

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, September 11, 2017

6:00 P.M. Ordinance Committee Meeting

7:00 P.M. Call to Order

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

Tardy: Councilor Copp

Chairman Edes asked for a moment of silence in remembrance of the 16th anniversary of the attacks of 9/11.

Chairman Edes said that he thought it would be a good idea to recognize our local businesses. He is going to invite them to a Council meeting to take a few minutes to tell everyone about their business.

This evening, Patty Dunn and Celeste Ross from Rachel's on the Green said that they have a new menu with new salads and dinner specials. On Sunday's during the 1:00 and 4:00 p.m. football games, they offer a \$6.00 all you can eat buffet with wings, pizza, salads and dessert. There will also be raffles and give-a-ways. Starting October 19th trivia Thursday starts again at 7:00 p.m. This is a very busy event that sells out every week. Breakfast with Santa will be on December 16th and 17th. This is a very popular event. There will be comedy dinner shows again this year, dates to be determined. Rachel's located at Val Halla Golf Course, they serve breakfast, lunch and dinner and are open 7 days a week.

I. APPROVAL OF MINUTES

Motion by Councilor Bingham, seconded by Councilor Stiles, to accept the August 28, 2017 meeting minutes as presented.

VOTE: 6-0 UNANIMOUS

Councilor Copp arrived at 7:23 P.M.

II. MANAGER'S REPORT

- **Swearing in Ceremony for Fire Department Officers**

Town Clerk, Tammy O'Donnell administered the oath of office to newly promoted fire department officers:

Captains: Robert Hodsdon, Gerald Croce and David St.Clair

Lieutenants: Megan Morgan, Nate Pelinski and Ryan Pynchon

Chief Small recognized Adam Foster who recently received his Paramedic license, Nate Pelsinski who received his Advanced EMT license, and Matt Morgan, Nick Brown and Brian Cashin who received their EMT license.

EMT Brian Cashin read the following in remembrance of 9/11:

On September 9, 2001 I was in New York City with my Mother, four brothers and two sisters commemorating the one year anniversary of my father's passing. He was a retired FDNY Battalion Chief. My brother Tom was the Deputy Chief responsible for Lower Manhattan (34 St to South Ferry). Brother Terry had just been promoted from Ladder 9 in the East Village to Captain

and was unassigned to a specific company. He would be filling in for vacations, sick leave etc. until a permanent position becomes available. Brother Jim was a Fireman in Engine 235 in Bedford Stuyvesant on the Brooklyn side of the Battery tunnel. I knew all their assignments but I did not know their schedules.

On Tuesday September 11, I was in my office in Boston when the terrorist attack took place. I could not get a call into the New York area to reach anyone and I sat hopelessly wondering if I should leave now for New York. High rise office buildings were evacuated in Boston. I was on my way home when Tom called; he is on vacation, Jim has the day off and Terry is assigned to a company out near JFK Airport.

This is something out of a Hollywood movie. All transportation in the City was halted. So Tom boards a NYC Transit Bus in Brooklyn and tells the driver he is commandeering his bus. He calls FDNY Headquarters and request that all available personnel in the area assemble along Fourth Ave in Brooklyn; he has a bus heading to the World Trade Center. When the full bus load of Firefighters arrived, both towers had already fallen. It was surreal; it was like I landed on the moon. There was just dust and debris everywhere.

Had it not been for these random circumstances, an assigned vacation, a promotion and a group rotation day off, this could have been a family disaster. Two World Trade Center was the first tower to fall killing everyone in the Command Center. Ladder 9 lost four members and Engine 235 lost all six.

Tom was promoted to Staff Chief and retired in 2003.

Terry is a Battalion Chief in Battalion 51.

Jim is now a Lieutenant in Ladder Company 121.

