

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, November 14, 2016**

## 6:00 P.M. Call to Order

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

**6:00 P.M. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(E) consultation with the Town Attorney.

Motion by Councilor Stiles, seconded by Councilor Gruber, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(E) consultation with the Town Attorney.

VOTE: 6-0 UNANIMOUS

TIME: 6:00 P.M.

Reconvene to Workshop at 6:32 P.M.

**6:30 P.M. WORKSHOP** with Town Attorney re: Moratorium on retail marijuana establishments and social clubs, Senior Tax Relief Program and LED Signs.

Councilor Bingham arrived at 6:57 P.M.

## I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Stiles, to accept the October 24, 2016 meeting minutes as presented.

VOTE: 5-0-2 (Copp and Storey-King abstained) MOTION PASSES

## II. MANAGER'S REPORT

Steve Moriarty read the dedication that he wrote for Penny Asherman in the Annual Town Report:

*When it comes to land preservation and securing public access to hundreds of acres of undeveloped property, no local organization can surpass the achievements of the Chebeague & Cumberland Land Trust. Originally founded in 1987 (and then known as the Cumberland Mainland & Islands Trust), the CCLT either owns or holds conservation easements on many properties in Cumberland, Chebeague, and in Casco Bay. Among the larger protected parcels are the Broad Cove Reserve off Route 88, the Rines Forest off Range Road, and the Farwell Forest off Blanchard Road. Penny Asherman assumed the duties of President in 2009 and has advanced the mission of the Trust with vigor and perseverance. Her greatest challenge came in 2015, when a long and carefully developed plan to acquire Knight's Pond and Blueberry Hill was nearly undone at the last minute. For decades the public was welcome to use these areas for recreational activities such as skating, hiking, snowmobiling, and cross country skiing by the kindness of the owners, Richard and Helen Knight. In more recent years their daughter, Rebecca Leland Swigget, continued the tradition. With the possibility of development looming as a threat, Penny and the CCLT began to take action. Acting together with the Towns of Cumberland and North Yarmouth, as well as with the Trust for Public Land and the Royal River Conservation Trust, and with significant financial support from the public, Penny developed a proposal to acquire the 215-acre property. A key source of funding was to have been a grant from the Land for Maine's Future program, through a bond measure approved by the*

voters. When the Governor refused to issue the bonds on the eve of closing, the entire project was suddenly in jeopardy.

Penny took the lead in keeping the plans alive, and additional financial support from the CCLT and the Royal River Conservation Trust made the dreams a reality. Ownership was transferred in the autumn of 2015, and a celebration took place at the shore of the pond on October 24.

Penny's leadership has created a lasting legacy for the people of the area, and a uniquely beautiful property has been preserved for recreation and wildlife habitat for generations to come. With gratitude for her vision, commitment, and tenacity, the 2015-2016 Cumberland Annual Report is proudly dedicated to Penny Asherman.

Town Manager Shane thanked resident Tom Peterson who has donated hundreds of pounds of produce to the food pantry from his garden. Every Friday, all summer long, Tom would show up at the food pantry with a pick-up truck load of fresh vegetables. He is an amazing man.

### III. PUBLIC DISCUSSION

Dale Denno thanked the voters and said that he will do his very best to represent our community over the next 2 years. He is open to hearing from anybody who has ideas and he wants to be a resource to the Town Manager with any issues or ideas that he can take back to Augusta.

### IV. LEGISLATION AND POLICY

#### 16 – 146 To hold a Public Hearing to consider and act on authorizing bonding of up to \$4.1 million dollars for an addition to the Central Fire Station, as recommended by the Central Fire Station Building Committee.

The Central Fire Station Building Committee presented the following:

**Central Fire Station  
Building Committee**

**Town Council  
November 14, 2016  
Public Hearing**



Jim Orsac, Chairman  
Brian Coshin, Vice Chairman

Linda Fulda  
John Hankinson  
Adrian Kendall  
Ben Kendall  
Georgia Small  
Harland Storey  
Dave Swan

Fire Chief Dan Small

Town Councillors  
Bill Stiles  
Mike Edes

CUMBERLAND  
FIRE DEPARTMENT

PORT & CITY  
ADMINISTRATION

## Committee Charge

**Council Packet Only – to be used as Talking Points not in Slide Show**

The Town Council directs the Town Manager to publicly advertise for the recruitment of a citizen's Building Committee to develop a recommendation for the Town Council for an expansion of the existing Central Fire Station on Tuttle Road. The Committee shall be tasked with the following:

- Inventory of current space and storage spaces
- Inventory of current apparatus housed at Central Fire
- Inventory of the Departments current abilities and challenges in completing its mission
- Develop a needs analysis specific to the mission of the Fire Department
- Develop a current building assessment including interior, exterior, roof, structural integrity, expansion ability, and land availability for possible expansion
- Development of a Conceptual Site Plan
- Visit and report on expansions to neighboring and area Town Fire Stations
- Hire an architect to develop a Preliminary Design Report (PDR) for the Town Council
- Present a comprehensive report with a recommendation to the Town Council **no later than November 28, 2016**. The report shall be presented at a regularly scheduled and televised Town Council meeting.

## Committee Meetings

- Held two meetings with direct abutters
- Town Council Preliminary Presentation 9-12-2016
- Televised Meeting 9-15-2016
- Open House at Fire Station 9-24-2016
- Final recommendation 11-14-2016 to the Town Council

## Central Fire Station

- 1969 – Design and Construction commence
- 1970 – Present station opens in August
- Regulated by Occupational Safety and Health Act, Environmental Protection Act, National Fire Protection Association, Maine Bureau of Labor, Safety and Protection of Fire fighters and their families
- 50 years – things have changed

## Central Fire Station Timeline

- 1970 - Self Contained Breathing Apparatus filled at Dive Shop
- 1980 – First Female Firefighter
  - Personal (fitted) Protective Equipment mandated
  - Hazmat Decontamination required
- 1990 – Staffing begins to decline
- 2000 – EMS reunified back into department (3 Ambulances)
  - SCBA Compressor & Breathing Storage Tanks installed
  - Hazmat Commercial Washer installed
- 2010 - Affordable Care Act
  - EPA must wash vehicles indoors

## Cumberland PPE Storage Area



NFPA Standard 1851 - Personal (fitted) Protective Equipment

## PPE Storage Area



*When planned, this is how it should be laid out for safety and efficiency.*

## Cumberland Decontamination Area



EPA Hazmat Decontamination must drain to a sewer



## Saco Decontamination Area



*Self-contained, enclosed area with sewer floor drain*

9

## Cumberland Self Contained Breathing Maintenance



*NFPA Standard 1981 - Firefighters entering a structural fire must be certified and wear a self contained breathing apparatus.  
(Exposed tanks, adjacent to Hazmat Decontamination)*

10

## Saco Self Contained Breathing Maintenance



*Separate room for Breathing Air and Compressor System to fill the tanks. Work shop to repair breathing apparatus.*

11

## Cumberland Medical Supply Closet



*2009 - EMS added to Central Fire Station  
2010 - Affordable Care Act  
2016 - Maine Medical Center no longer re-supplies ambulances*

12

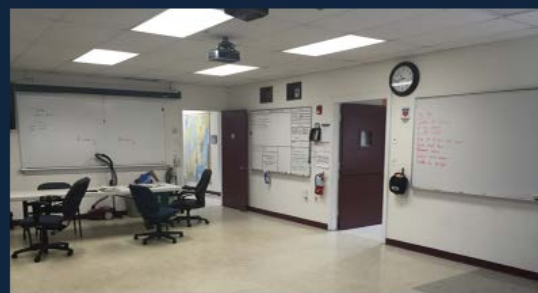
## Cape Elizabeth Medical Supply Room



- Buy in bulk to minimize costs but no where to store supplies
- Air quality of storage room

13

## Cumberland Multi Purpose Room



*Emergency Operations Center, Training, Patient triage, Fitness Equipment, School Department use and Community use.*

14

### Poland Multi-Purpose Room



15

### Cumberland Bedroom



Cannot accommodate male/female firefighters, no personal lockers, etc.

16

### Saco Bedroom



*Assigned rooms for personnel on differing schedules with personal lockers, desk, conducive for study, privacy, etc.*

17

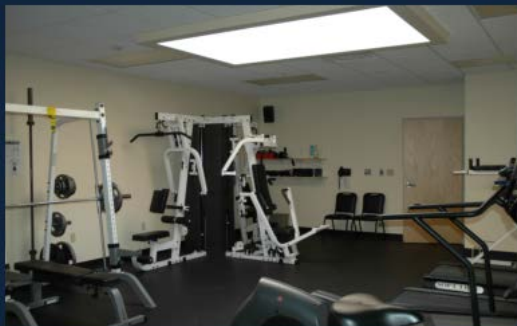
### Cumberland Physical Fitness Area



*50% of the annual line of duty deaths are heart and conditioning related. Fitness is strongly encouraged but poorly delivered.*

18

### Saco Physical Fitness Room



Fitness Center shared by Municipal employees

19



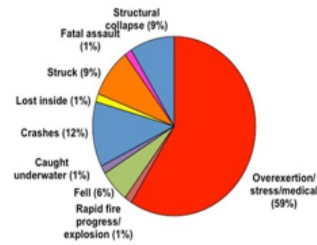
*Office, Human/Resource/Training Files, FD/PD/DPW Radio Bases, Station IT Equipment, Radio Equipment Cabinet, Medical Records*



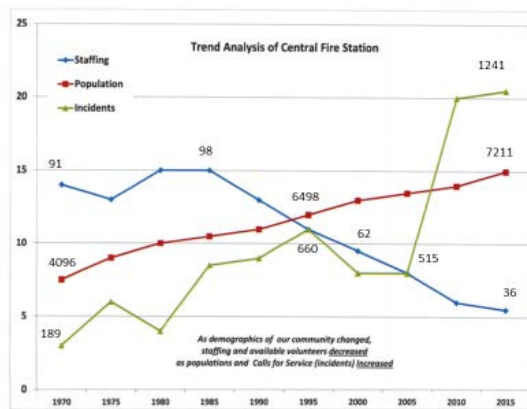
Cape Elizabeth Office

## Fire Fighter Deaths 2015

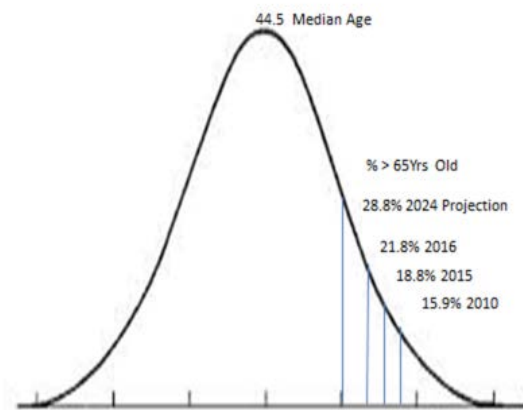
Firefighter Deaths by Cause of Injury – 2015



22



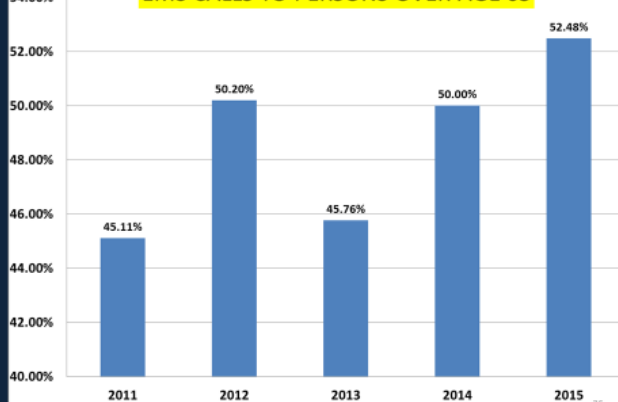
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MAINE POPULATION

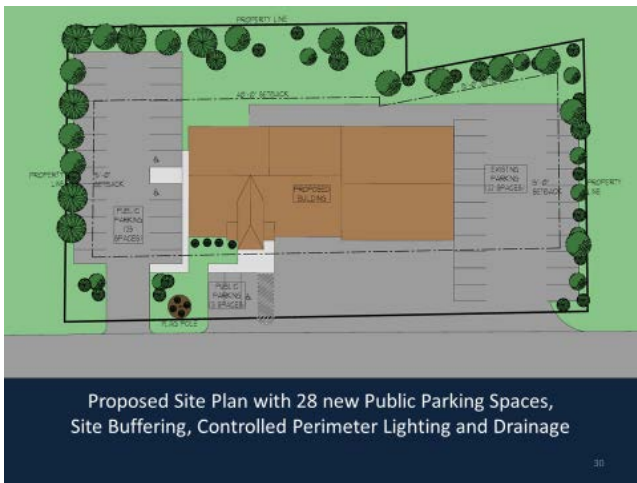
[www.maine.gov/labor/cwri/outlookDemographic.htm](http://www.maine.gov/labor/cwri/outlookDemographic.htm)

## EMS CALLS TO PERSONS OVER AGE 65



27





## Project Time Line

CUMBERLAND FIRE STATION BUILDING PROJECT TIMELINE - Cumberland, Maine

Item	6/13/2016	6/27/2016	7/13/2016	8/2/2016	8/10/2016	8/23/2016	9/1/2016	9/12/2016	9/22/2016
1. Kickoff Meeting with business - Completed									
2. Planning plus cost estimate on options for meeting - Completed									
3. Drafts with through and meeting on timing for station - Completed									
4. No meeting									
5. Committee Meeting - Completed									
6. Design Draft of Town Council Presentation and Recommendations									
7. Committee Meeting									
8. 2nd Meeting's Meeting - 8/22									
9. Preliminary Town Council Presentation - 9/12									
10. Meet with Architects on timeline - Completed									
11. Meet with Architects Management Team - 7/13/16									
12. Draft of Plan System - Completed									
13. Draft Report Due - Completed									
14. Review any ongoing issues - Completed									
15. Prepare Construction Agreement - Completed									
16. Town Council Meeting - 9/22/2016									
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## Project Preliminary Budget

Committee Recommendation	\$4,100,000
Second Alternative	\$4,484,746
Third- Total Rebuild	\$5,135,909

## How will this be funded?



Taxes raised from the Natural Gas mains can be used for roads, highway equipment and an addition to the Fire Station.

The Fire Station addition will be funded with a combination of TIF funds (from gas main) and General Funds (paid for by property taxes)

## Preliminary Property Tax Impact



Home Value	\$200,000	\$400,000	\$600,000	\$1,000,000
Taxes for 20 years	\$15	\$30	\$46	\$76

## Next Steps

1. Approval to go to Bond
2. Authorize the CFBC to continue until Construction
3. Authorize Architect
4. Authorize CM method to build

## Next Steps

### 3. Authorize Port City Architects to design the addition

Why Port City?

- Hired and completed first phase of the Cumberland Fire Station Project
- Completed the project on time and within their projected cost of the project
- Worked very effectively with the CFBC
- Difficult to start over with a new architect
- The CFBC unanimously voted to recommend going to the next phase of the project with Port City Architect



## Next Steps

### **4. Authorize Construction Management method to build:**

Why this approach versus a General Contractor?

- Most effective method to control costs
- CM provides input to architect and owner to achieve budget
- CM provides project management, supervision and coordination of subcontractors
- CM provides on-site supervision of all trades
- CM will receive competitive bids in all work divisions and will share results with owner
- Contracts are executed between CM and subcontractors
- Owners receive cost savings

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## Questions & Feedback

[www.cumberlandmaine.com](http://www.cumberlandmaine.com)

Click on Government Boards & Committee  
and go to Fire Station Building Committee

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Chairman Turner opened the Public Hearing.

Public Discussion: Denny Gallaudet of Range Road thanked the committee for all their hard work. This is a very central and important institution in our Town that will make a great statement, architecturally. He looks forward to a terrific building in the area of energy efficiency and sustainability, that can serve as an example to other towns.

Chairman Turner closed the Public Hearing.

Councilor Storey-King made the following motion, Councilor Edes seconded: WHEREAS, the town desires to issue its general obligation bonds in an aggregate principal amount not to exceed \$4,100,000 and to appropriate the proceeds thereof to finance the Project described in Sections 1 through 21 inclusive and attached to this Order;

**Section 1: Appropriation.** The sum of \$4,100,000 is hereby appropriated, from the proceeds of the Bonds and Notes herein authorized, to finance costs of improvements to the Central Fire Station including construction of an addition thereto and the equipping thereof, and which Bonds and Notes may also finance costs of issuance of the Bonds and Notes and capitalized interest of up to three years on the Bonds and Notes (the “Project”).

**Section 2: Authorization of Bonds.** For the purposes of financing the aforesaid appropriation, pursuant to the Town Charter and all other authority thereto enabling, there is hereby authorized and approved the issuance of the general obligation bonds (the “Bonds”) of the Town in an aggregate principal amount not to exceed \$4,100,000. The Bonds shall be designated “Town of Cumberland, Maine, [Year of Issuance] General Obligation Bonds.” The proceeds of the Bonds and any Notes shall be used to finance the costs of the Project.

**Section 3: Authorization of Notes.** The Treasurer is authorized to borrow money in anticipation of said Bonds by the issuance and sale of notes or renewal notes in anticipation thereof (the “Notes”). Any notes issued in anticipation of the Bonds shall be designated “Town of Cumberland [Year of Issuance] General Obligation Bond Anticipation Notes.”

**Section 4: Interest Rates and Details.** The Treasurer is authorized to determine the date(s), form(s), interest rate(s) (which interest rate may be a fixed rate or a variable rate or some combination of the two),

maturities and all other details of each issue of the Bonds and the Notes, including the form and manner of their sale and award. The Bonds and any Notes shall mature at the times and shall be in the amounts, and be dated as of such date, bear interest at the rate or rates and be in such form and contain such terms and provisions (including but not limited to early redemption provisions, if any) as the Treasurer may hereafter determine or authorize.

**Section 5: Redemption; Execution.** The Treasurer is authorized to provide that any of the Bonds and Notes be made callable, with or without premium, prior to their maturity, and each Bond or Note issued hereunder shall be signed by the Treasurer, shall be countersigned by the Chair of the Town Council, and shall be sealed with the seal of the Town, attested to by its Clerk.

**Section 6: Financial Advisor; Underwriter.** The Treasurer is authorized to select a financial advisor and/or an underwriter for the Bonds and Notes, and the Treasurer of the Town is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

**Section 7: Official Statement.** The Treasurer is authorized to prepare, or cause to be prepared, a Notice of Sale and/or a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds and/or Notes, such Notice of Sale, Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer, with the advice of the bond counsel for the Town, and that the distribution of the Notice of Sale and/or Preliminary Official Statement and the Official Statement in the name of and on behalf of the Town in connection with offering the Bonds and/or Notes be and hereby is approved.

**Section 8: Transfer Agent.** The Treasurer is authorized to select the registrar, paying agent and transfer agent (the "Transfer Agent") for the Bonds and Notes and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services.

**Section 9: Registration.** The Bonds and Notes shall be transferable only on registration books of the Town kept by the transfer agent, and said principal amount of the Bonds or Notes of the same maturity (but not of other maturity) in the denomination of \$5,000 or any multiple thereof (or such other minimum denomination as the Treasurer shall establish) upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a Bond or Note the Town and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new Bonds or Notes upon exchanges or transfer thereof to be paid by the person requesting the same.

**Section 10: Book Entry.** The Treasurer is authorized to undertake all acts necessary to provide, if deemed necessary or appropriate by the Treasurer in his discretion, for the issuance and transfer of such Bonds and Notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing Order above regarding physical transfer of Bonds and Notes, and the Treasurer is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the Bonds or Notes for and participate in the Depository Trust Company Book-Entry Only System.

**Section 11: Exchanges and Transfers.** The Treasurer and Chair of the Town Council from time to time shall execute such Bonds or Notes as may be required to provide for exchanges or transfers of Bonds or

Notes as heretofore authorized, all such Bonds or Notes to be executed as above described, and in case any officer of the Town whose signature appears on any Bond or Note shall cease to be such officer before the delivery of said Bond or Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

**Section 12: Tax-Exempt Bond Covenants.** The Treasurer is authorized to covenant and certify on behalf of the Town that no part of the proceeds of the issue and sale of the Notes or the Bonds authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Notes or Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and that no part of the proceeds of the issue and sale of such Notes or Bonds (including any notes and bonds in renewal thereof) shall be used, directly or indirectly, in such manner which would cause the Notes or Bonds to be "private activity bonds" within the meaning of Section 141 of the Code.

To the extent permitted under the Code, the Treasurer is authorized to designate any of the Bonds or Notes authorized to be issued hereunder as qualified obligations for purposes of Section 265(b) of the Code.

The Treasurer is authorized to covenant and agree, on behalf of the Town, for the benefit of the holders of the Bonds and Notes, that the Town will file any required reports and take any other action that may be necessary to ensure that interest on the Bonds and Notes will remain exempt from federal income taxation, and that the Town will refrain from any action that would cause interest on the Bonds or Notes to be subject to federal income taxation.

**Section 13: Continuing Disclosure.** The Treasurer is authorized to covenant, certify and agree, on behalf of the Town, for the benefit of the holders of the Notes or Bonds, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

**Section 14: Town Officials.** If any of the officers or officials of the Town who have signed or sealed the Bonds or Notes shall cease to be such officers or officials before the Bonds or Notes so signed and sealed shall have been actually authenticated or delivered by the Town, such Bonds or Notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds or Notes had not ceased to be such officer or official; and also any such Bonds or Notes may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such Bonds or Notes, shall be the proper officers and officials of the Town, although at the nominal date of such Bonds or Notes any such person shall not have been such officer or official.

**Section 15: Deputy Officials.** If the Treasurer, Chair of the Town Council or Clerk are for any reason unavailable to approve and execute the Bonds or Notes or any of the related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself performed such act.

**Section 16: Other Actions.** The Treasurer, Chair of the Town Council, Clerk and other appropriate officers of the Town are hereby authorized and empowered to do all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, deeds, assignments, certificates, memoranda, abstracts, and other documents as may be necessary or advisable, with the advice of counsel for the Town, including but not limited to any certificates, bond insurance agreements, notices of sale and other

documents as may be necessary or appropriate in connection with the sale of the Bonds and Notes and any letter of credit agreement or liquidity facility agreement necessary to the issuance of any Bonds or Notes, to carry out the provisions of the resolutions heretofore adopted at this meeting in connection with the Project, the execution, sale, and delivery by the Town of the Bonds and Notes and the execution and delivery of any related financing documents.

**Section 17: Costs; Reallocation.** The term “cost” or “costs” as used herein and applied to the Project, or any portion thereof, includes, but is not limited to (1) the purchase price or acquisition cost of all or any portion of the Project; (2) the cost of construction, building, alteration, enlargement, reconstruction, renovation, improvement, and equipping of the Project; (3) the cost of all appurtenances and other facilities either on, above, or under the ground which are used or usable in connection with the Project; (4) the cost of landscaping, site preparation and remodeling of any improvements or facilities; (5) the cost of all labor, materials, building systems, machinery and equipment; (6) the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Project; (7) the cost of all utility extensions and site improvements and development; (8) the cost of planning, developing, preparation of specifications, surveys, engineering, feasibility studies, legal and other professional services associated with the Project; (9) the cost of environmental studies and assessments; (10) the cost of financing charges and issuance costs, including premiums for insurance, interest prior to and during construction and for a period not to exceed three (3) years from the issue date of the Bonds or Notes, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction; and (11) the cost of all other financing authorized hereunder, whether related or unrelated to the foregoing. In the event that any proceeds of the Bonds or Notes remain unspent upon completion of a Project, or if the Town abandons a Project, the Town reserves the right to reallocate unspent proceeds to the costs of other qualified projects approved, or to be approved, by the Town Council, or to apply unspent proceeds to the payment of debt service on the Bonds or the Notes.

**Section 18: Tax Levy.** In each of the years during which any of the Bonds or Notes issued hereunder are outstanding, there shall be levied a tax in an amount which, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said Bonds or Notes, payable in such year, and the principal of such Bonds or Notes maturing in such year (except in the case of Notes to be refunded in that year by the issuance of Bonds).

**Section 19: Consolidation.** Any or all of the Bonds or Notes issued hereunder may be consolidated with and become a part of any other issue of temporary notes or general obligation bonds authorized to be issued by any previous or subsequent Order of the Town Council of the Town of Cumberland.

**Section 20: Investment Earnings; Premium.** The investment earnings on the proceeds of the Bonds and Notes, if any, and the excess proceeds (including any premium on the sale) of the Bonds and Notes, if any, be and hereby are appropriated for the following purposes, such proceeds to be held and applied in the following order of priority: (a) to any costs of the Project in excess of the principal amount of the Bonds or Notes; and (b) in accordance with applicable terms and provisions of the Arbitrage and the Use of Proceeds Certificate delivered in connection with the sale of the Bonds or Notes.

**Section 21: Reimbursement.** It is the intent of the Town Council that this Bond Order shall constitute the Town's declaration of official intent within the meaning of Treasury Regulation 1.150-2 to pay, on an interim basis, costs of the Project in an amount up to the principal amount of the Bonds to be issued, which costs the Town reasonably expects to reimburse with proceeds of the Bonds or Notes.



NOW, THEREFORE, be it voted, resolved, and ordered by the Town Council of the Town of Cumberland, Maine:

The sum of \$4,100,000 is hereby appropriated, from the proceeds of the Bonds and Notes herein authorized, to finance costs of improvements to the Central Fire Station including construction of an addition thereto and the equipping thereof, and which Bonds and Notes may also finance costs of issuance of the Bonds and Notes and capitalized interest of up to three years on the Bonds and Notes (the "Project").

VOTE: 7-0                      UNANIMOUS

**16 – 147    To hold a Public Hearing to consider and act on acceptance of the Central Fire Station Building Committee's final plan recommendations for implementation:**

- 1)      To authorize contract with architect**
- 2)      To authorize construction management process**
- 3)      To authorize the Central Fire Station Building Committee charge to continue**

Chairman Turner opened the Public Hearing.

Public Discussion: None

Chairman Turner closed the Public Hearing.

1) Motion by Councilor Bingham, seconded by Councilor Stiles, to authorize the Town Manager to enter into a contract with Port City Architects for the addition to the Central Fire Station.

VOTE: 7-0                      UNANIMOUS

2) Motion by Councilor Bingham, seconded by Councilor Stiles, to authorize the Town Manager to work with the Central Fire Station Building Committee to select a Construction Management Firm to construct the new addition and to authorize the Town Manager to execute a contract with the selected Construction Management Firm.

VOTE: 7-0                      UNANIMOUS

3) Motion by Councilor Bingham, seconded by Councilor Stiles, to authorize the Central Fire Station Building Committee to work with the Construction Management Firm and Architect to deliver a project than can begin construction in the spring of 2017.

VOTE: 7-0                      UNANIMOUS

**16 – 148    To hold a Public Hearing to consider and act on amendments to Article 8, Chapter 315-79 (Contract Zoning), Section 315 (Zoning Ordinance) of the Cumberland Code, as recommended by the Planning Board.**

Town Manager Shane explained that this improves our current Contract Zone process which requires a lot of public input, a meeting with the Town Council and the Planning Board, and it will start projects at the same time. He feels that this is a great process and the Ordinance Committee and staff have reviewed it and are recommending its approval.

Chairman Turner opened the Public Hearing.

Public Discussion: None

Chairman Turner closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Copp, to amend Article 8, Chapter 315-79 (Contract Zoning), Section 315 (Zoning Ordinance) of the Cumberland Code, as recommended by the Planning Board.  
VOTE: 7-0 UNANIMOUS

**16 – 149 To hold a Public Hearing to consider and act on adopting a moratorium ordinance regarding retail marijuana establishments and social clubs.**

Town Manager Shane said that the Council met with the Town Attorney and it is her recommendation and staff's recommendation that we implement this moratorium so that the Ordinance Committee can begin looking at the zoning in town, and the possible impacts that this state law could have.

Chairman Turner said that during the workshop, it was the apparent sense of the Council that they would not likely feel any different about allowing retail marijuana establishments in this town 6 months from now. They feel it appropriate to give the public some input about what we should or should not do.

Chairman Turner opened the Public Hearing.

Public Discussion: Bill Dehais of 21 Woodside Drive said that he would like the town to be honest and if this is really just a 6-month time period to figure out how to stop it, why not just do that now? He urged the Council to think about this long term, not necessarily how you have thought about marijuana since the 1930's when it was prohibited, but maybe in a more normalized sense. There are alcohol establishments in town where you can stand on the front steps and look at the high school. He hopes that the Council will keep an open mind.

Chairman Turner closed the Public Hearing.

Councilor Copp made the following motion, Councilor Gruber seconded: NOW, THEREFORE, be it ordained by the Town Council of the Town of Cumberland, that the following Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs be, and hereby is, enacted as attached to these minutes, and in furtherance thereof, the Town Council does hereby declare a moratorium on the location, operation or licensing of any retail marijuana social clubs and any retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, within the Town.

VOTE: 7-0 UNANIMOUS

**16 – 150 To consider and act on authorizing the Town Manager to execute a contract with A.H. Grover for snowplowing services.**

Town Manager Shane explained that the town sent out notices to 4 or 5 contractors in our area for bids for snow plowing services to supplement our Public Works crew. A.H. Grover has done this for the town for the past three years and they were the only contractor to respond with a bid. The Finance Committee has reviewed the contract and they unanimously support it.

Motion by Councilor Stiles, seconded by Councilor Gruber, to authorize the Town Manager to execute a contract with A.H. Grover for snowplowing services.

VOTE: 7-0 UNANIMOUS

**16 – 151 To consider and act on sending to the Planning Board for a Public Hearing and recommendation, amendments to the Sign Ordinance to allow LED Signs in the Town Center District (TCD) and to add the school property to the Town Center District.**

Town Manager Shane explained that this item is a request to move this forward to the Planning Board so they can begin their deliberations on the sign ordinance. The biggest piece in this is the new LED sign component. The Ordinance Committee, along with Paul Auclair and Steve Moriarty, met multiple times and they believe that this is a compromise to allow LED signs in the Town Center District (from about Farwell Avenue to the Congregational Church – including Doc's Café). The size of the signs will be limited to 3x5 feet, specific hours of operation, specific number of units of illumination and only black and white signs are allowed. The signs cannot flash and the message can only change every 20 minutes.

Motion by Councilor Bingham, seconded by Councilor Copp, to forward to the Planning Board for a Public Hearing and recommendation, amendments to the Sign Ordinance to allow LED Signs in the Town Center District (TCD) and to add the school property to the Town Center District.

VOTE: 7-0 UNANIMOUS

**16 – 152 To hold a Public Hearing to consider and act on a request for a utility easement for water and sewer from Crossing Brook Road to Greely Road.**

Town Manager Shane explained that the Council is concerned that it may be too soon in this project to consider this easement. They want to bring the sewer lines from the Crossing Brook subdivision over toward Greely Road. He feels that water and sewer connection to Greely Road is a huge benefit. Perhaps some form of Memorandum of Understanding at this point in the process is more appropriate, allowing the developer to go through the Planning Board process first to obtain all the necessary permits, then the town would be more amenable to looking at issuing some type of utility easement.

Chairman Turner opened the Public Hearing.

Public Discussion: Dustin Roma of D.M. Roma Consulting Engineers said that the Memorandum of Understanding would be a good step for them as they are looking to solidify an agreement in principal at this point. One of the more critical pieces involves Portland Water District and they have met to discuss the project. Everyone is in agreement that this is the best way to serve this site. Going through the Planning Board process first is appropriate.

Chairman Turner closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Bingham, to suspend consideration on this utility easement request until all Federal, State and Local permits have been received and the project has Planning Board approval. Further, I authorize the Town Attorney to develop a Memorandum of Understanding on behalf of the Town Council for a future easement which includes water, sewer and natural gas connections to Greely Road, as recommended by the Town Manager.

VOTE: 6-1 (Edes opposed) MOTION PASSES

**16 – 153 To hold a Public Hearing to authorize a grant application for the future construction of a pier at Broad Cove Reserve, as recommended by the Coastal Waters Commission.**

Town Manager Shane explained that the Coastal Waters Commission is requesting that the Council authorize them to submit a grant to construct the pier at Broad Cove Reserve. We will be requesting \$230,000 for the project and the State monies will not be available until 2018.

Chairman Turner opened the Public Hearing.

Public Discussion: None

Chairman Turner closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Gruber, to authorize the Town Manager to submit a grant application for the future construction of a pier at Broad Cove Reserve, as recommended by the Coastal Waters Commission.

VOTE: 7-0 UNANIMOUS

**16 – 154 To hold a Public Hearing to consider and act on amendments to the Contract Zone Agreement for Cumberland Foreside Village per the new process adopted.**

Town Manager Shane explained that this would increase the number of dwelling units that are in the original contract from 150 to up to 185. The road that exits near the apartments would come out of the contract zone because the OC South zone is less restrictive than the contract zone. The sidewalk in the 295 buffer that was required in the original contract, will be removed. The project has been changed so much since it was originally conceived back in 2002. If the project is allowed to start, it would go a Town Council facilitated neighborhood meeting, which is the first step in the new process.

Chairman Turner opened the Public Hearing.

Public Discussion: Tom Foley of Granite Ridge Road asked if the apartment dwellers are counted in the 185 number.

Mr. Chase said that they were.

Chairman Turner closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Copp, to allow for consideration, the proposed amendments to the previously amended Contract Zone Agreement for Cumberland Foreside Village, per the new process adopted in item #16-148.

VOTE: 7-0 UNANIMOUS

**16 – 155 To set a Public Hearing date of November 28<sup>th</sup> to consider and act on draft zoning map amendments to rezone property at Tax Assessor Map U07, Lot 16 to change zoning designation from Rural Residential One (RR1) to Highway Commercial (HC), as recommended by the Planning Board.**

Motion by Councilor Bingham, seconded by Councilor Copp, to set a Public Hearing date of November 28<sup>th</sup> to consider and act on draft zoning map amendments to rezone property at Tax Assessor Map U07, Lot 16 to change zoning designation from Rural Residential One (RR1) to Highway Commercial (HC), as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS



**16 – 156 To set a Public Hearing date of November 28<sup>th</sup> to consider and act on accepting Old Colony Lane (Phase 2) as a Public Road.**

Motion by Councilor Stiles, seconded by Councilor Bingham, to table.

VOTE: 7-0 UNANIMOUS

**V. NEW BUSINESS**

**Councilor Bingham** – Condolences to the Haynes family of Harris Road on the passing of Alberta Haynes last week. The Haynes have been wonderful neighbors and friends for many years.

Last week, he summited the 18,500 foot Kala Pattar at the Evariste Base Camp area. There were beautiful vistas around every turn and it was a wonderful life experience.

**Councilor Gruber** – The 2<sup>nd</sup> annual Forum on Aging was held a couple of weeks ago. It was another successful event and thank you to everyone who helped.

The Food Pantry will be distributing Thanksgiving food baskets on Friday. Thank you to everyone who donated and to the volunteers. A special thank you to Linda Shane for her amazing work.

The Ocean Access Committee met last week and decided that they still have some work to do and would like to request one more year to complete it.

**Councilor Storey-King** – Thank you to Representative Mike Timmons for his service and congratulations to Dale Denno.

Condolences to the family of Keith Hansen who passed away recently. His passing is very sad.

Thank you to those who worked on fixing the water main break recently.

Congratulation to all the Greely fall athletes for a great season.

**Councilor Edes** – Congratulations to Dale Denno and thank you to Mike Timmons for your service. Running for public office comes at a cost and a lot of sacrifice of personal and family time.

Thank you to the 4 Veterans on the Town Council for your service.

**Chairman Turner** – Keith Hansen's passing is very sad and he passed away much too young. He used to fish and hunt with Keith. He was a true outdoorsman who loved nature. His condolences to his son Zack and wife Diane.

**Councilor Stiles** – Councilor Copp is continuing to support the 4-H auction with a donation. He will continue his efforts all year long to raise enough money to have another successful year and enough money to buy a lot of meat for the food pantry.

**Councilor Copp** – he had the opportunity to sample some of the meat that comes from the 4-H auction and it is far above anything that you can buy in the store. Everyone should try it. The patrons of the food pantry are receiving a better quality of meat than we can buy at the grocery

**VI. ADJOURNMENT**

Motion by Councilor Stiles, seconded by Councilor Copp, to adjourn to Workshop.

VOTE: 7-0

TIME: 9:22 P.M.

**VII. WORKSHOP re: Town Garage, Summer 2017 – Sand & Salt Shed**

Respectfully submitted by,

Brenda L. Moore  
Council Secretary