

MINUTES

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, July 27, 2015

6:30 P.M. WORKSHOP with Assistant Town Manager, Chris Bolduc re: Spring Bulky Waste Pick-Up report

7:00 P.M. CALL TO ORDER

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

I. APPROVAL OF MINUTES

Motion by Councilor Stiles, seconded by Councilor Gruber, to accept the July 13, 2015 as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

State Representative, Mike Timmons said that he believes that the great people of the Town of Cumberland (whom he represents) and the State of Maine need an explanation and an update on the LMF (Land for Maine's Future) bonds that affect the Knight's Pond and Wormell Farm projects in Cumberland. Representative Timmons said that one of the very first phone calls that he received after he was elected was from Town Manager Shane. Mr. Shane explained to him that we had 2 projects which have not been funded and requested that he look into those bonds. Representative Timmons met with the Governor to inquire on the status of those 2 bonds. He was asked to bring copies of the 2 Cumberland projects back to the Governor's office. A few days later, he received a letter stating that the Governor had requested 5 million dollars for the Forest Woods Project to help the "poor people from Northern Maine". The Governor threatened to leverage that project and until he got approval, the bonds would not be released. Representative Timmons met with the Governor again and still got no commitment from him that the bonds for Cumberland would be released. He has worked on getting these bonds released right up to the last day and he is sorry to report that he was not successful.

Chairman Bingham said that the number one concern of the entire Council is that Representative Timmons came to a Council meeting 2 weeks ago and said he was going to support the vote to release the bonds. Then Representative Timmons became "one of the magic 6 who overturned it". The rumor is that the Governor went to the 6 and told them that the bonds would never be approved. The question is what happened from Monday evening to Thursday morning that made him change his mind?

Representative Timmons said that the Katz Bill made him change his mind. The Katz Bill would have "taken the authority away from the Chief Justice (Chief Executive)". Since 1987, the Chief Executive has been the one to handle the finances of land bonds. He felt that taking that authority away would cause "entanglements that would not be easy to solve". The other reason he voted against the bonds was because he spent an hour in caucus and Ken Fredette had an amendment that never went forward. By the time they got back out on the floor, the majority already had an amendment (which he also voted against) which would force those bonds to be authorized. That will likely also be vetoed and become a legal entanglement. He felt that it didn't matter which way he voted, we would be in the same situation if he had voted to oppose.

Councilor Edes said that he understands how things work at the State House, that there is give and take, but he is bothered by the fact that Representative Timmons came before the Town Council on Monday and told the Council that he would support the bond vote. We expected his support, and then he voted to

kill the bill. Representative Timmons knew that vote would kill the money for Knight's Pond and Wormel's Farm. The people of Cumberland needed his vote and two others and they didn't get it.

Representative Timmons said that the outcome would have been the same either way.

Town Manager Shane said that Representative Timmons brought a lot of talking points from the Governor's Office this evening and none from Mike Timmons. Sometimes you have to do the right thing even though it may be difficult. Two out of three people that he represents in the Town of Cumberland voted for the 2010-2012 LMF funding and the Manager called Representative Timmons and told him that we need his help. Even if he is on the losing side, at least as our Representative, we would have felt that he supported the people he represents. If we lost, we lost. But we lost with our Representative on the wrong side. We have had three land trusts working very hard for 3 years to make this happen (Knight's Pond project) and what Representative Timmons did last week matters to all the people of our community. He let us all down.

Councilor Gruber said that he did not understand where Representative Timmons was going in regard to his vote. It didn't make any sense to him and it still doesn't make any sense to him. If Representative Timmons had a change of heart or mind, it would have been the right thing to do to reach out to the Council and let them know that. He feels that there is something amiss here. There have been other items that Representative Timmons voted against that were near and dear to this community.

Police Lieutenant, Milt Calder reported that the Cumberland Police Department is a member of Casco Bay CAN (Create Awareness Now). Casco Bay CAN Coalition is a group of local individuals, schools, law enforcement agencies, organizations, and businesses who work together to prevent and reduce youth substance abuse in Cumberland, Falmouth, Freeport, North Yarmouth, Yarmouth, Pownal and Gray. Their mission is to foster a healthy community environment with policies and practices that work together to promote positive drug and alcohol-free development for all youths in our communities. Beth Blakeman-Pohl of Casco Bay CAN shared that the group has received 2 awards recently. One from Greater Portland Council of Government and the other was a national award. Lieutenant Calder encouraged the public to attend any of their meetings which are held at Cumberland Town Hall.

III. PUBLIC DISCUSSION

State Senator, Cathy Breen said that she heard some confusion on the part of the Town Council by Representative Timmons. She would like to clarify what took place during the last session with respect to the Land for Maine's Future bonds. As everyone knows, the LMF bonds that were approved by the voters were not issued by the Governor, and many members of the Legislature were trying to figure out a way to shake the bonds loose. She also met with the Governor in regard to the LMF bonds to no avail. To be clear, the Governor's authority for issuing the bonds does not rest in the Constitution. It is actually written into the bills. So if nothing else, they have learned that when they write another bill for future bonds, they will not include the phrase "under the direction of the Governor". In the last session, Senator Roger Katz submitted a bill that was aimed at diminishing the Chief Executive's role in issuing the bonds. It was a very carefully crafted bill to make sure that the Maine taxpayers would be protected. The bill passed both the House and the Senate, the Governor vetoed it, and then it would have needed 2/3 of the Legislature's approval to override the veto. There were 6 folks in the House who initially voted for the Katz Bill and then changed their vote, and voted against it. This has been a very sad chapter for land conservation in Maine. She said that she had done all that she could by voting at every turn for the LMF Bonds and will continue to do so.

Brad Hilton, of Blanchard Road referenced the new sign at the high school. He is very disappointed that the Town and School Board would spend so much money on such a disgusting sign. It is visually distracting to traffic on Main Street and the residents. The concept of that sign is in direct conflict with the rural nature of Cumberland. He plans to go before the School Board as well to complain about the sign.

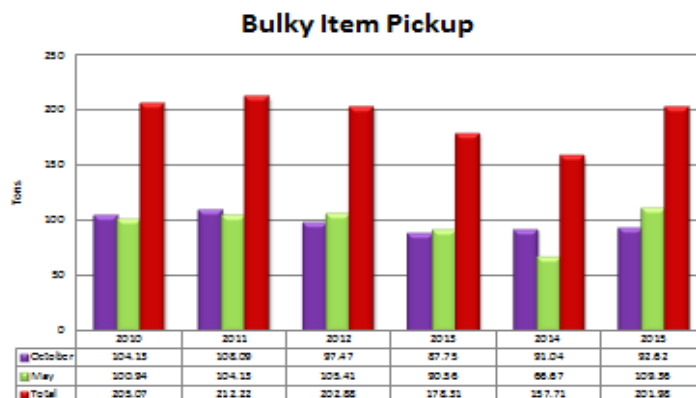
Mr. Hilton gave a \$10 donation to the 4-H fund, which will buy meat products for the food pantry. He asked if his donation would do more good going directly to the food pantry for them to purchase food products then the 4-H club.

Councilor Stiles responded that by donating to the 4-H fund, you are serving 2 causes at the same time. The 4-H kids work all year long raising their animals, spending a considerable amount of money, to bring them to the fair to be auctioned off as food product. The Town Manager will attend the auction with the donated funds, helping the 4-H kids sell their animals, and the food pantry will be stocked with meat. While it might be more economically sound to donate directly to the food pantry, we are helping our future farmers, who have to have a market for their animals in order to make their project complete, encouraging these children to increase their education, while producing a high quality product.

Mr. Hilton commented on the quality and clarity of the information that the Town provides in their budgets. The School budget contains no actuals. He intends to also mention this at a future School Board meeting. The Town's accounting department is tremendous.

IV. LEGISLATION AND POLICY

15 – 098 To hear a report from Assistant Town Manager, Chris Bolduc re: Spring Bulky Waste Pick-Up.



Contributing to increase this past year:

*It appears that more residents used the service this year.

*Waste Management left obvious non-qualifying items behind, but also picked up more items that were questionable.

*Rain during event soaked items and caused an increase in weight

Continuing Efforts:

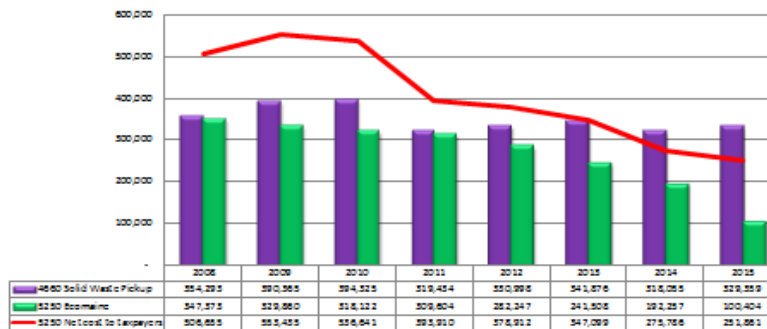
*Waste Management continues to work with us on reducing bulky item tonnage.

*Education continues and fewer return trips to residents were made.

*Fewer incidents of mass cleanouts were reported – residents are putting out qualifying items



Solid Waste Costs by Year



*Costs have declined steadily for the past 6 years.

*Waste Disposal now costs the taxpayers half of what it did in 2009.

One measure of our success in reducing the Town's waste is Ecomaine's Annual Recycling Report that shows Cumberland had a recycling rate of 41.5% in 2015! Only 2 towns out of Ecomaine's 26 participants recycled more.

Whether it is by holding Confidential Shredding events, Hazardous Household Waste or Universal Waste events, Cumberland continues to focus on the best ways to help it's residents properly dispose of their household waste.

Between 150 and 200 tons of waste is processed through the Town's Bulky Item collection. Bulky Item Pickup is a significant, and successful, part of the residents plan to properly dispose of their household items.



15 – 099 To hear a report from the Tax Assessor and hold a Public Hearing to consider and act on setting the FY2016 tax rate.

Tax Assessor, Gary James presented the following growth summary report:

TOWN OF CUMBERLAND - VALUATION GROWTH SUMMARY

	As of 4/1/2014		As of 4/1/2015		Net
	Accounts	Taxable	Accounts	Taxable	Growth
Real Estate Parcels	3472		3493		
Total Real Property		\$1,324,514,900		\$1,360,510,800	\$35,995,900
Exempt Parcels		(\$75,968,600)		(\$81,519,100)	
Exemptions (HS/Vet/Blind)		(\$19,750,000)		(\$19,044,000)	
Taxable Real Property		\$1,228,796,300		\$1,259,947,700	\$31,151,400
Personal Property Accounts	145		139		
Personal Property		\$18,074,600		\$24,869,900	\$6,795,300
BETE Personal Property		(\$2,580,100)		(\$2,537,300)	
Taxable PP		\$15,494,500		\$22,332,600	\$6,838,100
Taxable Value		\$1,244,290,800		\$1,282,280,300	\$37,989,500
Budget	145		139		
School		\$14,313,387		\$15,557,051	
County		\$696,073		\$747,431	
Municipal		\$8,736,821		\$9,607,648	
TIF Financing		\$1,251,164		\$1,534,532	
Other Revenues		(\$3,683,142)		(\$4,565,629)	
Overlays		\$336,009		\$328,240	
Total Budget		\$21,650,312		\$23,209,273	
Taxable Value		\$0.01740		\$0.01810	

Prepared by Gary James 7/27/2015

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Chairman Bingham opened the Public Hearing.

Helen Cleaves asked if the subsidy that the school received will help to reduce taxes.

Chairman Bingham responded that they cannot spend it. It has to be frozen in an account for next year.

Chairman Bingham closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Turner, to set the municipal tax rate for FY2016 at \$18.10.

VOTE: 6-1 (Stiles opposed) MOTION PASSES

15 – 100 To hold a Public Hearing to set rates at which interest will be paid for delinquent taxes, and to authorize applying tax payments to the oldest unpaid taxes.

Chairman Bingham opened the Public Hearing.

Public discussion: None

Chairman Bingham closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to set an interest rate of 7% for delinquent real and personal property taxes for FY2016, and be it further Ordered, that all payments for delinquent real and personal property taxes be applied to the oldest, unpaid taxes.

VOTE: 7-0 UNANIMOUS

15 – 101 To hold a Public Hearing to consider and act on amendments to Chapter 30 (Boards and Commissions) Section 3 (Organization and Rules) of the Cumberland Code, as recommended by the Ordinance Committee.

Councilor Storey-King explained that this item came before the Ordinance Committee after some confusion at a Planning Board meeting recently, that brought up the question of when there is a quorum present and whether or not a minimum number of votes can pass an item, or if a majority vote of the quorum is required. The Planning Board Chairman referred to an article from Maine Municipal Association that said in the absence of specific language in a Town's ordinance, it would require four votes for an item to pass.

She said that the Ordinance Committee feels that since a lot of people put a lot of time and money into preparing to go before the Planning Board, and to get tabled because there is not a quorum at the meeting they are scheduled to be at, would be a burden to those people.

The Ordinance Committee is suggesting adding the following language (to Chapter 30 - Boards and Commissions, Section 3 – Organization and Rules): *The concurring vote of a majority of the members of the Board present and voting shall be necessary to approve any application or to support a recommendation to the Town Council on any amendment to the Zoning Ordinance or Zoning Map.*

Chairman Bingham opened the Public Hearing.

Public discussion: None

Chairman Bingham closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Edes, to amend Chapter 30 (Boards and Commissions) Section 3 (Organization and Rules) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

15 – 102 To authorize the Code Enforcement Officer to pursue the Notice of Violation issued to the property owners of 81 Blackstrap Road for an unauthorized junk yard.

Town Manager Shane explained that this property had a yard full of junk that got moved from that property on to the abutting, private property without the consent of that property owner. As of now, most of the junk has been removed and staff is recommending that the Code Enforcement Officer is authorized to continue to pursue the Notice of Violation.

Motion by Councilor Turner, seconded by Councilor Copp, to authorize the Code Enforcement Officer to pursue the Notice of Violation issued to the property owners of 81 Blackstrap Road for an unauthorized junk yard.

VOTE: 7-0 UNANIMOUS

15 – 103 To authorize the Town Manager to enter into a Route One street study with PACTS.

Town Manager Shane explained that this is a joint project with the Towns of Freeport, Yarmouth, Falmouth and Cumberland to put a full transportation study together on the Route One corridor. Working closely with our neighbors, we can make sure that our vision for that area is protected.

Councilor Edes said that he feels that Falmouth and Yarmouth have their own development going on Route One and we don't have much property left in that area. He doesn't feel that we will get much out of this. He does not support it.

Councilor Stiles said that he will support it in hopes that we can get a dialog going that will hopefully make that corridor the way we all want to see it.

Councilor Storey-King said that we do not have to pay money to be good neighbors, but if \$3,000 buys us a seat at the table, she is in favor.

Motion by Councilor Gruber, seconded by Councilor Turner, to authorize the Town Manager to enter into a Route One street study with PACTS.

VOTE: 5-2 (Bingham and Edes opposed) MOTION PASSES

15 – 104 To authorize the Town Manager to execute an Agreement for Services with the Coastal Humane Society for animal shelter services.

Town Manager Shane explained that this will in no way change the Town's relationship with Charlie's Friends (where strays are currently taken). This has to do with those who want to surrender their pets to be put up for adoption.

Councilor Edes said that this is mainly for those people, who are moving out of Town, will no longer be taxpayers, and we are paying for them to give up their pets.

Town Manager Shane clarified that it's not only for those who are leaving Town, but also for residents who have to give up their pet for other reasons.

Motion by Councilor Gruber, seconded by Councilor Stiles, to authorize the Town Manager to execute an Agreement for Services with the Coastal Humane Society for animal shelter services.

VOTE: 6-1 (Edes opposed) MOTION PASSES

V. NEW BUSINESS

Councilor Edes – thank you to Pete O'Donnell for his service on the Aging in Place Committee. He is moving back to Portland, but has done a lot for Cumberland during his short time here. Pete is a good man and friend.

Thank you to Penny Asherman for all the work she does for the community. He drove by Twin Brook recently and saw so many people enjoying that property. He knows that the Payson Property will be the same someday.

Councilor Gruber – the Aging in Place survey results are in and interim Chairman of the AIP Committee, Dale Denno will report on the results at a Council meeting in September. The biggest comment topic on the survey

was tax relief. There was no question regarding taxes on the survey because the committee realizes that is a top priority and concern for most people.

Councilor Storey-King – she has a lot of respect for Mike Timmons. He has done great things, but she is saddened that he chose to vote the way that he did. Working in Augusta is not an easy feat and she wants to keep some perspective on that.

Tax bills will be mailed very soon and she reminded the public that it is the property owner's responsibility to review their tax bill for accuracy.

There have been quite a few accidents at the intersection of Tuttle Road and Middle Road. She has requested more of a police presence in that area due to the speed of traffic coming down the hill on Tuttle Road. There are a lot of pedestrians and cyclists in that area, so please slow down.

Councilor Turner – he was terribly disappointed in Mike Timmons vote, but feels that in some convoluted way Representative Timmons thought that if he cast his vote the way he did, something better would come out of it. Local government has more trust in general than the State or Federal government.

Chairman Bingham – Meredith Strang Burgess represented our community for a long time and she voted against her party a lot of the time. That likely cost her being Speaker of the House, but she had the courage to vote that way in support of her constituents. He is very disappointed in Representative Timmons, but he did come and face the Council and explain why he voted the way that he did. He deserves credit for that.

Councilor Stiles – he reminded everyone that the 4-H auction benefits the 4-H children, who learn how to treat and raise animals properly, and the food pantry receives quality food product. Every donation is helping 2 great organizations. He is asking for just \$10 from 1,000 residents from Cumberland and North Yarmouth.

Councilor Copp – after listening to Representative Timmons this evening, he feels that a lot of people (himself included) feel let down.

Town Manager Shane – on August 6th at 6:00 p.m. there will be a neighborhood meeting at Town Hall to discuss the Phase 4 of the Village Green Project (6 additional lots).

He and Councilors Copp and Edes will meet with the Windham Town Council to continue discussions about the roads around Forest Lake.

He was very disappointed by Representative Timmons vote last week. Mike is a good man and has done some great things at the Cumberland Fairgrounds over the years. His disappointment has nothing to do with Mike's capacity there, but as our State Representative.

VI. ADJOURNMENT

Motion by Councilor Copp, seconded by Councilor Edes, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME:

Respectfully submitted by,

Brenda L. Moore
Council Secretary