- **Speed Change and Signage Requests for Route 1, Blackstrap Road, Blanchard Road Ext. and Signal at Skillin Road and Route 100**

Town Manager Shane said that we have received multiple requests over the past few months regarding speed changes in the community. Historically, the Town Council has handled these types of requests by holding a Public Hearing. He asked the Council if they would like to hold Public Hearings all at one meeting or spread them out over multiple meetings. The Council all agreed to hear them all at one meeting.

- **Update on potential relocation of Town Garage to fair grounds property**

Town Manager Shane said that in regard to the relocation of the Town Garage, the Town Council and the Lands & Conservation Commission Chairman, Sam York, thought that the fair grounds has enough back land so that relocating the Town Garage there would make sense. The area is between the power lines and the back side of the fair grounds. There is a lot of work to be done in order to determine if moving there is even possible. There will be a wetland study done, a survey, an appraisal of the property, meeting with the Farmer's Club and then we will hold a Public Hearing to discuss it further. We are only exploring if this is even possible. This is very much at the beginning of the process and it would not happen for 3-5 years, if at all.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

17 – 125 To consider and act on the extension of a decision to accept or allow a deemed vacation of all proposed, but unaccepted ways in the Town of Cumberland and to authorize the Town Manager to execute and record in the registry a notice regarding the same.

Town Manager Shane explained that a paper street is a street that shows up on a subdivision map, but was never developed. The State Legislature gave municipalities the opportunity to eliminate paper streets and if we did not, they would become owned by the abutting land owners. 20 years ago, the Town developed a list of the streets that we wanted to extend for an additional 20 years and consider action on them within that timeframe. There are only a handful left since most of them were on Chebeague Island. There is no great urgency to act on them this evening. It is his recommendation, and the recommendation of the Town Attorney that extend it an additional 20 years and pick away at them during a Public Hearing that the abutters are invited to.

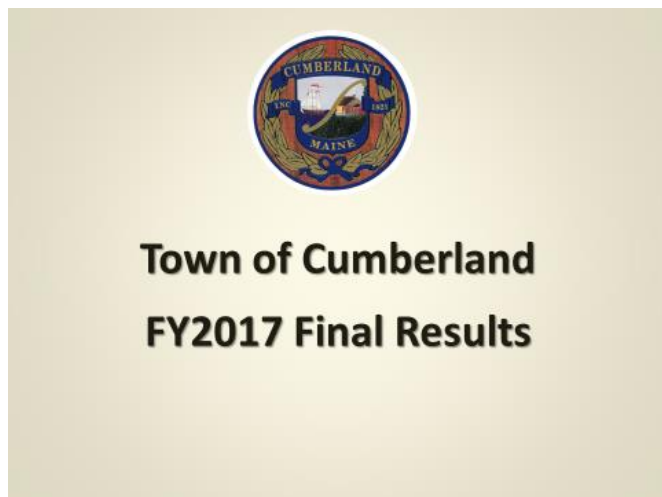
Councilor Storey-King noted that some of the roads to be considered are around Forest Lake and she would like us to look carefully at the paper streets that may or may not give the public access to Forest Lake.

Motion by Councilor Stiles, seconded by Councilor Turner, to extend, for a period of twenty (20) years from the date of recording of written notice in the Cumberland County Registry of Deeds the time for action under 23 M.R.S.A., Section 3032(2), which said statute permits the Town to extend its decision to either accept or allow a deemed vacation of all of the proposed, but unaccepted ways identified on Exhibit A attached to this motion and on file at the Cumberland Town Hall; provided that nothing herein shall limit the authority of the Cumberland Town Council under Maine law to vacate or accept any of those streets during said time period; and to authorize the Town Manager to execute and record the appropriate notice extending the deadline consistent with this order.

VOTE: 7-0 UNANIMOUS

17 – 126 To hear a report from the Finance Director re: end of FY'17 financials.

Finance Director, Heather Perreault presented the following end of year financial report:



General Fund			
FY2017 Revenues & Expenditures			
	FY17 Budget	FY17 Actual	Over (Under) Budget
TOTAL REVENUES	\$ 4,523,860	\$ 5,471,627	\$ 947,767
			<i>Over Budget</i>
Controllable Expenses	\$ 7,512,114	\$ 7,977,107	\$ 464,993
Fixed Expenses	\$ 19,059,524	\$ 19,044,573	\$ (14,951)
TOTAL EXPENSES	\$26,571,638	\$27,021,680	\$ 450,042
			<i>Over Budget</i>
GF Net Revenues over Expenditures			\$ 497,725

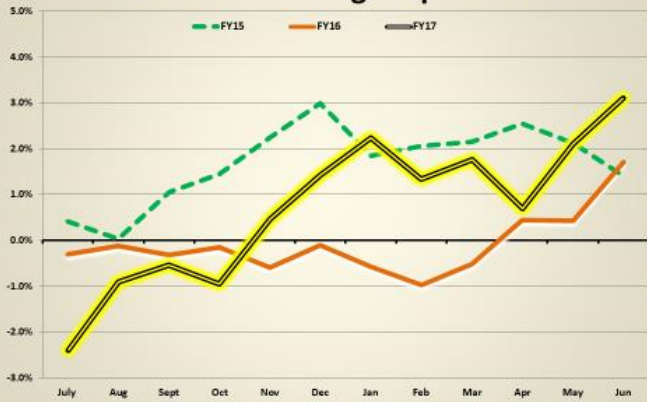
General Fund FY2017 Selected Revenues

	FY17 Budget	FY17 Actual	Over (Under) Budget
Excise Tax	\$ 1,480,000	\$ 1,943,429	\$ 463,429
State Revenue Sharing	\$ 395,850	\$ 415,633	\$ 19,783
Permits & Impact Fees	\$ 158,000	\$ 367,219	\$ 209,219
EMS Billing	\$ 186,200	\$ 213,586	\$ 27,386
Recreation - After School	\$ 195,152	\$ 258,014	\$ 62,862
Recreation - All Other	\$ 530,991	\$ 626,898	\$ 95,907
Val Halla - Golf Revenues	\$ 603,447	\$ 580,568	\$ (22,879)
Val Halla - Rents etc	\$ 46,423	\$ 51,822	\$ 5,399

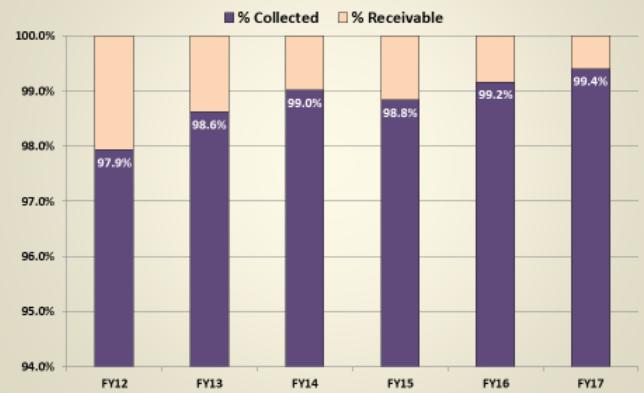
General Fund FY2017 Selected Expenses

	FY17 Budget	FY17 Actual	Over (Under) Budget
Admin/Finance	\$ 539,990	\$ 603,744	\$ 63,754
Police	\$ 1,251,821	\$ 1,326,514	\$ 74,693
Fire	\$ 892,066	\$ 956,962	\$ 64,896
Code Enforcement	\$ 78,681	\$ 105,919	\$ 27,238
Public Services	\$ 1,839,963	\$ 1,885,823	\$ 45,860
Val Halla Golf Club	\$ 695,465	\$ 718,967	\$ 23,502
Recreation	\$ 839,396	\$ 931,074	\$ 91,678
Legal	\$ 42,500	\$ 69,114	\$ 26,614
Abatements	\$ 20,000	\$ 42,276	\$ 22,276

% Variance to Average Expenditures



Tax Collections in First Year



Questions?



17 – 127 To authorize the Town Manager to accept an anonymous donation and issue a gift letter for fitness equipment for the new Central Fire Station valued at \$19,430.00.

Town Manager Shane said that this is another example of what a generous community we live in and how much people care about our firefighters. The number of deaths in the fire profession from cardiac and stress related events has increased over the years. We are hopeful that the fitness facility in the new fire station will be utilized by the entire department. This gift is amazing and is certainly appreciated.

Motion by Councilor Storey-King, seconded by Councilor Copp, to authorize the Town Manager to accept an anonymous donation and issue a gift letter for fitness equipment for the new Central Fire Station valued at \$19,430.00.

VOTE: 7-0 UNANIMOUS

17 – 128 To set a Public Hearing date of September 25th to consider and act on amendments to Chapter 315 (Zoning), Section 28.4B (Senior Housing Community (SHC) Overlay District) to include a portion of a lot located on Greely Road (Tax Map R04/34A), as recommended by the Planning Board.

Motion by Councilor Bingham, seconded by Councilor Stiles, to set a Public Hearing date of September 25th to consider and act on amendments to Chapter 315 (Zoning), Section 28.4B (Senior Housing Community (SHC) Overlay District) to include a portion of a lot located on Greely Road (Tax Map R04/34A), as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

17 – 129 To set a Public Hearing date of September 25th to consider and act on an update to the Official Zoning Map of the Town of Cumberland to expand the Senior Housing Community Overlay District to include a portion of a lot located on Greely Road (Tax Map R04/34A), as recommended by the Planning Board.

Motion by Councilor Gruber, seconded by Councilor Stiles, to set a Public Hearing date of September 25th to consider and act on an update to the Official Zoning Map of the Town of Cumberland to expand the Senior Housing Community Overlay District to include a portion of a lot located on Greely Road (Tax Map R04/34A), as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

17 – 130 To set a Public Hearing date of September 25th to consider and act, on amendments to Chapter 315 (Zoning), Section 4 (Word Use and Definitions – Accessory Dwelling Unit) and Section 45 (Conversions) of the Cumberland Code, as recommended by the Ordinance Committee.

Motion by Councilor Copp, seconded by Councilor Stiles, to set a Public Hearing date of September 25th to consider and act, on amendments to Chapter 315 (Zoning), Section 4 (Word Use and Definitions – Accessory Dwelling Unit) and Section 45 (Conversions) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – In regard to the Press Herald article about the proposed multi-generational neighborhood on the property adjacent to the Town Forest, when people reach out to the Town Council with questions or comments, the Council makes a very sincere effort to try to get answers to

them. People who make anonymous comments to newspaper articles are one more thing that adds to the divisiveness in our country and doesn't do a thing for public discourse or civility.

Councilor Gruber – The Aging in Place Forum is scheduled for Saturday, November 4th.

The Food Pantry continues to do very well. He reminded everyone that they can contribute online to the 4-H auction fund.

Councilor Storey-King – Condolences to the family of Bob Carson. Bob was a very generous man who was active in our community.

She acknowledged how important Councilor Stiles efforts to collect money for the 4-H auction to benefit the Food Pantry are and made a donation.

Councilor Copp – There have been 4 significant accidents at the intersection of Winn and Range Roads recently. It seems like people are not stopping. He feels like this intersection needs to be addressed somehow.

He apologized for being late to the meeting this evening. He was called to tow a vehicle in North Yarmouth which was involved in a significant drug bust. Kudos to the area police departments.

Chairman Edes – He reminded everyone that since it is the season to harvest gardens, the Food Pantry is a good place to donate your fresh vegetables.

He was disappointed by the Press Herald article regarding the proposed multi-generational neighborhood. The article made a lot of assumptions and he wants to assure everyone that the Council has not made a decision on this and have looked at several options, not focusing on one particular area.

Councilor Stiles – He thanked Councilors Copp and Turner for their donations to the 4-H auction that will benefit the Food Pantry with meat products. He reminded everyone that he continues to collect donations for this good cause.

Councilor Turner – None

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:28 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary