

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, June 3, 2019

**6:00 P.M. Finance Committee Meeting with Full Council re:
Fire Truck, Contract Zone Agreement & End of Year Transfers**

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 Gruber, to accept the May 13, 2019 meeting minutes as presented.

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

II. MANAGER'S REPORT

There has been some cracking in the Knight's Pond dam that will have to be addressed. They are not structural cracks and Sevee & Mahar Engineers has suggested that we have a concrete company do the repair and inspect the dam annually.

Councilor Bingham was presented a Town lamp for his service on the Town Council. He will not seek re-election to the Town Council as he will be running for School Board instead.

III. PUBLIC DISCUSSION

Lowell Smith of Wyman Way asked when the new railroad tracks are going to be fixed. They are very rough on vehicles, especially the tracks on Route 9.

Town Manager Shane said that they should be fixed this summer. They are temporary rail crossings now and will be dug up and repaved for permanency.

IV. LEGISLATION AND POLICY

19 – 071 To hold a Public Hearing to consider and act on amendments to the Contract Zone Agreement with Heritage Village, as recommended by the Planning Board.

Town Planner, Carla Nixon presented an overview of the plan below for Heritage Village, which is on Route One near the Falmouth town line.



This property has been available to develop for 20 years and commercial projects just aren't happening. She feels that this is an opportunity to create a neighborhood community in this part of Town that does not currently exist. The buildings on the right side of the concept above are small scale office buildings which would be designed to look like large, Cumberland homes. The yellow buildings in the middle would be mixed use buildings, such as a small retail shops below with apartments above. The orange buildings on the left would be multiplex residential units. The contract zone agreement has restrictions on what the buildings could look like and we feel that this would be a very attractive development.

Town Manager Shane added that once this area is built out, will add close to \$1,200,000 in tax revenue.

Chairman Copp opened the Public Hearing.

Public discussion: Josh Houghton of 99 Bruce Hill Road said that the Town Council used to have business introductions at the beginning of Council meetings. He suggested that maybe instead, that time could be turned into a time for entrepreneurs to present their business ideas, letting them voice their ideas, their business plan, ask for mentors, etc. which could help populate these new business locations.

Susan McKinney of 21 Nautical Drive said that this plan is exactly what the abutting neighborhood was asking for. Well done. She thanked Carla Nixon and Bill Shane for their hard work on this. She appreciates all the effort.

Jen Grasso of 10 Clipper Street echoed Susan's comments. She also appreciates Carla Nixon and Bill Shane's efforts. The neighbors really love this new contract zone agreement and it would be great to have amenities such as a coffee shop to walk to.

Marli Knowles of 97 Bruce Hill Road said that with the proposal of multiplexes and the school system currently busting at the seams and the need for portable classrooms, what do we see as the impact on the school system?

Councilor Bingham responded that the 96 units that abut this parcel have resulted in 8 to 10 students and the 52 single family homes have only resulted in 12 students. It will not be a significant impact based on our experience with the recent development that had happened there.

Kim Young of 25 Clipper Street said thank you. She is so happy to see this plan and it would be a definite plus for the neighbors.

Chairman Copp closed the Public Hearing.

Councilor Bingham said that we have become convinced, after talking to several very knowledgeable commercial real estate brokers that no project like this is going to be economically feasible unless there is some portion of residential development. Most likely the first part of this will be residential and they will be able to build the infrastructure, making it economically feasible to put the commercial portion in.

Councilor Turner said that as a Council, they listen to a lot of emotional arguments about why certain things should not be done. Sometimes those arguments have tremendous merit and sometimes they do not. As a Town Councilor, his decisions are ultimately based on the answer to the question, will a particular project adversely affect property values? It is important that we do not put things in areas where we are going to diminish property values in neighborhoods. This is a perfect example. This plan will enhance the value of the condos across the street as well as homes and apartments that abut this property. This is a perfect example of the right way to do things.

Councilor Storey-King said that it is not personal, but she will not support this. She feels that this development is too residentially dense. She likes the middle portion of the proposal for lot 8, but is fearful that lot 7 will get developed and all of a sudden we won't have a market for lot 8 and will be looking at putting in another 100 residential homes there. Suddenly, we will go from 270 residences in this 1 mile piece of property to 370 residences. This is not a developer making a proposal, it is the seller of the property making this proposal. It is not our job to be in the real estate advertising business.

