

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, July 11, 2016

7:00 P.M. Call to Order

I. CALL TO ORDER

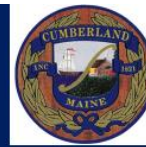
II. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Bingham, to accept the June 20, 2016 meeting minutes as presented.

VOTE: 5-0-2 (Edes and Storey-King abstained)

III. MANAGER'S REPORT

Town Manager Shane gave updates on Fireworks, Paving, Broad Cove Reserve usage and the Senior Property Tax Assistance Program:



Manager's Report

July 11, 2016

Fireworks Update- July 1st -7th

6 Calls to 911

- Noise Complaints – 2
- Fireworks at Twinbrook - 2
- Grass Fire At Bud's Trail due to Fireworks
- Structure Fire at Crossing Brook – accidental Fireworks discharge – 60' from home
- 2 Letters to the Town Council
- Multiple Social Media Post

Our Ordinance

- More about dates and times- and references State Laws
- No discussion about "fire danger" similar to ban on camp fires, brush fires, etc.
- Owners may be unaware- discharge of fireworks must be on your property
- No distance restrictions – near structures, etc.

Paving & Construction

- Main Street Area – All first coat of Pavement- Clean-up & Surface Paving Next
- Harris Road & Middle by Tuttle – Shim paving Only- final Summer 2017
- Cross Road – early fall Start date
- Tuttle Road Drainage And Sidewalk – bid date November – Spring Construction
- Middle Road Drainage by Greely Road – Fall Start date
- Oak Street Sidewalk – August start date
- Middle Road Water line & Road Reconstruction- Nov. Bid date
- Landfill Closure – Bid date November – Spring 2017 start date
- Broad Cove Parking lot – Bid date August – Construction this fall

Broad Cove Usage to Date

Events- Horse Shoe Crabs

60- 75 people- Marginal weather- peaked at 18 cars

Peak Days to Date

6/26 111 visitors Peak Car Hour 16 Cars 3 PM Sunny 80

7/3 120 visitors Peak Car Hour 10 Cars 11 AM Sunny 80

7/4 ** 114 visitors Peak Car Hour 25 Cars 2 PM Sunny 80

Issues on the Horizon

Future Parking and Drop Off after Sept 1st

Senior Tax Program – August 1st

TOWN OF CUMBERLAND SENIOR PROPERTY TAX ASSISTANCE

Application Deadline-August 1, 2016

To qualify for this program, you must meet the following qualifications:

- 1) be 62 years of age or more
- 2) have a homestead in the Town of Cumberland
- 3) been a resident of the Town of Cumberland for at least 10 years
- 4) combined household income does not exceed \$69,000

You must meet all 4 of the criteria above to be eligible for this program.

52 Applicants to date

Senior Tax Program – August 1st

A	B	C	D	E
		Max	C-B	Refund
Income	4% of Income	Taxes on \$185,000 Home		50% of D
\$69,000	\$2,760	\$3,350	\$590	\$295
\$60,000	\$2,400	\$3,350	\$950	\$475
\$50,000	\$2,000	\$3,350	\$1,350	\$675
\$46,250	\$1,850	\$3,350	\$1,500	\$750

State Law Requires both Renters and Homeowners be eligible and the Program allows for greater benefit for lower incomes

“Story Walk” Town Forest

- We have another exciting Eagle Scout Project in the Works
- 20-24 Story boards will be developed and changed monthly with a new story
- The boards will be placed on laminated Book Pages
- Sue Novack – Preschool Director at the Congregational Church brought the idea forward
- Met with Children’s Librarian & Library Director to discuss books
- Our own Mary Train has agreed to allow us to use her book as a kick-off “Time for the Fair”
- Start up is After Labor Day

Food Pantry Update

Our **Anonymous Donor** has donated another **\$25,000** to our Food Pantry.

We will need to add this item to the end of your agenda to Accept the money and authorize a gift letter for the generous donation.

The Parish of the Holy Eucharist - Over 3,000 lbs. of food through the drive in window! Coordinated by the Youth of the Parish

Juliana Baranowski organized the effort and dropped of a check for \$838.04

We will need to add this item to the end of your agenda to Accept the money

Councilor Edes said that the tragedy in Dallas recently really hits home in the law enforcement community. He has been asked by the State Police to go to Dallas to attend the funerals of 2 or 3 of the officers killed. He has been talking with Chief Rumsey about what we can do to represent Cumberland at the funerals. He will be placing a Cumberland Police patch on the grave of each of the Dallas Police Officers that were killed. Chief Rumsey shared with him that the community has reached out to the Cumberland Police Department with kind words and baked goods to show their support and appreciation for our police department.

IV. PUBLIC DISCUSSION

Brad Hilton of Blanchard Road said that at the last meeting there was no effort by the Council to decrease the mil rate, but instead the expenditures were expanded. The end of year surplus was approximately \$700,000. Instead of using this to reduce taxes, the Council decided to put it back into the budget. This makes him angry. There are a lot of residents who cannot make ends meet and they will be forced to cut back on how they live. He feels that the Council is not representing the Town well.

Councilor Gruber responded that instead of having the surplus, items could have been added into the budget and funded that way, which would have increased the mil rate more. The Council chose not to do that and he takes exception to Mr. Hilton's remarks as Chairman of the Finance Committee.

Curtis Ingraham of 55 Greely Road read the following remarks in regard to fireworks:

I volunteer for our fire/rescue department. I'm here to speak on the Fireworks Ordinance.

I am here on my own accord and may or may not be representing any of the town management's nor public safety membership opinions.

I've provided a map of neighboring towns showing regulation of fireworks.

My Position Up Front

I enjoy seeing fireworks put on by the professionals in Portland, L.L. Bean, the Seadog's, Yarmouth Clam Festival, and others. The reflections when over water are spectacular and the water provides an excellent margin of safety. I am not a proponent of allowing consumer based pyrotechnics in the Town Of Cumberland.

This Year's Conditions and Specific Localized Concerns

The weather is dry along the coast but was not a bad inland so the Fire Danger Class Day did not effectively address very localized conditions.

In the corner of Cumberland where we live, there are no Portland Water District hydrants, no water tower feeds, no dry hydrants, and no ponds nor lakes. I-295 and Route 1 effectively eliminate drawing water from the ocean. A fire water shuttle system would have to be established. These take a long time to set-up.

Fire/EMS personnel are generally out and about on July 4th and not readily available to respond to a situation. They also may already be at a call somewhere else. This was the case this July 4th.

Because of mutual aid to neighboring towns that have no ordinance or that allow restricted use, Cumberland personnel may be called to their events. This currently includes Westbrook, Gorham, Windham, Pownal, and Gray.

Other Observations

The local "kept" animals (sheep, horses, cows, etc.) do not seem to enjoy the noise. I know I do not.

The wildlife retreat to their shelters.

We have a few "locals" who launch fireworks weeks before the allowed times. It's startling and initially makes one wonder if it's firearms. Calling 911 and all the folks on PD really don't want to

V. LEGISLATION AND POLICY

16 – 091 Swearing in of Councilor Edes.

Deputy Town Clerk, Eliza Porter administered the oath of office to Councilor Edes.

16 – 092 To hold a Public Hearing to authorize the Town Manager to amend TIF District #1 to allow a Credit Enhancement Agreement for FMC Development, LLC d/b/a the Memory Care Facility.

Town Manager Shane explained that this item has been before the Council at least three times and before the Finance Committee six times. This was a request from the Memory Care Facility 6 or 7 months ago for their proposed facility on Route One. This lot is the last lot in our Route One North TIF District. When we originally amended the TIF District, approximately 10 years ago, there were 3 lots left. At that time, Norton Financial was going to purchase 2 lots, and Planet Dog was going to purchase the 3rd. The Credit Enhancement Agreement was written specific to those businesses. Planet Dog did not end up expanding their business and did not purchase the 3rd lot. The Credit Enhancement Agreement still lists Planet Dog in it. It simply has to be amended to list the Memory Care Facility (FMC Development, LLC).

Chairman Turner opened the Public Hearing.

Dr. John Campbell of West Cumberland, a Geriatric Psychiatrist, said that he hopes that this facility will accept Medicaid payments and not only allow wealthy patients. He has learned that the system is very inequitable when it comes to a patient's ability to pay privately as opposed to needing Medicaid to pay. He treats many patients who are residents of Cumberland and he has many patients who are stuck in the psychiatric unit who are stable, because he cannot find them an assisted living residence for two reasons: 1) because they have Maine Care as their payer, and 2) because they are taking a psychiatric medication. He believes that with our States demographic of aging that we want an assisted living facility in our Town that is assessable to everyone, not just wealthy people. The facilities that "cherry pick" the wealthy as their patients are doing very well and do not need a tax break. The residences that accept Medicaid would benefit from some kind of tax break, and he would be completely supportive of that, because the Medicaid payments are lower. He wants the Council to consider this.

Town Manager Shane said that we amended our ordinance a little over a year ago to require that residential care facilities with more than 20 beds would be required to have 10% or 20% be for Maine Care type patients. This facility is much less than 20 beds. We are trying to attract the larger facilities, but that has proven difficult.

Chairman Turner closed the Public Hearing.

Councilor Bingham made the following motion. Councilor Stiles seconded:

Ordered that the Town, acting pursuant to the provisions of Title 30-A, Chapter 206 of the Maine Revised Statutes, hereby adopts the Second Amendment to the Town of Cumberland TIF #1, Municipal Development Tax Increment Financing Development Program (the "Second Amendment") as presented to this meeting and as has been on file in the Town Clerk's Office, a copy of which is incorporated herein and made a part of the minutes of this meeting. The Town Manager, acting singly, is hereby authorized and directed, on behalf of the Town of Cumberland to execute and submit to the Commissioner of the Maine Department of Economic and Community Development ("DECD") such applications and further documentation as may be necessary or appropriate for any necessary final approval of the Second Amendment; and the Town Manager be, and hereby is, authorized and empowered, at his discretion, from

time to time, to make such technical revisions to the Second Amendment as he deems reasonably necessary or convenient in order to facilitate the process for review and approval of the Second Amendment by the Commissioner of DECD, so long as such revisions are not inconsistent with the Second Amendment or the basic structure and intent of the District or the Second Amendment.

Ordered further that the Town Manager, acting singly, be and hereby is authorized and directed to enter into the Credit Enhancement Agreement as contemplated by the Second Amendment to the Development Agreement, and in the name of and on behalf of the Town, such agreement to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as amended by the Second Amendment, as the said Town Manager may approve, the Town Manager's approval to be conclusively evidenced by his execution thereof.

VOTE: 5-2 (Gruber and Storey-King opposed) MOTION PASSES

Councilor Gruber said that Dr. Campbell's comments are accurate he feels awful that we did not have this discussion much earlier. He made some calls and found out that this facility was "going to be very pricey". He wishes that he had thought of this himself much earlier. This is why he did not support this.

Councilor Stiles said the more of these types of facilities that are around, the better off we will all be. It would force the pricing to become more reasonable.

16 – 093 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the 147th Cumberland Fair to be held from September 25th – October 2nd, 2016 at the Cumberland Fairgrounds.

Town Manager Shane said that the staff is recommending approval.

Chairman Turner opened the Public Hearing

Public discussion: None

Chairman Turner closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Bingham, to approve the Mass Gathering Permit for the 147th Cumberland Fair to be held from September 25th – October 2nd, 2016 at the Cumberland Fairgrounds.

VOTE: 7-0 UNANIMOUS

16 – 094 To set a Public Hearing date of July 25th to consider and act on amendments to Chapter 250 (Subdivision of Land), Article VI (Street Design and Construction Standards) Section 32 (Design and Construction Standards) of the Cumberland Code, as recommended by the Planning Board.

Motion by Councilor Bingham, seconded by Councilor Stiles, to set a Public Hearing date of July 25th to consider and act on amendments to Chapter 250 (Subdivision of Land), Article VI (Street Design and Construction Standards) Section 32 (Design and Construction Standards) of the Cumberland Code, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

16 – 095 To set a Public Hearing date of July 25th to consider and act on setting the FY2017 tax rate.

Motion by Councilor Stiles, seconded by Councilor Copp, to set a Public Hearing date of July 25th to consider and act on setting the FY2017 tax rate.

VOTE: 7-0 UNANIMOUS

16 – 096 To set a Public Hearing date of July 25th to consider and act on a Mass Gathering Permit for the Cumberland Soccer Club “Just for Fun” Labor Day Tournament to be held September 3rd and 4th from 7:00 a.m. to 7:00 p.m. at Twin Brook.

Motion by Councilor Copp, seconded by Councilor Stiles, to set a Public Hearing date of July 25th to consider and act on a Mass Gathering Permit for the Cumberland Soccer Club “Just for Fun” Labor Day Tournament to be held September 3rd and 4th from 7:00 a.m. to 7:00 p.m. at Twin Brook.

VOTE: 7-0 UNANIMOUS

16 – 097 To authorize the Town Manger to accept an anonymous donation of \$25,000 to the food pantry.

Motion by Councilor Gruber, seconded by Councilor Stiles, to authorize the Town Manger to accept an anonymous donation of \$25,000 to the food pantry.

VOTE: 7-0 UNANIMOUS

16 – 098 To authorize the Town Manager to accept a donation of \$838.04 to the food pantry.

Motion by Councilor Copp, seconded by Councilor Storey-King, to accept a donation of \$838.04 from the Parish of the Holy Eucharist to the food pantry.

VOTE: 7-0 UNANIMOUS

16 – 099 To consider and act on sending the Fireworks Ordinance to the Ordinance Committee for review and recommendation.

Motion by Councilor Bingham, seconded by Councilor Gruber, to refer to the Ordinance Committee review of the current Fireworks Ordinance and report back to the Town Council any recommended amendments.

VOTE: 6-1 (Edes opposed) MOTION PASSES

VI. NEW BUSINESS

Councilor Bingham – Town Manager Shane is very, very good at keeping the Council informed of everything. The Councilor’s also spend a lot of time at Town Hall and have the opportunity to observe employees at work and have a pretty good idea of what the needs are. The budgets come before the Council in great detail, including employees and their salaries. Eliza Porter’s position was brought to the Council in February and we were all enthused to be “growing our own people”.

Councilor Gruber – he has heard from a lot of senior residents who are grateful for the drop off area at the Broad Cove Reserve.

The Town Manager’s father came to volunteer at the food pantry last week while visiting from Florida. Thank you to Sid Shane.

He is concerned about the Middle and Tuttle Road intersection. There have been many accidents there and he requested accident data from the Town Manager at a future meeting.

The Lands & Conservation Commission does great work. The Yarmouth Rotary donated benches that the Public Works Department put in the Town Forest. They are wonderful!

He thanked Councilor Edes for going to Dallas and representing the Town.

Councilor Storey-King – she requested a list of people who have received money for the Senior Tax Assistance Program in the past so calls can be made to friends and neighbors to remind them about the program.

The Ordinance Committee has been meeting every other week working on the sign ordinance and working on codifying a process for future Contract Zone Agreements. Both are moving along nicely and the work is thoughtful and intentional.

She has accepted a position as JV Field Hockey Coach, which may cause her to miss a meeting or two in the fall.

Councilor Edes – he attended a dinner party recently on Spruce Lane and heard a lot of compliments about the Brown Tail Moth spraying program. They said that they could really notice a difference where the spraying took place and where it did not. Kudos to the Town for spraying.

Thank you to Councilor Bingham for being the Council Chairman over the last year. He did a great job.

Chairman Turner – July 18th will kick off the Summer Concert Series on the lawn of Greely High School where the Community Band will play.

Congratulations to our Town Manager on his good judgement hiring Eliza Porter. He has hired people for significant positions who have spent time interning and getting the experience to do a good job. He feels that most of the Council joins him in feeling that his good judgement for the appointment of Eliza continues.

Councilor Stiles – If we look back at the promotions of some of other Town employees, you will find, for example, that Chris Bolduc and former Police Chief Charron are two examples of promoting from within.

The Val Halla Board of Trustees met recently. It appears that there are more people playing golf and the junior program numbers are also up.

The Central Fire Station building committee met earlier this evening. They got to look at the proposed building site. The committee is making a lot of good progress.

His efforts continue to collect for the 4-H auction to benefit the food pantry. He thanked Councilor Copp for his donations at every Council meeting, as well as Dale Denno for his generous donation.

Councilor Copp – he also supports the hiring of Eliza Porter. We could not have hired a better person. Eliza has worked for the Town for many years and knows how Town government works.

In his experience, most of the accidents that occur at Middle and Tuttle Road do not involve Cumberland residents. The problem is with people that are not familiar with the intersection.

The next Council meeting will be at the West Cumberland Hall.

Town Manager Shane – in regard to the article in the Press Herald regarding the hiring of Eliza Porter, he discussed offering Eliza a job with his administration team. Before we began looking for a Deputy Town Clerk, he wanted to think about working with Eliza for the Deputy Town Clerk/Communications Director position because of her 3 years of experience with the Town. We have always gone internally for candidates and will continue to do so because it is the right thing to do. Eliza finished first in her class at the University of Maine. He feels badly for Eliza that this became front page news and something positive became something negative.

VII. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:35 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary