

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, January 23, 2017**

**6:45 Nominating Committee Meeting**

## 7:00 P.M. Call to Order

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

### I. APPROVAL OF MINUTES

Motion by Councilor Bingham, seconded by Councilor Storey-King, to accept the January 9, 2017 meeting minutes as presented.

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

### II. MANAGER'S REPORT

Town Manager Shane said that he would hold off his report until New Business.

### III. PUBLIC DISCUSSION

None

### IV. LEGISLATION AND POLICY

#### 17 – 008 To hear a report from the Finance Director re: 2<sup>nd</sup> Quarter Financials.

Finance Director, Heather Perreault presented the following:



#### Town of Cumberland FY17 Q2 Revenues/Expenses

#### General Fund FY2017 Q2 Revenues & Expenditures

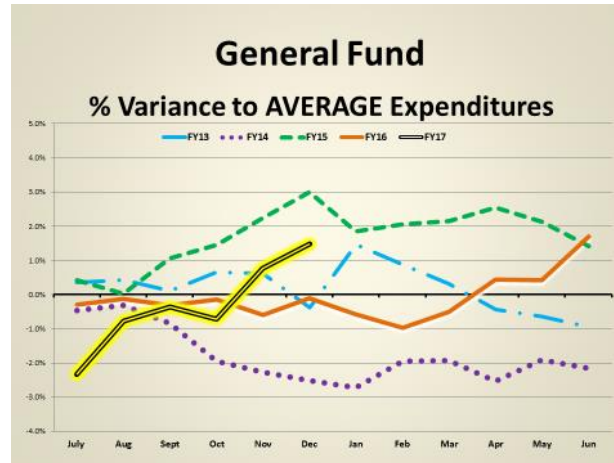
	FY17 Budget	FY17 Actual	FY17%	FY16 %
<b>TOTAL REVENUES</b>	<b>\$ 4,513,720</b>	<b>\$ 3,024,005</b>	<b>67.0%</b>	<b>57.6%</b>
Controllable Expenses	\$ 7,462,114	\$ 4,134,821	55.4%	53.5%
Fixed Expenses	\$ 19,109,524	\$ 10,561,447	55.3%	56.3%
<b>TOTAL EXPENSES</b>	<b>\$26,571,638</b>	<b>\$14,696,268</b>	<b>55.3%</b>	<b>55.5%</b>

## General Fund FY2017 Q2 Selected Revenues

	FY17 Budget	FY17 Actual	FY17%	FY16 %
Excise Tax	\$ 1,480,000	\$ 998,325	67.5%	62.8%
State Revenue Sharing	\$ 385,710	\$ 204,063	52.9%	56.9%
Permits & Impact Fees	\$ 158,000	\$ 260,830	165.1%	77.7%
EMS Billing	\$ 186,200	\$ 126,731	68.1%	56.6%
Recreation - After School	\$ 195,152	\$ 119,205	61.1%	49.6%
Recreation - All Other	\$ 530,991	\$ 263,718	49.7%	36.2%
Val Halla - Golf Revenues	\$ 603,447	\$ 323,284	53.6%	53.1%
Val Halla - Rents etc	\$ 46,423	\$ 23,843	51.4%	19.9%

## General Fund FY2017 Q2 Selected Expenses

	FY17 Budget	FY17 Actual	FY17%	FY16 %
Police	\$ 1,251,821	\$ 706,774	56.5%	53.9%
Fire	\$ 892,066	\$ 495,758	55.6%	50.6%
Public Services	\$ 1,839,963	\$ 869,227	47.2%	44.7%
Val Halla Golf Club	\$ 695,465	\$ 468,859	67.4%	71.1%
Recreation	\$ 839,396	\$ 480,608	57.3%	56.7%
Abatements	\$ 20,000	\$ 33,514	167.6%	116.7%



### 17 – 009 To hear a report from the Fire Chief re: Emergency Operations Plan and to adopt and execute the Cumberland County Hazard Mitigating Plan 2017 Update.

Fire Chief, Dan Small explained the emergency operations plan is updated every 10 years and requires Council approval.

Councilor Gruber made the following motion, Councilor Bingham seconded:

Whereas, natural and man-made disasters may occur at any time, we recognize that to lessen the impacts of these disasters we will save resources, property, and lives in Cumberland County;

And whereas the creation of a multi-jurisdictional Hazard Mitigation Plan is necessary for the development of a risk assessment and effective mitigation strategy;

And whereas, this multi-jurisdictional county of 3 cities and 25 towns is committed to the mitigation goals and measures as presented in this plan;

Therefore the Cumberland Town Council hereby adopts the Cumberland County Hazard Mitigation Plan – 2017 Update; and

Therefore, the Cumberland County Commissioners, acting on behalf of the county, hereby adopt the Cumberland County Hazard Mitigation Plan – 2017 Update.

VOTE: 7-0 UNANIMOUS

**17 – 010 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, amendments to the Cumberland Foreside Village Contract Zone Agreement.**

Town Manager Shane explained that after the Public Hearing with the Planning Board, the developer has decided to withdraw his request for additional housing units. What remains is the removal of the trail on the I-295 side of the project, which became unnecessary when sidewalks were added within the subdivision. It has been replaced with a 6 foot wide gravel trail that will connect all the properties from sidewalk to sidewalk. The other amendment is a request for additional setbacks for the Lot 9 parcel. These setbacks would be consistent with the original Planning Board approval for the lot prior to being incorporated into the Contract Zone Agreement.

Councilor Storey-King said that she has a concern that when we amend a Contract Zone, it extends the length of the Contract Zone. She feels that it should be a maximum of 3 years, not 5 years. The site preparation just seems to go on and on with this project. She referred to a photo from her house in which you can clearly see the apartments.

Councilor Stiles said that he thought that the buildings were going to be screened and not seen (from Middle Road). Since Mr. Chase wants to remove the trail on the backside, we should insist that he plant buffer trees.

Motion by Councilor Storey-King, seconded by Councilor Copp, to forward to the Planning Board for a Public Hearing and recommendation, amendments to the Cumberland Foreside Village Contract Zone Agreement with the addition of the requirement of large trees planted in the berms.

VOTE: 7-0 UNANIMOUS

**17 – 011 To hold a Public Hearing to consider and act on repealing Chapter 315 (Zoning), Section 28.2 (Village Center Commercial (VCC) Multiplex Overlay) of the Cumberland Code, as recommended by the Planning Board.**

Town Manager Shane explained that this comes before the Council with a positive recommendation from the Planning Board to repeal it. We had a Multiplex Overlay that was part of a master plan that never materialized. In order to preserve the limited commercial land that we have on Route 100, the Planning Board felt it best keep it zoned VCC and eliminate the Multiplex Overlay.

Chairman Turner opened the Public Hearing.

Public Discussion: Rhonda Small or Maurice Way said that she visited 9 Route 100 businesses and found 5 business owners who would be willing to serve on a Route 100 redevelopment committee. There are some great business minds who would be willing to talk about putting some more businesses there. She feels that the area that these businesses are in deserves to be what they built. They have a stake in their businesses.

Chairman Turner closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Stiles, to repeal Chapter 315 (Zoning), Section 28.2 (Village Center Commercial (VCC) Multiplex Overlay) of the Cumberland Code, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

**17 – 012 To hold a Public Hearing to consider and act on repealing and replacing Chapter 315 (Zoning), Section 63 (Signs) of the Cumberland Code, as recommended by the Planning Board. (TABLE)**

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

VOTE: 7-0 UNANIMOUS

**17 – 013 To hold a Public Hearing to consider and act on amendments to Chapter 48 (Coastal Waters), Section 5 (Mooring) of the Cumberland Code, as recommended by the Coastal Waters Commission.**

Town Manager Shane explained that this is a housekeeping amendment to the Coastal Waters Ordinance and staff is recommending 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 Chapter 48 (Coastal Waters), Section 5 (Mooring) of the Cumberland Code, as recommended by the Coastal Waters Commission.

VOTE: 7-0 UNANIMOUS

**17 – 014 To hold a Public Hearing to consider and act on amendments to Chapter 30 (Boards & Commissions), Article 3 (Town Lands and Conservation Commission) of the Cumberland Code, as recommended by the Ordinance Committee. (TABLE)**

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

VOTE: 7-0 UNANIMOUS

**17 – 015 To appoint members to Boards & Committees.**

Motion by Councilor Copp, seconded by Councilor Bingham, to appoint: Paul Auclair and Alan Blanchard to the Conservation Subdivision Committee and Robert Waterhouse to the Lands & Conservation Commission (Forestry Subcommittee).

Further, the following terms were set to the Parks & Recreation Commission:

3 Year Terms: Chris Fitzpatrick and Parry Normandeau

2 Year Terms: Don Stowell and Travis Seaver

1 Year Terms: Amy Amico and Sally Pierce

Terms for the Lands and Conservation Commission:

3 Year Terms: Shawn McBairty, Mike Schwindt, Paul Weiss, Sally Stockwell and Robert Waterhouse

2 Year Terms: Ellen Hoffman, Sam York, John Jensenius and Henry Milburn

1 Year Terms: Ted Chadbourne, David Young, Rachel Becker-McEntee and Warren Graumann

VOTE: 7-0 UNANIMOUS

**17 – 016 To appoint Tamara O'Donnell as Registrar of Voters for the term of January 1, 2017 through December 31, 2018.**

Motion by Councilor Bingham, seconded by Councilor Stiles, to appoint Tamara O'Donnell as Registrar of Voters for the term of January 1, 2017 through December 31, 2018.

VOTE: 7-0 UNANIMOUS

V. **NEW BUSINESS**

**Councilor Bingham** – None

**Councilor Gruber** – Last Thursday the Historical Society put on a presentation, and it appears that basketball seemed to be the prominent sport in this town many years ago, as it is today.

The Aging in Place Committee will be making a presentation to the Council in a month or so.

**Councilor Storey-King** – Winter sports are in full force. Greely High School has been named the basketball high school for the State of Maine.

**Councilor Edes** – We lost a Greely graduate recently. Mark Baumer was killed while walking across the country barefoot to bring attention to global warming. Condolences to his family.

Several months ago when the Council was discussing the Middle Road project, we discussed bringing the waterline to the Falmouth town line. There was an article in the Forecaster that said the Town of Falmouth has no intention of bringing the waterline to the Cumberland town line as part of their Middle Road construction project. That said, he asked his fellow Councilors if they want to reconsider extending our waterline to the Falmouth town line, saving our taxpayers \$225,000.

Councilor Storey-King said that her main concern for this project has always been fire protection. As long as we get water to Evergreen Lane (the last side street), that is what is important. The distance that Falmouth would have to extend to get to the last fire hydrant on their side would be less than ½ a mile. We keep talking about collaboration with other towns and this would be a good example of collaboration.

Councilor Bingham respectfully disagreed. He feels that we can never put in enough waterlines and if circumstances change in 10 years, it will cost much more to add the line. We should do it now while the road is open.

Town Manager Shane said that we should bring our water line to within 500 feet of the Town line for fire protection. Evergreen Lane is a lot further than 500 feet away. He will get the actual dollar amount to the Council and they will have the opportunity to vote on it and let the neighbors know what the plan is.

**Chairman Turner** – He has been noticing people walking at night with dark clothes on and no reflective gear. This is dangerous and they are putting themselves at jeopardy.

He's been thinking about the Fireworks Ordinance that the Council put in place a few years ago. Right now fireworks are allowed July 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup>, New Year's Eve and New Year's Day. He thinks that the Ordinance Committee should take another look at maybe eliminating July 3<sup>rd</sup> and 5<sup>th</sup>. He feels it is at least worth a conversation.

**Councilor Stiles** – He thanked Councilor Copp for his continued support and donations to the food pantry 4-H fund.

**Councilor Copp** – He missed the last meeting because his towing business has been extremely busy. He encouraged anyone who travels 295 to be extremely careful. There have been more serious accidents on that road in the last 6 months than you can imagine. It is a very dangerous road, so beware and drive carefully.

**Town Manager Shane** – There was a bid opening for the Middle Road reconstruction project last week. The low qualified bidder was Storey Brothers of Cumberland and we are looking forward to working with them again on this project. There were 8 bidders on the project and it was very competitive, which proves it was bid at the right time of year.

The fire station project is moving along very well. We have had 2 meetings with the project management team. There was some minor tweaking to the building design that was necessary. The grades coming in from Tuttle Road to the building had to be changed to allow handicapped access to the building. We hope to break ground on the project in April.

## **VI. ADJOURNMENT**

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

VOTE: 7-0                      UNANIMOUS

TIME: 8:36 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary