

# MINUTES

Cumberland Town Council Meeting  
Town Council Chambers

**MONDAY, March 28, 2016**

**6:30 Ordinance Committee Meeting**  
**6:45 Nominating Committee Meeting**

## **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 Gruber, seconded by Councilor Stiles, to accept the March 14, 2016 minutes as presented.

VOTE: 6-0-1 (Edes abstained)      MOTION PASSES

### **II. MANAGER'S REPORT**

None

### **III. PUBLIC DISCUSSION**

None

### **IV. LEGISLATION AND POLICY**

#### **16 – 037 To hold a Public Hearing to consider and act on a liquor license renewal for The Golf Learning Center.**

Town Manager Shane said that staff is recommending approval of the license.

Chairman Bingham opened the Public Hearing.

Public discussion: None

Chairman Bingham closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Turner, to approve the liquor license renewal for The Golf Learning Center.

VOTE: 7-0      UNANIMOUS

#### **16 – 038 To appoint Lieutenant Milton Calder as interim Police Chief effective April 1, 2016.**

Town Manager Shane said that it is with great honor and privilege that he brings Lieutenant Milton Calder's name before the Council for appointment as interim Police Chief. After 34 years, Chief Joe Charon will retire on March 31<sup>st</sup>. The Police Chief recruitment process should be complete by June.

Motion by Councilor Edes, seconded by Councilor Copp, to appoint Lieutenant Milton Calder as interim Police Chief effective April 1, 2016.

VOTE: 7-0      UNANIMOUS

**16 – 039 To reappoint William Longley as Code Enforcement Officer, Craig Jones as alternate Code Enforcement Officer, and Richard Wentworth as alternate Electrical Inspector, for the term of April 1, 2016 – March 31, 2017.**

Town Manager Shane explained that these appointments are required annually by the State.

Motion by Councilor Copp, seconded by Councilor Stiles, to reappoint William Longley as Code Enforcement Officer, Craig Jones as alternate Code Enforcement Officer, and Richard Wentworth as alternate Electrical Inspector, for the term of April 1, 2016 – March 31, 2017.

VOTE: 7-0 UNANIMOUS

**16 – 040 To consider and act on amendments to the Stormwater Ordinance as recommended by the Ordinance Committee.**

Councilor Storey-King explained that the Ordinance Committee met and reviewed the Stormwater Ordinance and are recommending the following amendments (in red text):

§ 242-7. Allowed non stormwater discharges.

The creation, initiation, origination and maintenance of the following non stormwater discharges to the storm drainage system is allowed, **provided the discharge does not cause a violation of water quality criteria:**

- A. Landscape irrigation;
- B. Diverted stream flows;
- C. Rising groundwaters;
- D. Uncontaminated groundwater infiltration [as defined at 40 CFR 35.2005(20)];
- E. Uncontaminated pumped groundwater;
- F. Uncontaminated flows from foundation drains;
- G. Air-conditioning and compressor condensate;
- H. Irrigation water;
- I. Flows from uncontaminated springs;
- J. Uncontaminated water from crawl space pumps;
- K. Uncontaminated flows from footing drains;
- L. Lawn watering runoff;
- M. Flows from riparian habitats and wetlands;
- N. Residual street wash water (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material has been removed and detergents are not used);
- O. Hydrant flushing and firefighting and firefighting training activity runoff;
- P. Waterline flushing and discharges from potable water sources;
- Q. Individual residential car washing;
- R. Dechlorinated swimming pool discharges;
- S. Discharges specified in writing by the Code Enforcement Officer as being necessary to protect public health and safety; and
- T. Dye testing, with verbal notification to the Code Enforcement Officer prior to the time of the test.

§ 242-25. General requirements.

Any person owning, operating, leasing or having control over stormwater management facilities required by a post-construction stormwater management plan approved under this article shall demonstrate compliance with that plan as follows:

- A. That person or a qualified post-construction stormwater inspector hired by that person shall, at least annually, inspect the stormwater management facilities, including but not limited to any parking areas, catch basins,

drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.

**B.** If the stormwater management facilities require maintenance to function as intended by the approved post-construction stormwater management plan, that person shall take corrective action(s) to address the deficiency or deficiencies.

**C.** That person shall employ a qualified post-construction stormwater inspector to provide, on or by **March 1 June 1** of each year, a completed and signed certification to the enforcement authority, in a form identical to that attached as Appendix 2 to this article,<sup>(1)</sup> certifying that the stormwater management facilities have been inspected and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, describing any required maintenance and any deficiencies found during inspection of the stormwater management facilities, and if the stormwater management facilities require maintenance or repair of deficiencies in order to function as intended by the approved post-construction stormwater management plan, the person shall provide a record of the required maintenance or deficiency and corrective action(s) taken.

Motion by Councilor Gruber, seconded by Councilor Stiles, to amend Chapter 242 (Stormwater Management), Section 242-7(Allowed non- stormwater discharges) and 242-25C (General Requirements) of the Cumberland Code, as recommend by the Ordinance Committee.

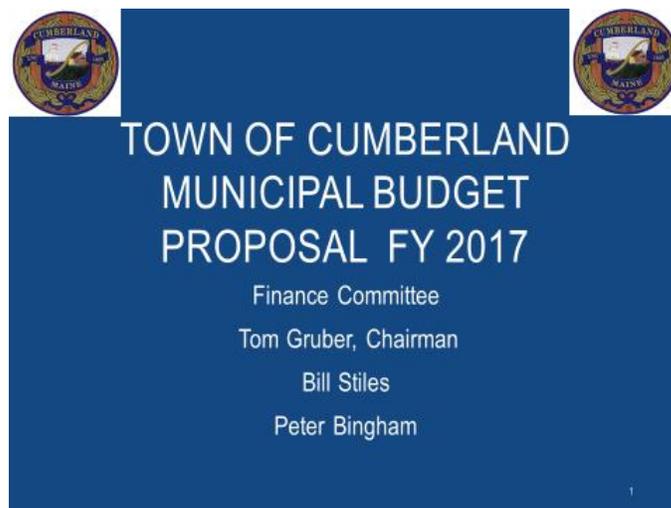
VOTE: 7-0 UNANIMOUS

**16 – 041 To set a Public Hearing date of April 11th to consider and act on a Mass Gathering Permit for Binnie Media’s Maine’s Ultimate Yard Sale to be held at the Cumberland Fairgrounds on June 11, 2016 from 9:00 a.m. to 2:00 p.m.**

Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of April 11th to consider and act on a Mass Gathering Permit for Binnie Media’s Maine’s Ultimate Yard Sale to be held at the Cumberland Fairgrounds on June 11, 2016 from 9:00 a.m. to 2:00 p.m.

VOTE: 7-0 UNANIMOUS

**16 – 042 To hold a Public Hearing to consider and act on adoption of the FY’17 Municipal Budget.**  
Town Manager Shane and Councilor Gruber presented the following:



## Budget Proposal FY 2017



### Town Charter Requirements – Article V Budget

- Town Manager shall submit a budget prior to May 26<sup>th</sup>
- "The budget authority of the Council shall be limited to the final determination of the total appropriation to be made to each of the several offices, departments and agencies of the town."

#### Budget Shall Include :

- Statement of Financial Condition of the Town
- Detail of Expenditures, past, current and proposed
- Proposed Capital Budget
- Itemized Revenues
- Debt Service Budget- Interest & Principal detailed
- Other information as required by Town Council

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## Budget Proposal FY 2017



### B. Expenditures

	FY 2016	FY 2017 Proposed	Increase
Town	\$10,355,079	\$10,511,164	1.5%

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## Budget Proposal FY 2017



### C. Capital Improvements Overview

- Payson Property development moving forward
- Paving and Drainage Improvements – Main Street Area
- Blanchard Road Main St- to Glenview – MDOT
- Tuttle Road & Route One with MDOT
- Middle Road Engineering

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## Budget Proposal FY 2017



### D. Revenues

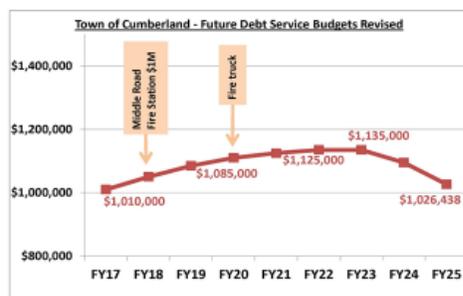
	FY 2016	FY 2017	% Change
Total Non-Property Tax Revenues	\$4,555,489	\$4,513,720	-0.9%

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## Budget Proposal FY 2017



### E. Debt Service



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## Budget Proposal FY 2016 Preliminary Tax Rate Impact



Municipal Expenses	\$10,511,164	(Up 1.4% + .15% County)
<b>Revenues</b>	<b>\$ 4,513,720</b>	
Net to Tax Rate	\$ 5,997,444	Municipal Operations & County
TIF Funds	\$ 1,650,279	Monies Taxed for Econ. Develop. to Pay Infrastructure and Related Costs ( Rt 100, Range Rd, Twin Brooks, Skillin)
Preliminary School	\$ 16,260,151	(Up 4.39 %)
	<b>\$ 23,944,186</b>	<b>Taxes to Be Raised (A)</b>
Value of All Properties	\$1,294,280,300	(B)
<b>Tax Rate</b>	<b>\$18.50</b>	<b>2.2% Tax Increase</b>
		<b>A / B x 1,000</b>

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## Budget Proposal FY 2017



28-Mar	Dollar Chg	% Chg
County	\$ 0.01	0.06%
Town	\$ 0.11	0.61%
School	\$ 0.28	1.55%
Total	\$ 0.40	2.21%

Questions All Budget Details At

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

Chairman Bingham opened the Public Hearing.

Public discussion:

Brad Hilton of Blanchard Road asked if there was going to be a public meeting to discuss the TIF Funds.

Chairman Bingham responded that the short answer is no. The TIF's were covered at one of the Council budget workshops. If anyone has questions regarding TIF's, they can contact the Town Manager.

Mr. Hilton said that he would like to see if there is any way to reduce the TIF funds by \$200,000 by anticipating that the tax rate is going to be lower. Approving the full amount of the TIF funds tonight seems a little too advanced to him, because the school budget is not completed.

Karen Campbell of Stonewall Drive said that she came to this budget process a little late. She struggles with the timing of the budget process between the Town and the School Board. The Town is finishing their process when the School Board is just starting theirs. We are both dealing with the same pool of taxpayer money. She knows that Town Manger Shane does a great job in keeping in touch with School Business Manager, Scott Poulin and Superintendent Porter, but the reality is that the numbers are not ready so they have to estimate on the school numbers. When we are trying to make decisions individually on contingency funds or what to do with excess revenues, it would be better to plan as a group.

Councilor Turner said that he agrees that this diverse timing has been an issue for years and he does not understand why we have not tried to come to grips with it before now.

Ms. Campbell explained that the School budget timing is tied by State Statute and she is not here to make a recommendation as to how the Town times their budget process.

Councilor Gruber said that Ms. Campbell made points that are well taken. He agreed that the Town and School are not always in concert with each other.

Mr. Hilton said that he appreciates the work that the Town has put into their budget and appreciates the Council allowing him to be involved.

Chairman Bingham closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Turner, to set the municipal FY2017 General Fund Expenditure budget at \$10,511,164.00 and the General Fund Non-Property Tax Revenues Budget of \$4,513,720.00 to offset the impact of property taxes, as recommended by the Finance Committee.

VOTE: 7-0 UNANIMOUS

**16 – 043 To appoint members to vacant board/committee seats.**

Motion by Councilor Copp, seconded by Councilor Turner, to appoint Matthew Soule to the Recreation/Community Education Advisory Board, Shawn McBairty to the Lands & Conservation Commission, and Richard Thompson to the Coastal Waters Commission.

VOTE: 7-0 UNANIMOUS

**V. NEW BUSINESS**

**Councilor Edes** – he said that he was sorry to miss the budget meeting last Saturday, but he was away on a family vacation.

**Councilor Gruber** – the Food Pantry will be closed this Friday. The floor is being repaired and repainted.

The Aging in Place Forum will be held again this year at the Middle School in October.

**Councilor Storey-King** – there will be a neighborhood meeting on April 11<sup>th</sup> regarding the Contract Zone Agreement with Bateman Partners and the Russell's (Wyman Way area).

**Councilor Turner** – he is the proud grandfather of a new granddaughter, Eliza Marie.

**Chairman Bingham** – None

**Councilor Stiles** – he reminded everyone that his efforts continue to raise money for the 4-H auction to benefit the Food Pantry.

**Councilor Copp** – he thanked Mrs. Wright for taking the time to email the Town Manger and Town Council her comments regarding the budget.

**Town Manager Shane** – at the May 9<sup>th</sup> Council meeting here will be a presentation on LED signs. There will be a vendor coming to talk to the Council about the sign that the Congregational Church wants to install.

Also on May 9<sup>th</sup>, there will be a presentation from an engineering firm that has requested input from the Council on the potential installation of solar panels on 4.5 acres on top of the landfill on Drowne Road. There would be no cost to the Town for this project.

**VI. ADJOURNMENT**

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

VOTE: 7-0                      UNANIMOUS

TIME: 8:23 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary