

MINUTES

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, January 26, 2015

5:30 P.M. FINANCE COMMITTEE MEETING re: FY'16 Budget Meeting

6:30 P.M. Call to Order

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

Motion by Councilor Bingham, seconded by Councilor Stiles, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property and § 405(6)(E) consultation with the Town Attorney.

VOTE: 7-0 UNANIMOUS

TIME: 6:30 P.M.

Reconvene to regular session at 7:00 P.M.

On behalf of the entire Town Council, Chairman Gruber recognized Councilor Storey-King, as a Greely Middle School teacher for the nationally recognized NICHE rating that Greely Middle School received as the number one middle school in the entire State of Maine.

I. APPROVAL OF MINUTES

Motion by Councilor Copp, seconded by Councilor Bingham, to accept the January 12, 2015 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Due to the impending snow storm, Town Hall and the Library will be closed tomorrow. Everyone is advised to stay off the roads tomorrow due to the white out, dangerous conditions. There is always a winter parking ban during winter months in Cumberland per our ordinance. With this type of storm, the priority will be keeping the main roads plowed to allow emergency vehicles to get in and out of Town. Snow plows will assist in getting emergency vehicles around Town as needed. Town Hall will be open as a warming station for anyone who loses power and needs a place to go.

Trash pick-up will be moved ahead by one day this week due to the storm. All trash will be picked up this week, but off by one day.

The Blackstrap Road neighborhood meeting has been rescheduled from tomorrow evening to Wednesday evening at 6:00.

Bateman Partners will begin marking the clearing limits for the planned subdivision on the Payson property as soon as next week.

III. PUBLIC DISCUSSION

None

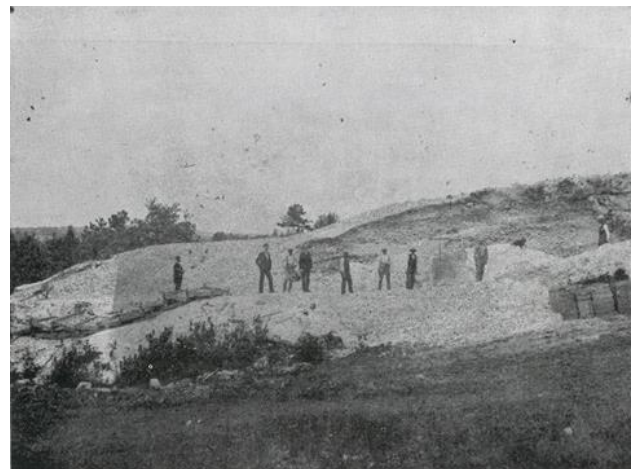
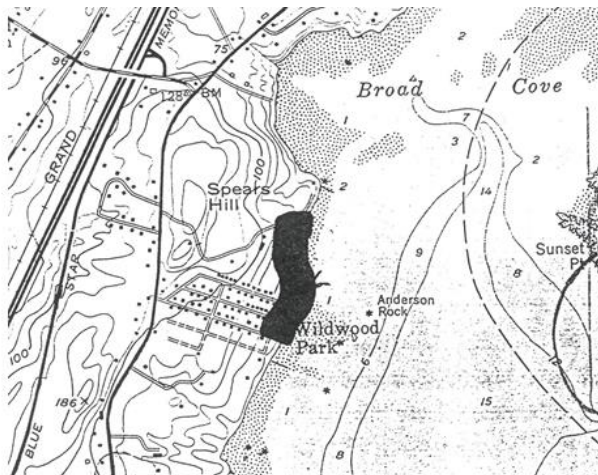
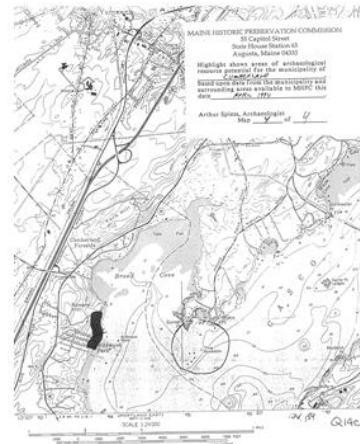
IV. LEGISLATION AND POLICY

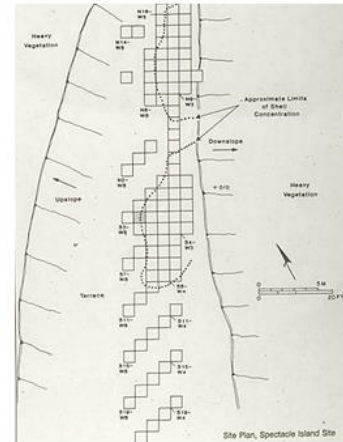
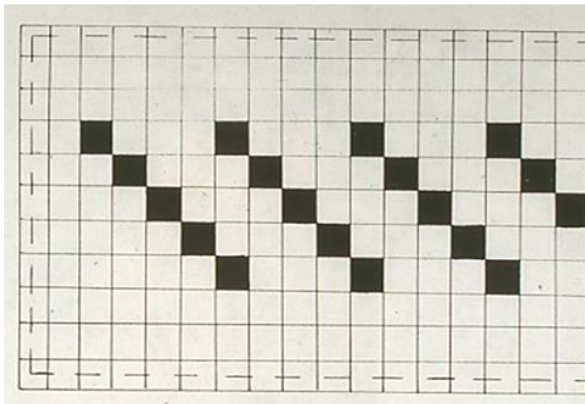
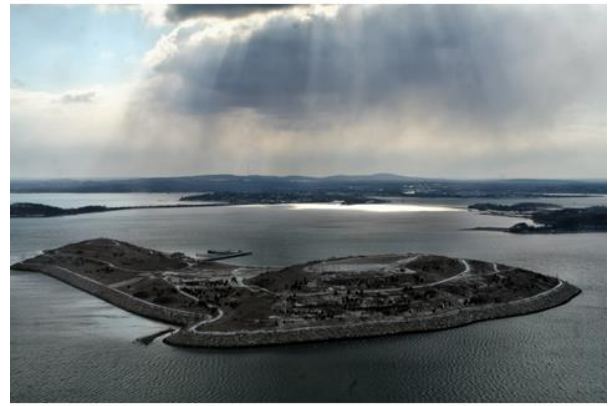
15 – 006 To hear a report from Library Director, Thomas Bennett re: Spears Hill and the prehistoric and historic archaeological resources present on the site, and the history of the Town Farm that was on the site from 1837-1866.

Mr. Bennett presented the following:

The Payson Property

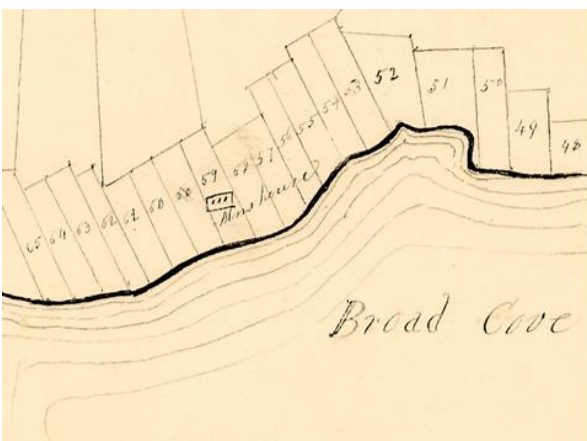
**Prehistory, history and the potential
for archaeological resources**





Crouch's Cove, Casco Bay, Maine.





The undersigned, a Committee chosen by the town in 1843, to build a dwelling house on the town lot, the present owner, has attended to the duty in regard to them and reports that equally to the satisfaction of the town the advantage for said purpose in four separate lots for building said house had upon opening the same, excepted the lowest separate offered, and contracted with the person making the lowest offer as follows:

1. With John Gray for storing the cotton building Dray, truck, and sundries and changing and furnishing material for the same = \$20.00

2. With John Gray for furnishing said

3. With John Gray for furnishing material and building parts of frame and truck = 20.00

4. With John Gray for furnishing material and building parts of frame and truck = 20.00

Amounting in the whole to \$70.00

which is respectfully submitted

Submitted March 22nd 1844.

John Gray
N. Roberts for } Committee
John Gray



1843	By	12 Dozen of eggs at 7 cts	77
		5 lbs of Butter at 12 cts	37
		Town Order 40 Dollars	40 00
		15 hundred and 50 of hay at 8 cts	6 40
		2 quarts of milk	9
		6 Dozen of Eggs at 7 cts	52
Aug		24 lbs of calf skins at 5 cts	2 32
		5 pigs at \$1.25 a piece	6 25
		Cash for cow	18 00
Sept		33 lbs of Shavings at 1 c	33
12		1833 lbs of Corn at 6 cts	87 18
Oct 7		8 Doz of Eggs at 7 cts	72
		Cash By Town Order	40 00
Dec		1 c	24 00
		Town Order for 40 lbs of Corn	45 00
			\$271 75

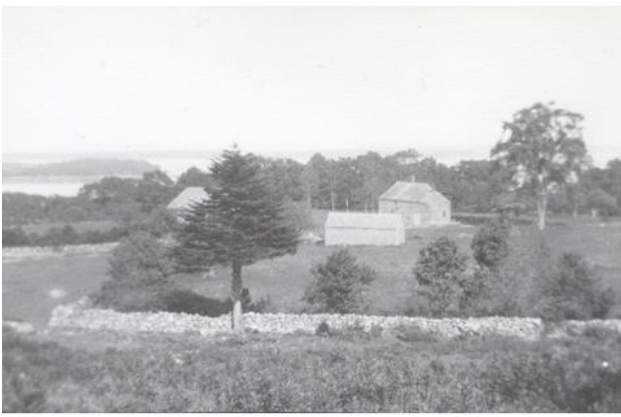
1843	By	12 Dozen of eggs at 7 cts	77
		5 lbs of Butter at 12 cts	37
		Town Order 40 Dollars	40 00
		15 hundred and 50 of hay at 8 cts	6 40
		2 quarts of milk	9
		6 Dozen of Eggs at 7 cts	52
Aug		24 lbs of calf skins at 5 cts	2 32
		5 pigs at \$1.25 a piece	6 25
		Cash for cow	18 00
Sept		33 lbs of Shavings at 1 c	33
12		1833 lbs of Corn at 6 cts	87 18
Oct 7		8 Doz of Eggs at 7 cts	72
		Cash By Town Order	40 00
Dec		1 c	24 00
		Town Order for 40 lbs of Corn	45 00
			\$271 75

1864 Report of the Overseers of the Poor


"In regard to the Paupers now in the Almshouse, from the large number that have been supported there for years past, Death has swept them away & but one remains as a living monument to mark the house as an Almshouse. On the 19th inst Lemuel Hamilton died, he was found dead having fallen into the fire & burned to death. Emery Gould ran away a few weeks since and has not been heard from."







15 – 007 To hear a report from the Finance Committee re: 2nd Quarter Financials.
 Finance Director, Heather Perreault presented the following 2nd Quarter Financial Report:



Town of Cumberland
Fiscal Year 2015
2nd Quarter Financial Report

Bond Financing 2015			
PAYSON PROPERTY FINANCING:			
Estimated interest rate as of November 2014:			4.00%
Actual interest rate:			2.79%
REFINANCED DEBT:	Old Rate	New Rate	Savings
General Fund	4% -5%	1.85%	123,044
TIF Districts	4% -5%	1.99%	109,505
Senior Housing	2%	1.57%	6,421
SAVINGS ON COST OF INTEREST:			238,970

General Fund Q2 Revenues & Expenditures

	FY15 Budget	FY15 thru 12/31	FY15%	FY14 %
TOTAL REVENUES	\$ 3,683,142	\$ 2,061,687	56.0%	54.3%
<i>increase from prior year: 1.7%</i>				
Controllable Expenses	\$ 6,285,878	\$ 3,462,145	55.1%	50.8%
Fixed Expenses	\$ 17,460,094	\$ 9,913,399	56.8%	56.4%
TOTAL EXPENSES	\$ 23,745,972	\$ 13,375,544	56.3%	54.9%
<i>increase from prior year: 1.4%</i>				

Selected Revenues

	FY15 Budget	FY15 thru 12/31	FY15%	FY14 %
Excise Tax	\$ 1,430,000	\$ 860,652	60.2%	61.2%
State Revenue Sharing	\$ 385,710	\$ 184,025	47.7%	49.4%
Building Permits	\$ 70,000	\$ 43,416	62.0%	55.2%
Recreation-After School Program	\$ 145,000	\$ 89,434	61.7%	49.6%
Recreation-All Other Revenues	\$ 422,826	\$ 166,657	39.4%	42.0%

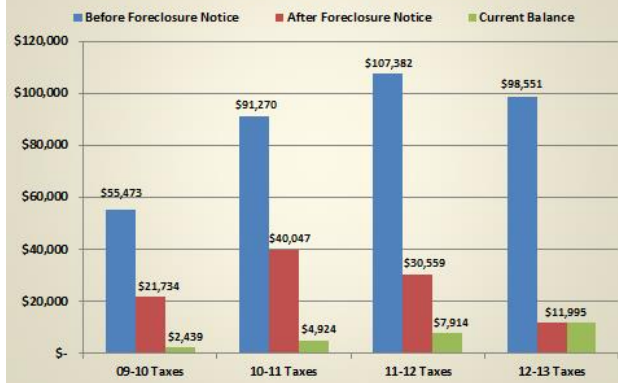
Selected Expenditures

	FY15 Budget	FY15 thru 12/31	FY15%	FY14 %	FY15 over FY14
Police	\$ 1,196,499	\$ 627,915	52.5%	51.3%	\$ 56,932
Fire	\$ 827,001	\$ 460,954	55.7%	52.1%	\$ 71,539
Public Works	\$ 941,925	\$ 490,607	52.1%	47.5%	\$ 54,169
Recreation	\$ 644,444	\$ 420,883	65.3%	58.1%	\$ 69,915
Abatements	\$ 20,000	\$ 42,981	214.9%	65.8%	\$ 29,814

Property Tax Collections thru 12/31

	2011-12	2012-13	2013-14	2014-15
Tax Commitment	\$ 18,318,972	\$ 19,684,282	\$ 20,610,409	\$ 21,650,312
Taxes Collected	\$ 9,015,329	\$ 9,739,649	\$ 10,243,526	\$ 10,792,606
Percent Collected	49.2%	49.5%	49.7%	49.8%
% Difference		0.3%	0.2%	0.1%
\$ Difference		\$ 52,409	\$ 45,636	\$ 32,241

Effect of Foreclosure Notices



15 – 008 To consider and act on a Mass Gathering Permit for Make-A-Wish Maine fundraising walk to be held at Twin Brook on Saturday, June 20th.

Peter Bingham, Recreation Superintendent explained that this event has historically been held in Portland. Julie Marchase, event planner approached him and asked if the event could be held at Twin Brook this year. The theme of the event will be a walk through the enchanted forest. Mr. Bingham met with the Police and Fire Chiefs and Town Clerk and staff is recommending approval.

Councilor Stiles asked Ms. Marchase if this event was to raise money for a specific Make-A-Wish situation.

Mr. Marchase explained that events such as these raise money for the entire Make-A-Wish foundation to help grant wishes for children with life threatening diseases.

Motion by Councilor Bingham, seconded by Councilor Storey-King, to approve the Mass Gathering Permit for Make-A-Wish Maine fundraising walk to be held at Twin Brook on Saturday, June 20th.

VOTE: 7-0

UNANIMOUS

15 – 009 To hold a Public Hearing to consider and act on approval of amended Contract Zone Agreement with David Chase for Cumberland Foreside Village and to review the recommendation of the Planning Board.

Town Manager Shane explained that this CZA has been in place since 2002 and Mr. Chase purchased the property in 2006. Up to 132 units of homes are allowed to be built on this parcel. Mr. Chase has presented his plan for 40 to 45 single family homes on 5,000 sf lots to the Planning Board last week and the plan is within the scope of the CZA. The Code Enforcement Officer and Fire Chief are requesting that the Council consider requiring that the homes have sprinklers installed.

Fire Chief Small explained that he is concerned because of the close proximity of the housing units. The subdivision will have public water so there will be hydrants there, but sprinklers are recommended because of the extreme concern on behalf of the Fire Department because of the clustered units.

Chairman Gruber opened the Public Hearing.

David Chase explained that to him, this is a matter of fairness (the sprinklers). His subdivision will be on public water, will have hydrants installed and will have setbacks and distance between buildings are very similar to the new subdivisions at Morrison's Hill and Village Green. Those were not permitted to install sprinkler systems. The cost to him will be over \$350,000 and this will be impossible to recoup that money since sprinkler systems are not an item that adds value to a home. He does not want to be the first developer in the Town that is required to add sprinklers.

Councilor Copp agreed that it would not be fair to require Mr. Chase to add sprinklers to his development when it was not required to others. He agrees that it is a good idea to have sprinklers, but does not feel it is fair to impose it on all new construction.

Councilor Turner said that the feedback he has received in the real estate business is mostly unfavorable toward sprinklers. If the Council mandates Mr. Chase to install sprinklers, it does not put him in a level playing field with other developers in Town.

Councilor Storey-King said that when a CZA is granted, there must be a public benefit. Since this particular CZA has been amended so many times, she requested that we remind the public what the benefit is.

Town Manager Shane said that he wasn't entirely sure, but Mr. Kennedy's vision at that time was some type of senior housing. He was not able to make the numbers work and that plan never happened.

Tom Foley of True Spring Farm Condo Association said that the association is supporting this and they look forward to having neighbors across the street and have no issues whatsoever with the plan. There are some concerns however, such as, the growth of Route One with new development and the additional traffic the growth will produce. He wonders if the additional traffic will require a traffic light or a caution light or if we can petition the DOT to reduce the speed limit north of the development to 35 mph. He realizes these things will be decided by the DOT, but hopes that the Council can express preferences to help the DOT make a decision as to what would be the safest way to manage traffic coming into that area.

Mr. Foley said that another issue is the road that is proposed to come in behind lots 3, 4 and 5 (off Skyview Drive). Part of the reason for the road was to allow for the entrance of lots 3, 4 and 5, once they are developed commercially. Entrance to those lots could come in from the year, through that roadway, decreasing the number of curb cuts along Route One.

Since the Contract Zone agreement between the Town and Cumberland Foreside Village LLC is open for amendment to add uses it is also an opportunity to review existing uses and see if they are still in the best interest of the Town. Mr. Foley suggested that allowing warehouses and distribution centers on Lot 7 in the contract zone is not in the Town's best interests. With the growth of the economy we have seen valuable commercial development take place along Route One. Recent commercial development includes:

<u>Business</u>	<u>Location</u>	<u>Assessed Value</u>
Exactitude	12 Skyview Drive	\$ 2,295,200
Seafax	62 Route 1	\$3,188,800
Maine Standards	221 Route 1	\$4,049,600
Pack Edge	64 Route 1	TBA
Integrative Health	14 Skyview Dive	\$1,800,000 Est

The proposed Housing Development at \$300,000 average evaluation (\$16,500,000) will take up lot 8 and the acquired Town owned lot. This leaves Lot 7 as the last remaining large parcel in the contract zone.

With only three lots remaining to be developed along Route One once taken, it is logical to expect that further development will follow into Lot 7 behind Exactitude. This will become more valuable space as the contract zone nears completion. Compared to the taxable value of the existing businesses and housing, large empty structures suitable for warehousing and distribution centers will not compare to the assessed value already in place or about to be built. These uses will not create many jobs and those it does will not be high paying jobs. By standards of the past 10 years Route One is undergoing rapid growth and it should continue as this is a prime commercial location.

Mr. Foley respectfully requested that the Town Council remove warehousing and distribution centers from the Cumberland Foreside Village LLC contract zone in favor of expanding the growth of businesses that maximize the taxable assessed value of approved commercial uses on this property.

Chairman Gruber closed the Public Hearing.

Councilor Storey-King said that she will abstain from voting because she is an abutter.

Motion by Councilor Bingham, seconded by Councilor Turner, to approve the amended Contract Zone Agreement with David Chase for Cumberland Foreside Village.

VOTE: 6-0-1 (Storey-King abstained) MOTION PASSES

15 – 010 To hold a Public Hearing to authorize the Town Manager to execute a Purchase and Sale Agreement with Cumberland Foreside Village for the Town owned lot on Route One (next to Seafax).

Town Manager Shane explained that this is the parcel along Route One and it is approximately 9 acres in size and 2/3 of it is covered in wetlands. With Mr. Chase's approved Contract Zone Agreement, he asked if we would be willing to sell him the lot. We agreed to acquire an independent appraisal of the parcel which came back today at an appraised value of \$310,000 and Mr. Chase has agreed to pay that amount for the lot. The Town Attorney has reviewed the Purchase and Sale agreement and staff is recommending approval.

Chairman Gruber opened the Public Hearing.

Public discussion: None

Chairman Gruber closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Copp, to authorize the Town Manager to execute a Purchase and Sale Agreement with Cumberland Foreside Village for the Town owned lot on Route One (next to Seafax).

VOTE: 7-0 UNANIMOUS

15 – 011 To appoint members to vacant boards/committees.

Motion by Councilor Copp, seconded by Councilor Bingham, to appoint the following new board members:

Dale Denno to the Aging in Place Committee

Michael Cooney to the Twin Brook Advisory Committee

Stephen Thomas to the Ocean Access Committee

Ben Waterhouse to the Rines Forest Advisory Committee

Mike Schwindt to the Coastal Waters Commission

I move to reappoint the following board members:

Tom Foley and Jennifer West to the Prince Memorial Library Advisory Board

VOTE: 7-0 UNANIMOUS

15 – 012 To set a Public Hearing date (February 9th) to consider and act on amendments to the Property Tax Assistance Ordinance as recommended by the Senior Circuit Breaker Committee.

Motion by Councilor Bingham, seconded by Councilor Edes, to set a Public Hearing date of February 9th to consider and act on amendments to the Property Tax Assistance Ordinance as recommended by the Senior Circuit Breaker Committee.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Copp – with the impending snow storm tomorrow, he reminded everyone to leave a little early for their morning commute and drive slowly.

Councilor Edes – he advised everyone to stay home tomorrow if they can.

Councilor Storey-King – with the snow storm coming, she reminded everyone to check on their elderly neighbors tomorrow to make sure they are safe and warm.

Councilor Bingham – The Lands and Conservation Commission have done extensive trail improvements on the trail that goes around the Town Forest.

The Community Wood Bank is holding a banquet on January 31st at the Congregational Church. Bruce Wildes and other members of the wood bank donate dozens of cords of wood to needy families all over Town. Bruce was honored last year by the Lions Club as citizen of the year.

Chairman Gruber – The Aging in Place Committee will meet with the Council in a workshop on February 9th.

Attendance at the Food Pantry was lower than anticipated last Friday. With the reduction in the food stamp program, we assumed that attendance would be higher.

Councilor Stiles – he reminded everyone to take care in the storm tomorrow and please do not blow snow into the streets.

Councilor Turner – he helped an elderly neighbor today who couldn't get his generator started, then the same neighbor helped him get his snow blower started.

Town Manager Shane – Steve Sloan, Jr. who is active with the Cumberland Fire Department, has been appointed the Deputy Fire Chief in Westbrook. Steve has done a lot of paramedicine programs for us and will be missed in our Fire Department. Congratulations to Steve.

VI. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation and contract renewal.

Motion by Councilor Bingham, seconded by Councilor Stiles, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation and contract renewal.

VOTE: 7-0 UNANIMOUS

Reconvene to regular session at 9:18 P.M.

Motion by Councilor Bingham, seconded by Councilor Copp, to enter into an Employment Agreement between the Town of Cumberland and William R. Shane for a 3-year period beginning April 1, 2015.

VOTE: 7-0 UNANIMOUS

VII. ADJOURNMENT

Motion by Councilor Turner, seconded by Councilor Stiles, to adjourn.

VOTE: 7-0

TIME: 9:19 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary