

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, April 10, 2017

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 Gruber, seconded by Councilor Stiles, to accept the March 27, 2017 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Portland Water District will hold a meeting on Wednesday, April 19th at 7:00 p.m. in the Council Chambers to discuss the water main improvements from Flintlock Drive to Middle Road.

There has been some confusion regarding the brown tail moth spraying program. The spraying is only taking place on the Foreside, nowhere else in Town, and only those residents who want their property sprayed will be sprayed. If people opt out, there will be no spraying at their property. Private Roads need to have agreement from their entire association in order to have any spraying done.

Communications Director, Eliza Porter did a demonstration on the construction update portion of the Town website.

III. PUBLIC DISCUSSION

Rick Doane said that he noticed on the Planning Board agenda an item for site approval for the new salt and sand shed next to Town Hall. He was not aware that there was a finite plan that was already moving forward. He realizes that the Town is not seeking to build a new Public Works facility right away, but after incurring the expense of building the road and moving the salt and sand shed, the Town is set on that location if the entire facility is to be relocated. He is a little disappointed that there has not been more broad based discussion outside of Town Hall. He would like an opportunity to understand what options were considered and perhaps comment on them. He hopes that there may be some willingness of the Council to put this on hold in order to get more public dialogue.

IV. LEGISLATION AND POLICY

17 – 047 To hear a presentation re: Brown Tail Moths from Charlene Donahue, Department of Agriculture, Conservation and Forestry and Lebel Hicks, PhD DABT, of the Maine Board of Pesticides Control.

Charlene Donahue presented the following:

Browntail Moth

Maine
Department of Agriculture, Conservation & Forestry
Maine Forest Service

Lots of Insects That Do No Harm



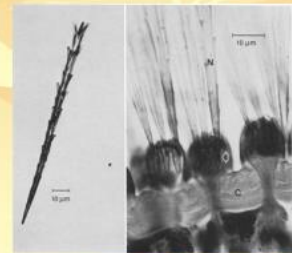
Browntail Moth

- BTM caterpillars have toxic hairs that cause:
 - Rash
 - Breathing problems
- BTM caterpillar feeding causes:
 - branch dieback
 - tree mortality



Browntail Moth - Toxic hairs

- Tiny hairs (0.15 mm long) from caterpillars & cocoons are like hypodermic needles that inject toxins into skin and lungs.
- Carried in air, settle on grass, leaves, brush, in yards, on porches, under boats, etc.
- Can become air-borne again
- Toxins last 1-3 years in environment.



Browntail Moth - History *Euproctis chrysorrhoea*

- Invasive – native to Europe
- First established in Somerville, Massachusetts in 1897



Browntail Moth Expansion by Year

Browntail Moth - History

- Population collapsed in 1920's
- Possibly due to a combination of weather and fungus, *Entomophaga aulicae* and a fly
- Expands periodically
- 1990's- 2005



Infected browntail moth caterpillar



Browntail Moth

- Population increasing and expanding



Browntail Moth - Life Cycle

- Caterpillars emerge in late April and May
- Feed on foliage until late June
- Molt skins five times
- Cast skins have toxic hairs on them



BTM Life Cycle: Late June

- In late June – early July, caterpillars move around looking for a good place to spin a cocoon and pupate
- They make loosely woven “pupal webs” & cocoons in leaves, on branches, buildings, under eaves & boats
- Cocoons are full of toxic hairs!



Early July: Spin Cocoons



Late July through August

- Moths emerge from cocoons in July & mate
- Lay eggs on leaves of host trees (apple, oak, cherry, etc.)
 - 25-2000+ eggs
 - Covered with felt-like toxic hairs
- Eggs hatch in August



August through September

- Young caterpillars skeletonize leaves
- Spin silk while feeding.
- Tie leaves together to build an overwintering nest.



BTM Life Cycle: September - April

- Spend winter in webs
- 25-2000+ caterpillars/web
- Not affected by cold



Questions?

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 (50 Hospital Street)
 Augusta, ME 04333-0168
 (207) 287-2431
www.maine.gov/forestpests#btm



17 – 048 To hold a Public Hearing to consider and act on authorizing the Town Manager to execute a contract with Whitney Tree Service to spray for Brown Tail Moth’s on Route 88 provided that the majority of residents participate.

Chairman Turner opened the Public Hearing.

Public discussion: None

Chairman Turner closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Bingham, to authorize the Town Manager to execute a contract with Whitney Tree Service to spray for Brown Tail Moth’s on Route 88, provided that the majority of residents participate.

VOTE: 6-0-1 (Copp abstained)

MOTION PASSES

17 – 049 To hold a Public Hearing to consider and act on repealing and replacing Section 315-63 (Signs) of the Cumberland Code, as recommended by the Planning Board.

Town Manager Shane explained that the Council was able to view a demonstration of the sign at the High School last evening, but it was very hard to see the different levels of illumination. Tonight he is hopeful that we can move the new sign ordinance forward.

Chairman Turner opened the Public Hearing.

Public discussion: John Davis of 2 Village Way said that the challenge the Council is facing is that the proposed Church sign is aesthetically pleasing, and he agrees with this. What is objectionable to him is what we want our Town center to look like 10 or 20 years from now. This is the issue that he would like the Council to consider. He would like the Council to consider pulling the LED signs out of the Town center and allowing them on Route 1 and Route 100. He had the opportunity to drive through the Town centers of Yarmouth and Freeport and noticed that there were no internally lit signs in either place. These are both heavy commercial areas and they have made the conscience decision to not allow internally lit signs. He hopes we will do the same.

Paul Auclair of Olivia Lane said that the Congregational Church has made every effort to maintain the rural appearance of Cumberland. He reference the photo below and reminded everyone that per the current ordinance, external lighting is allowed. Passing the ordinance will not allow for control of the flood lights, but feels that the LED signs will not harm the aesthetics of the Town.



Carolyn Currie of 321 Main Street said that the current ordinance encourages downward facing lights that shine on the sign or the establishment. The LED signs shine outward and this concerns her. Since Main Street is a Mixed Use Zone, every property on Main Street has the potential of becoming a commercial property and having an LED sign. It seems unfortunate to her to make this type of change in the ordinance in hopes that nobody will take us up on it. If it is allowed, eventually businesses will have them. There is very shaky compliance on Main Street and she spoke to the Code Enforcement Officer and he admitted that there is no way for him to enforce the ordinance. She strongly encouraged the Council to not change the character of our Town.

Ken Leeman said that what you see as you drive down Main Street is indictative of who we are as a Town. He was “absolutely floored” when he first saw the Greely sign. He feels that it would be a terrible mistake to allow the internally lit signs. They are very harsh and do not match the view of Cumberland that we have. He urged the Council not to support this ordinance change on Main Street.

Melissa Gattine of 325 Main Street said that she is opposed to this change because we already had this discussion when the design standards for Main Street were developed. When a Town and a neighborhood goes through that process, how long can they depend on those zone changes lasting? Her neighborhood has only had about 5 or 6 years, which is not a long time. A lot of time was put into the current design standards.

Doug Currie of 321 Main Street said that he recognizes that this is a difficult decision for the Council. If this seems appropriate for Main Street, it should also be appropriate for the rest of Town. He is concerned with this spreading beyond Main Street throughout the rest of Town. Looking down the road a few years, the cost of LED signs will be much more affordable for all businesses. There are currently 11 establishments on Main Street that have the potential to have an LED sign. This is a decision for the long term look, feel, and character of Main Street.

Chairman Turner closed the Public Hearing.

Chairman Turner said that we still have an element of rural character, but the question is compared to what? The rural character when Verrill’s turkey farm was on Main Street is vastly different than it is now. Things evolve and people continue to love the Town. His major concern, if this passes, is enforcement.

Councilor Bingham said that the impact is overstated given the regulations in regard to design and illuminations. There is enough built into the ordinance to make sure they will be tasteful signs. If approved, he would like to see the Ordinance Committee look into it every 2 years to be sure that it's working as intended.

Councilor Copp said that he has really struggled with this and is afraid that Main Street will become littered with signs.

Councilor Stiles said that he would like to prohibit signs from having a commercial message. This way, only the Church and the school would be allowed to have them.

Town Manager Shane reminded the Council that the Town Attorney has advised against this.

Councilor Storey-King said that she agrees with Councilor Copp. She does not want this on Main Street, but wants to make it work somehow for the Church.

Councilor Edes said that he is still in favor of allowing the LED signs and would like to move forward.

Motion by Councilor Bingham, seconded by Councilor Edes, to repeal and replace Section 315-63 (Signs) of the Cumberland Code, as recommended by the Ordinance Committee and subject to review by the Ordinance Committee in 2 years to make any necessary adjustments.

VOTE: 3-4 (Turner, Stiles, Copp and Storey-King opposed) MOTION FAILED

Motion by Councilor Storey-King, seconded by Councilor Stiles, to repeal and replace Section 315-63 (Signs) of the Cumberland Code, as recommended by the Planning Board.

VOTE: 4-3 (Edes, Gruber & Bingham opposed) MOTION PASSES

17 – 050 To hold a Public Hearing to consider and act on adding MSAD #51 properties (Tax Map U11, Lots 1, 8 & 9 and Tax Map U13, Lot 112) to the Town Center District (TCD) zone, as recommended by the Planning Board.

Motion by Councilor Bingham, seconded by Councilor Gruber, to table indefinitely.

VOTE: 7-0 UNANIMOUS

17 – 051 To hold a Public Hearing to consider and act on a Mass Gathering Permit for Binnie Media's Maine Ultimate Yard sale to be held on June 10, 2017 at the Cumberland Fair Grounds.

Town Manager Shane said that staff is recommending approval.

Chairman Turner opened the Public Hearing.

Public discussion: none

Chairman Turner closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Stiles, to authorize the Mass Gathering Permit for Binnie Media's Maine Ultimate Yard sale to be held on June 10, 2017 at the Cumberland Fair Grounds.

VOTE: 7-0 UNANIMOUS

17 – 052 To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 80 Foreside Road.

Town Manager Shane explained that many years ago, the Code Enforcement Officer would issue “No Action Letters” on property infringement issues. The problem is that banks do not recognize the no action letters and a consent agreement has to be issued.

Councilor Storey-King said that the people who added the addition to the house requested and received a variance. Therefore, they got permission to build it and went through the proper process. We are going to be in this same boat every time someone with a variance sells their property.

Town Manager Shane said the Council could waive the fee if they choose.

Motion by Councilor Bingham, seconded by Councilor Edes, to authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 80 Foreside Road, with no fees to be charged.

VOTE: 7-0 UNANIMOUS

17 – 053 To hold a Public Hearing to consider and act on forwarding a Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green to the Planning Board for a Public Hearing and recommendation.

Town Manager Shane explained that this is the next step in the Contract Zone Agreement amendment process to move the line of the old landfill property back on to Town property and off the Village Green property.

Chairman Turner opened the Public Hearing.

Public discussion: none

Chairman Turner closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Gruber, to forward the Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green to the Planning Board for a Public Hearing and recommendation.

VOTE: 7-0 UNANIMOUS

17 – 054 To hold a public discussion to get public input on the development of ordinance language to prohibit the retail sale of marijuana.

Town Manager Shane said that the Town is not trying overturn any of the rights that were afforded by the passing of the referendum, but as the law allows, to restrict the retail sale of marijuana, which is allowed under the referendum language. This will require a very simple amendment to our zoning ordinance that will clarify some of the definitions and adds language to prohibit the retail sale of marijuana.

Chairman Turner suggested adding this to the next agenda in hopes of getting some public input.

17 – 055 To set a Public Hearing date of April 24th to consider and act on a Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green, as recommended by the Planning Board.

Motion by Councilor Gruber, seconded by Councilor Stiles, to set a Public Hearing date of April 24th to consider and act on a Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

17 – 056 To set a Public Hearing date of April 24th to consider and act on adoption of the FY2018 Municipal Budget.

Councilor Bingham said that the Finance Committee will meet on April 18th and depending on the outcome of that meeting, the adoption of the budget may be tabled to a later date.

Motion by Councilor Copp, seconded by Councilor Gruber, to set a Public Hearing date of April 24th to consider and act on adoption of the FY2018 Municipal Budget.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – Dr. Robert Pawle passed away at the age of 90. His wife was a long time librarian at our Library. Dr. Pawle was a true gentleman and there are not many around like him anymore.

Councilor Gruber – The Aging in Place Committee will meet this Wednesday at 5:00 p.m.

The Police and Fire Chief will hold a safety meeting for our senior residents this Thursday.

Councilor Storey-King – on Friday morning, she represented the Council at an Immigration and Naturalization ceremony at Greely Middle School. 31 citizens from 24 countries joined the ranks of our voting public. It was a phenomenal ceremony.

Greely's Sounds of Silence Club will be travelling to Fenway to sign the National Anthem before the Red Sox game.

Congratulations to Coach Soule on his induction into the Hall of Fame. Coach Seaver for the Boys Basketball team and Coach Folan for the Girls Track team have both been selected the Forecaster Coaches of the Year for the Northern Edition.

She received some calls from Middle Road residents who are concerned with tree cutting that will take place during the Middle Road reconstruction project. She understands that once the utility poles are moved, CMP will come in and cut some more trees. She wonders if the poles can be moved to the other side of the street if it can save a tree from being cut.

Councilor Edes – He attended the groundbreaking ceremony at the fire station. It was a very good day and he is looking forward to the project going forward.

He asked the Manager if the railroad might be interested in using the future site of the public works sand and salt shed as their staging area for the materials they will be using to install the new tracks.

Town Manager Shane said that this is a great idea and he will look into it.

Chairman Turner – On May 2nd there will be a Special Town Council Meeting to countersign the Warrant and Notice of Election calling the June 13, 2017 M.S.A.D. 51 Budget Validation Referendum.

Councilor Stiles – He wants the public to know that the house next to the Fire Station will be moved soon and construction on the new fire station will begin soon. The Central Fire Station Building Committee has been the most hardworking, dedicated committee that he has ever work on.

Thank you to those who have donated to the 4-H auction to benefit the food pantry.

Councilor Copp – He and his wife are proud grandparents of a new grandson, Bodie Mark Copp, who weighed 9 pounds 8 ounces. Bodie is the sixth generation of the Copp family to be born in Cumberland.

A lot of people have been asking about the tree cutting on the land that they own on Route 100. There are no definite plans for the property. It will be put on the market soon to be sold.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 9:08 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary