church in Cumberland Center.

Councilor Phipps spoke of additional capacity needed for recycling at the transfer station on Chebeague.

Councilor Storey brought up the idea for a skating pond at Twin Brooks.

## **IX. ADJOURN**

No further business conducted. Motion to adjourn at 9:10 p.m.

**Respectfully submitted,**

Kathleen Babeu  
Council Secretary