Councilor Edes agreed with Councilor Storey-King. He thinks that this is a short-sighted, short-range business proposal in which the Town is doing the sellers bidding. He thinks the right side of the proposal (with the businesses) is a great plan. We need more tax base from businesses. This is one of the last pieces of business real estate in Town. He cannot support this.

Motion by Councilor Bingham, seconded by Councilor Gruber, to amend to the Contract Zone Agreement with Heritage Village, as recommended by the Planning Board.

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

19 – 072 To hear an update from the Town Manager re: relocating the brush/compost pad at the Fairgrounds and reconsidering brush and composting services.

Town Manager Shane said that after a meeting with the Finance Committee last week, he realized that moving the brush/compost pad to the fairgrounds might not make financial sense. If we spend \$200, 000 to \$250,000 to develop the area for the composting operation, we are at the will of the Farmer's Club as to how long we stay there. Although we have always had a great relationship with the Farmer's Club, they are unable to give us a definitive answer as of this evening. The response from their meeting was *"if the Town requires a response prior to June 3rd the answer is no. Should the Town like us to consider their proposal, we would be willing to compile and provide a list of our (CFC) initial considerations prior to July 15th, with the understanding that if the Town is interested in moving forward after reviewing our list, we would not anticipate being able to make a presentation to our membership any earlier than the Cumberland Farmer's Club annual meeting held the first Tuesday in December"*. He feels that it may be time to put this to referendum to see if the people of Cumberland want a brush and compost facility. If they do, should we relocate it to a place that is closer to the center of Town, which is where we started? The Town purchased 34 acres on Tuttle Road, next to the Town Forest and this could be a possible relocation spot at about the same cost as moving it to the fairgrounds. No matter where we propose to put this, we are going to receive opposition. We have never asked the townspeople if they want to continue this service. If the residents vote not to keep it, come Thanksgiving weekend it will be closed forever. After that, residents will have to contract to have their brush and leaves removed from their property.

Councilor Stiles said that the Finance Committee spoke about this for some time. He is frustrated that everybody that does not want the brush dump shows up at Council meetings, but nobody that does want it shows up to speak in favor of it. He thought that the fairgrounds was an excellent site. We would be taking the horse manure, which if left there will contaminate the ground water, and mix it with leaves and grass to make a product that will be used by residents. It is only open 2 days a week so traffic will be minimal. We have looked all over Town and he recommended to the Finance Committee that maybe the Town should not be in the composting at all. The Finance Committee supports a referendum.

Councilor Gruber said that he feels that it is time to end the fairgrounds discussion. This is not a direction that we want to go in. He wants to hear from the people that use the brush dump.

Councilor Storey-King reminded everyone that they can go to Riverside without a contract to dump their yard waste. Her fear is that if the Council chooses another path for the brush dump, that we give people the correct information with their options.

Chairman Copp asked for any public comment on this item.

Beth Waldman and Terry Philbrick of Village Green read the following statement:

The residents of Village Green have prepared this statement. We are asking the Cumberland Town Council to vote tonight to shut down the compost and brush dump operations at the Town Public Works site.

Background

Many Cumberland residents believe that a hot shot developer bought up land, built houses, persons from away bought houses, and the buyers now want to move the brush and compost piles and salt shed because they are “eye sores”. Nothing could be further from the truth. The Town of Cumberland owned the land on which Village Green was built. The Town recognized the land was valuable and could generate significant revenue for the Town.

While we have some lovely families with school age children living in Village Green, the majority of residents qualify (or will soon qualify) for Cumberland’s aging in place program. That is not an accident. Minutes of Town Council meetings reflect that the Town did not want to develop homes with large lots, attractive to younger families. Some reasons for this include a developer would pay less for the land; the Town would not receive high tax revenues; children who attend Cumberland schools cost the Town money. In contrast, older people in cluster homes use fewer Town resources. A developer would pay more for the land, and cluster homes generate significant tax revenue. To that end, the Town formulated a four-phase Drowne Property Revitalization Project.

Pursuant to Phase 1 of the Project, the Town sought bids and interviewed developers to build the Village Green houses. Phase 2 called for the Town to move the entire Town Public Works site to another location. Phase 3 called for the building of a park, and some small shops and restaurants on the Public Works site. Under Phase 4, the Drowne Road School would be converted to senior apartments. The Town created billboards advertising the 4 phases, and these were placed in prominent locations throughout the development, and discussed at several town meetings that were documented in the Forecaster. The Town sold property to Bateman Partners for \$425,000 to complete all Village Green Phases. There are now over 60 houses in 2018; the homes were purchased in reliance that the Town Public Works would be removed and there would be parks, restaurants or shops behind Village Green. Village Green residents pay significant taxes each year; over \$500,000 was paid Cumberland on 2018. Phase 1 is essentially complete. The Town negotiated a 99-year lease for the Drowne Road School, received an initial payment of \$480,000 and \$23,000 annually (adjusted with tax revenue increases) so Phase 4 is essentially complete. The Town has taken no action to complete Phase 2 and 3. It has incited older residents to move in on each side of the Town dump (let’s call it what it is), taken their money, and not kept a single promise. Village Green residents and residents in the Senior apartments have been patiently waiting and pleading with the town council for over five years to remove the health hazard known as the Brush Dump.

The Compost and Brush Dump are Health and Environmental Hazards

The compost and brush dumps have been criticized as an eye sore. Yes, it is true that they look awful, particularly to Town residents who were told they would be looking out over a park. However, it is not just a visual problem. The compost smells. The dust from the compost and brush pile blows over the lawns of Village Green residents. In winter, the snow is gray. In the warmer months, we can’t open windows. The materials are not clean and contain harmful chemicals such as pesticides and fertilizers. The piles have attracted flies, rats, and other potentially disease-infested vermin, which creep onto our properties. It is noisy – there are back hoes and other equipment operating constantly even on weekends. When it rains, all of the toxins flow downhill into the Village Green pond. The wildlife that inhabited the capped brush area have fled.

Last fall, we discovered that there was a methane gas issue. According to Matt Young, Project Manager, Landfill Closure and Remediation Program, Maine DEP, we have a methane problem because the Town did not properly

close the landfill. The cover put over the landfill was not permeable. When methane gas can't rise up it goes sideways. The methane level reading was at 130% of the reading necessary for an explosion. Methane gas was found in the homes of Village Green residents. Despite the finding of methane gas and the dangers it presents, the Town of Cumberland is piling tons of compost materials (a heat producing material) and brush on top of the landfill, increasing the risk of explosion. Although vents have been dug near the landfill to release methane gas, the compost and brush blow over and cover vents. The Town has not taken the issue seriously. Please note that one wrongful death lawsuit will cost the Town more than moving the complete Town works many times over.

The State of Maine has issued standards for operating a compost facility. In the Guide to Recovering and Composting Organics in Maine, Mark King writes:

"Nuisance problems are the number one complaint about compost facilities. Engineering and technology to correct these problems can often be expensive and ineffectual prolonged nuisance conditions can lead to facility shutdowns. Complaints should be met with an immediate response Good siting can help avoid potential nuisances by ensure that you have adequate buffers to neighboring residents. ... Valley and gullies should be avoided where possible, as they can carry nuisance odors to neighboring residents. Access roads should be located away from residence, maximizing the use of visual screens (tree buffers). However, there is no substitute for property management."

The compost and brush piles maintained by the Town of Cumberland violate every tenant of good management. They don't satisfy a single criteria cited by Mark King. We note that the Council has looked at 13 alternative sites. The alternate sites would have been further from the road and houses with buffers than Village Green has now. They were not located immediately next to a neighborhood of 60 homes. No other site has a methane gas issue. Each time potential neighbors complained, the Council refused to take action to move the dump. Village Green is a much worse location for a brush and dump site -- closer proximity to the piles, no buffers, and methane gas. Yet, for some reason the Council sees fit to leave it in place for over 5 years.

The Council cast this issue as Village Green problem, instead of a Town problem. They have pitted neighborhood against neighborhood in Cumberland. The Council has looked at 13 locations. No neighborhood wants the compost and brush pile. We in Village Green greatly appreciate their concerns -- we have lived with them and more for over five years. No one wants pesticides, rats, flies, manure, odors and noise. And we don't want that inflicted on any Cumberland neighbors.

License for the Compost and Brush Dump

It is illegal under Maine law to locate a compost and brush pile on top of a landfill, although you can apply for a variance. The Town of Cumberland operated the compost operation illegally for years. Whether this was purposeful or negligent (perhaps the Town was unaware of the law), it demonstrates that the Town is not qualified to operate these facilities. When it was discovered that the Town did not have a proper license, it applied for a new application variance in 2017. In the application, the Town of Cumberland made several misrepresentations to the DEP. For example, it said that operating the facilities would have no impact on traffic flow to the facility. Last weekend, there was a parade of trucks carrying brush and compost materials through the Village Green neighborhood (they don't enter from Tuttle Road, instead coming from Rt9). Second, the Town stated that the construction of the proposed gravel compost pad would not duly disturbed the integrity or function of the landfill cover system (enter methane gas). Third, the Town said there were no "significant altercation to the scenic /visual character of the area (What? 60 houses in VG live with this, some are fewer than 100 feet from the piles). Fourth, (it is hard to believe the Town would lie so blatantly), the Town stated in the application that the proposed compost pad location was in the same site as the former compost facility **"which operated for 8 years without complaint from abutters."** Really? The Town didn't mention that (i) 8 years ago there were no abutters because Village Green hadn't been built, (ii) 60 houses had since been built abutting the dump, and (iii) Village Green and the senior apartment residents have been complaining vigorously about the compost and brush dump and urging its removal for years.

The license granted to the Town of Cumberland by DEP did not permit the dumping and composting of manure at the site. It permitted only wood, leaf waste, and yard waste. Yet, the Town was having thousands of pounds of

manure dumped at the site. The Town violated the terms of its license; what it was doing was illegal. We don't know which is worse – the Town intentionally violated its license and subjected us to the smell of manure and infection, or it didn't read its own license. Either way, the license violations by the Town demonstrate that it is unfit to run a compost and brush dump facility.

We have reviewed the DEP's rules for revoking the Town's license with the DEP. Several criteria are easily satisfied according to The DEP's rules for revoking the Town's license:

- *The licensee has violated any condition of the license (check);*
- *The license has obtained a license by misrepresenting or failing to disclose fully all relevant facts (check);*
- *The licensed discharge or activity poses a threat to human health or the environment (check); and*
- *There has been a change in any condition or circumstance stand that requires revocation of a license (check).*

Practical Consideration

*We understand from Bill Shane that the Town loses money on compost and brush dump operations. The Town doesn't use the compost; it sells it on Craig's list. We don't want to hear that the Town has granted licenses or that residents will be upset if the Drowne Road compost and brush sites are closed down. Residents can haul brush materials to another compost facility and pay their fees, such as Yarmouth or Portland. The town can refund prorated license fees that residents have paid for the Cumberland Brush Dump. It is admirable that Cumberland supports the recycle of natural materials however no one in Cumberland wants it badly enough to have it located near him or her. Asking town residents for their opinion on keeping the dump open on Drowne is a bad idea. If asked, Residents may turn out to support keeping the dump open in the current site - these people have no skin in the game, and most don't care about the impact to Village Green or the health hazards and license violations. This approach will pit neighbor against neighbor, a divisive and cowardly strategy. If the Town choses, it may offer brush pick up 2-3 times per year for residents. This would likely be a less costly option than moving the compost and brush dump to a new location. Or if the feeling is that Cumberland must have a brush dump, close the Drowne Rd site now - and continue the search for the new location. Put a new site and cost to a referendum - **don't ask if Drowne Rd should stay open because it should NOT.***

For all of the reasons set forth above, we ask the Council to vote tonight to shut down the compost and brush dump and have all materials removed by June 30, 2019. Village Green has been patient for over five years. We are no longer patient. This is a health hazard and nuisance to our neighborhood and it's time for the Council to do the right thing. Shut the dump down now.

Laura Huddy of 5 Ridge Drive said that she has a lot of respect for what the Town Council has done and will continue to do for this community, and she knows that it is not always an easy job, with many stakeholders and a never ending diversity of opinions and priorities. Her property would be one of the most affected by the proposal to relocate the brush dump to the fairgrounds, but she will not appeal to the Council on those grounds. She spoke about the many financial implications of moving to the fairgrounds. She would like to see an upfront thorough analysis of the financial impacts and she feels the numbers will speak for themselves and that the brush dump just doesn't make financial sense.

Rob Varrier of Tuttle Road said that he is an abutter to the other proposed site next to the Town Forest. He realizes that this is difficult for the Town because no site seems to work out. He does agree that it is time to close the dump as soon as possible. Most people are not aware of this property. It is beautiful open land that abuts the Town Forest that he wishes more people would use. This is a valuable piece of property for everybody in Town.

Lowell Smith said that he does not think this should go to referendum. As soon as people see the price tag, it will be dead on arrival. It should be closed.

Brendan O'Brien of 6 Ridge Drive said that he was excited to learn that a potential issue in his neighborhood is being resolved. The Town has lots of options including working with other Towns. That option would not be presented to voters, so it is on the Town Council to think about those other options. A referendum only considers two options: either move it adjacent to the Town Forest or not.

Josh Houghton of 99 Bruce Hill Road said that our schools are busting at the seams and we have a dam that is busting at the seams. Watch the pennies and the dollars will take care of themselves. This is a luxury for a very small percentage of the Town. Shut it down now so the residents of Village Green can open their windows this summer and enjoy some fresh air.

Catherine Pelletreau of Village Green said that she appreciates that the Town has started to move toward a referendum. She said that the Town ought to close the dump now and then think about the options.

Joanne Fryer of Bruce Hill Road said that she is thrilled that the fairgrounds is off the table, she feels badly for the Village Green neighborhood. If the brush dump license is revoked, there will be no choice in shutting it down. This is something that the Town should be prepared for. We need to take a step back and keep the public informed as to what all the options are. We don't know enough to vote on it.

KC Putnam of 341 Main Street said that he does use and values the Town having facilities to recycle and having a brush dump. The Town has been working very hard on everybody's behalf to try to find the best location. If we suddenly decide that our mantra is "not in my back yard" and discontinue composting, what is that saying to our children and our neighbors? Is that a good message to send? There are plenty of reasons to continue composting and he hopes that the process moves forward to find some way to continue it.

Chairman Copp closed the Public Hearing.

Councilor Stiles said that he has listened to everybody speak this evening and what is missing from this discussion is testimony from people who are in favor of keeping the brush dump (other than KC Putnam). He understands that nobody wants it in their back yard. The Council has discussed a lot of different options. In his opinion, we cannot shut it down immediately because there are too many people that have to make other arrangements to dispose of their yard waste.

Motion by Councilor Stiles, seconded by Councilor Gruber, to authorize the Town Manager to develop a plan for a brush and compost pad adjacent to the Town Forest and to work with the Town Attorney to develop language for a Town wide advisory referendum on this matter.

Further moved to set a Public Hearing date of July 22nd to consider and act on the Town wide advisory referendum.

Further moved to send this item to the Lands and Conservation Commission for their recommendation.

Before the vote on Councilor Stiles motion, Councilor Bingham said that we have attempted numerous times to work with our neighboring Towns on various items and have heard time and time again, especially from Falmouth and Yarmouth, that they like doing things the way that they do them and do not want to consolidate. He guarantees that if we reach out to those two communities about this, just like every other time, the door will get slammed in our face. He thinks it is a wonderful idea, but it just will not happen. The silent majority needs to weigh in on this issue.

Councilor Edes agrees with a lot of the comments this evening. What is the difference if we shut it down now or shut it down in November? The Council was elected to make decisions, not send items to referendum. He would be in favor of shutting it down now.

Councilor Turner agrees with Councilor Edes completely. We have failed to differentiate the fact that the present brush dump along with the site that is on has basically experienced a chain of events that has turned the place into a nightmare for that neighborhood. As far as he is concerned, if anything that we propose doing interferes with property values, we should refuse to do it. It should shut down as soon as possible, but the referendum should still take place. The proposal for relocating it adjacent to the Town Forest is problematic in his mind.

Councilor Storey-King said that she is also in favor of closing the brush dump now, but it must have a Public Hearing. It cannot be done tonight.

Chairman Copp said that he does not use the brush dump, but realizes that a lot of people in Town do use it. He also realizes that it is currently in the wrong location, but where is the right location? He thinks the right location is the dump on Riverside Street in Portland. But there will be consequences in closing it. People will leave their grass clippings on the roadside and we will have to go pick it up. We should put closing the brush dump on the next agenda.

Councilor Stiles agreed with Councilor Copp. The Council should hold a Public Hearing at their next meeting.

Councilor Stiles withdrew his motion. Councilor Gruber withdrew his second.

Motion by Councilor Storey-King, seconded by Councilor Edes, to set a Public Hearing date of June 17th to consider and act on closing the brush and compost facility.

VOTE: 7-0 UNANIMOUS

19 – 073 To set a Public Hearing date of June 17th to authorize the Town Manager to execute a Purchase and Sale Agreement to relocate the sand/salt building to 215 Middle Road (Storey Brothers).

Town Manager Shane said that after several years of looking for a new location for the sand/salt shed at Public Works, we have come to an informal agreement with Storey Brothers to relocate it to their location, which is in an industrial zone on Middle Road. Access to the site would be through Storey Brothers driveway and it would house approximately 2,000 yards of sand and 1,000 yards of salt. Details of the agreement will be available on June 17th if the Council decides to move forward on this.

Chairman Copp asked for any public comment on this item.

Katherine Pelletreau of Drowne Road said to please move forward on this. This is a great solution for this part of the issues at Public Works.

Curtis Ingram of 55 Greely Road read the following:

I'm neither for nor against this relocation idea at this point. As there appears to be a Purchase and Sale Agreement underway, I'd like to share some concerns that might be considered with the project.

- 1. This is not a centralized location. My operations research training suggests being in a far corner (of town) is logically quite inefficient for the diametrically opposed end of town. EX: on a winter night when police or fire call for an emergency sanding of Morrison's Hill for tractor/trailers sliding down it sideways, we've now added another ~3 miles and 10 minutes on a Winter night.*

2. *Are we premature drafting a Purchase and Sale Agreement now when there could be issues coming out of the Planning Board and public hearings? Is there also an environmental concern process as well?*
3. *Is the added noise of front end loaders, backup alarms, added DPW employee traffic, fueling, dump trucks, sand/salt deliveries being considered?*
4. *The junction of Greely and Middle contains a private commercial drive. While the Storey Brothers are generally very respectful of public traffic, this many not be so as more people use this proposed location. What are the traffic management control enhancements planned?*
5. *Greely Road is getting very busy. This speed limit is 45MPH from Middle to Hillside. This means 55+MPH for many. As a resident in this section, we will not walk or ride bicycles on Greely Road. Hillside development, Walnut Hill new residences, and Ocean View salivating to get completely through Tuttle to Greely are adding traffic. This is a winter "loads-limited" posted road. Repetitive traffic from DPW will increase. The speed limit needs to be reduced regardless if it is state controlled.*
6. *Greely Road is charming road in part because, it's narrow, soft shouldered, bucolic, and hilly. This road has fog lines (white lines at the edges) that contain more liquid tar patch than white paint. The asphalt is broken at its edges. It's a double-yellow lined road for most of its length. If we're adding more traffic, consider fixing the road to support this. CMP did a nice job fixing Greely Road from the Middle Road intersection to Raven Substation.*

We hope to hear from other neighbors as this unfolds.

Wayne Curtis of 183 Middle Road said that he knows this area very well. He is concerned about putting 1,000 yards of salt within 300 feet of wells. Every house in that area has a well. He is not sure where Storey Brothers well is located, but it has to be within 300 feet of the salt shed, as does the new well that New England stone just put in. Directly behind where the sand/salt shed proposed location is a wet area. The runoff will contaminate every well on his side of Tuttle Road.

Lowell Smith said that the Town trucks do a good job of loading up prior to a snowstorm and keeping their trucks at the Town garage ready to go.

John Chandler of Tuttle Road said that having this in the extreme north east corner of the Town does not make a lot of sense. His concern is the increased truck traffic on Greely and Tuttle Roads.

Heather Burr of 228 Middle Road said that she is not very keen in having this in her neighborhood and she is very concerned about her well. She feels like a location that is centrally located makes more sense.

Josh Houghton of 99 Bruce Hill Road said that if you look at Google Earth and overlay the acquirers and the residential and commercial zones, there are very few locations to put this. He feels that at its surface, this location makes sense and it would be helpful to make the townspeople understand how the salt is contained and what kind of technology exists to make sure it does not get into wells.

Chairman Copp closed the Public Hearing.

Councilor Bingham reminded everyone that this would still have to go before the Planning Board and go through site plan review. That is 17 conditions of approval and one of those conditions looks at wetlands, ground water, traffic, etc. There are a lot of safeguards built into this process.

Motion by Councilor Bingham, seconded by Councilor Stiles, to set a Public Hearing date of June 17th to authorize the Town Manager to execute a Purchase and Sale Agreement to relocate the sand/salt building to 215 Middle Road (Storey Brothers), and to send to the proposal to the Lands & Conservation Commission for a recommendation.

19 – 074 To hold a Public Hearing to authorize the Town Manager to transfer inter-departmental operating funds for FY'19, as recommended by the Finance Committee.

Town Manager Shane explained that the Finance Committee met last week and authorized the transfer of excess revenues to cover over budget expenses of almost \$130,000.00. We are tracking nearly \$225,000 to \$250,000 in excess revenues for FY19.

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Turner, to authorize the Town Manager to transfer excess end of year operating revenues and interdepartmental operating balances to close-out all departmental budgets for FY 2019, as recommended by the Finance Committee.

Motion by Councilor Stiles, seconded by Councilor Turner, to authorize the Town Manager to transfer up to \$184,000 from end of year excess revenues for projects approved by the Finance Committee and that any additional excess revenues be applied to end of year Fund Balance.

VOTE: 7-0 UNANIMOUS

19 – 075 To hold a Public Hearing to consider and act on a Mass Gathering Permit for Binnie Media's Ultimate Yard Sale to be held at the Cumberland Fairgrounds on June 8th from 9:00 a.m. to 2:00 p.m.

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Motion by Councilor Edes, seconded by Councilor Storey-King, to approve the Mass Gathering Permit for Binnie Media's Ultimate Yard Sale to be held at the Cumberland Fairgrounds on June 8th from 9:00 a.m. to 2:00 p.m.

VOTE: 7-0 UNANIMOUS

19 – 076 To accept the proposal from Scott Simons Architects for \$14,500.00 for design services related to the Library/Historical Society project.

Town Manager Shane said that the building committee has met and has interviewed 4 architects. Scott Simons Architects was chosen for the first phase of this project. They will develop a rendering and a plan that will be presented to the Council at the end of August.

Chairman Copp asked for any public comment on this item.

No public comment.

Motion by Councilor Gruber, seconded by Councilor Bingham, to accept the proposal from Scott Simons Architects for \$14,500.00 for design services related to the Library/Historical Society project.

VOTE: 7-0 UNANIMOUS

19 – 077 To set a Public Hearing date of June 17th to authorize the Town Manager to develop a bond schedule for improvements to Town facilities and the purchase of a new fire truck.

Chairman Copp asked for any comment on this item.

No public comment.

Motion by Councilor Bingham, seconded by Councilor Stiles, to set a Public Hearing date of June 17th to authorize the Town Manager to develop a bond schedule for improvements to Town facilities and the purchase of a new fire truck, up to \$5,000,000.00.

VOTE: 7-0 UNANIMOUS

19 – 078 To appoint a member to the Cumberland Housing Authority.

Chairman Copp asked for any comment on this item.

No public comment.

Motion by Councilor Bingham, seconded by Councilor Gruber, to appoint Meredith Burgess to the Cumberland Housing Authority.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – none

Councilor Gruber – he attended Meet the Candidates Night at the Performing Arts Center. It was very professionally done and it was nice to hear all the candidates speak.

He wished Councilor Bingham well. He will be missed.

Councilor Edes – he said that it has been an honor serving on the Town Council with Councilor Bingham.

Councilor Storey-King – she also thanked Councilor Bingham for his service to the Town adding that they have served on many committees together over the years.

The Historical Society is well underway with their fundraising. They have some very nice Cumberland swag available for sale.

Congratulations to the Class of 2019. They are a great group of kids.

Chairman Copp – tomorrow will be the first car show of the season in West Cumberland. It is a very fun social activity that is free to the public.

He also wished Councilor Bingham well.

Councilor Stiles – he said that it has been a pleasure serving with Councilor Bingham and he wished him well.

He thanked Councilor Copp for his donation to the 4-H auction to benefit the food pantry and reminded the public that his efforts continue to collect \$10 from 1,000 residents of Cumberland and North Yarmouth for this worthy cause.

Councilor Turner – he said that he will miss Councilor Bingham and he wished him well.

Town Manager Shane – he too will miss Councilor Bingham. He has brought a lot of wisdom and financial expertise to our Finance Committee.

This past spring, we had a rash of unfortunate police cruiser accidents. He thanked Councilor Copp for his assistance with the repairs of the vehicles that saved the Town a lot of money.

The Election is on June 11th.

The Town Council will hold a workshop on June 17th with the Lands & Conservation Commission and followed by an Executive Session regarding land acquisition.

On July 8th, there will be a workshop with the Assessor regarding the property audit.

The Town of North Yarmouth has requested a meeting with their Select Board and our Town Council to discuss the next steps in regard to moving the school buses as well as the dam structure at Knight's Pond.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 9:33 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary