

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, May 14, 2012

6:00 p.m. Workshop

7:00 p.m. Call to Order

6:00 p.m. Workshop with the Ordinance Committee

7:00 p.m. Call to Order

Present: Chairman Perfetti, Councilors Moriarty, Turner, Storey-King, Copp, Gruber, & Stiles.

I. APPROVAL OF MINUTES

April 9, 2012

Motion by Councilor Storey-King, seconded by Councilor Copp, to approve the minutes as presented.

VOTE: 7-0 UNANIMOUS PASSAGE

April 23, 2012

Motion by Councilor Storey-King, seconded by Councilor Stiles, to approve the minutes as presented.

VOTE: 5-0-2 (Councilors Perfetti & Copp abstained) MOTION PASSES

II. MANAGER'S REPORT

Town Manager Shane reminded residents that this week is Bulky Waste Pick-up Week, and “bulky” means items that will not fit into a Town trash bag. There were a lot of red stickers placed on items today advising residents that those items will not be picked up and it is their responsibility to dispose of the item(s). The Manager said that it appears the numerous public service announcements and advertising regarding what is and is not acceptable to put curb side has not worked. He has noticed many televisions and computer monitors around Town. These items will not be picked up, but can be disposed of at Goodwill Industries. Goodwill gets credit for recycling those types of items.

Councilor Moriarty pointed out that by being strict and not allowing everything to be picked up and disposed of, we are saving the taxpayers money. The Town pays by weight to dispose of the items.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

12 – 075 To hear a report from Kate Colby, Field Epidemiologist, Maine Center for Disease Control and Prevention re: Rabies.

Town Manager Shane explained that during the budget process, the Council requested educational materials on rabies prevention. The Manager contacted the Animal Control Officer, Chuck Burnie, who arranged for Ms. Colby to be here this evening with the following presentation:

Rabies in Maine



Kate Colby, Field Epidemiologist
Maine Center for Disease Control and Prevention
Infectious Disease Epidemiology Program
May 14, 2012

Cumberland Town Council

Overview

- Maine CDC's role in rabies prevention
- Rabies overview
- Rabies surveillance
- Rabies prevention & management

Maine CDC

- Available 24/7 for disease reporting and consultation
- Investigates all lab-confirmed animal rabies cases and make recommendations for human health
- Works with ACOs, Game Wardens, and Agriculture to implement animal control measures

Maine DHHS Districts



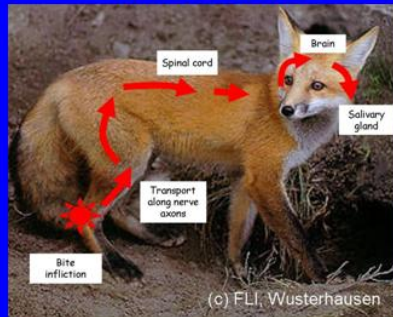
Rabies Overview

- Fatal disease caused by a virus
- Only mammals are susceptible
- Endemic in Maine wildlife
 - Most common carriers are raccoons, skunks, foxes, and bats
- No human cases in Maine since 1937

Rabies Exposure

- Refers to the threat of rabies transmission when the virus is introduced into bite wounds, open cuts in skin, or onto mucous membranes from saliva or other potentially infectious material such as neural tissue
- Rabies is not transmitted via blood, urine, or feces

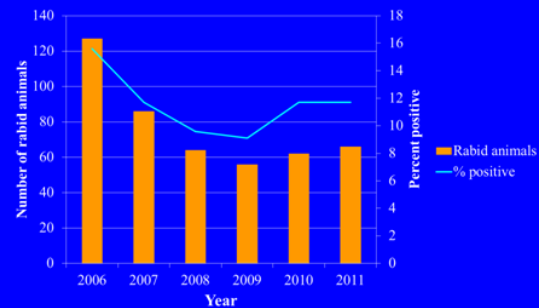
Rabies Virus



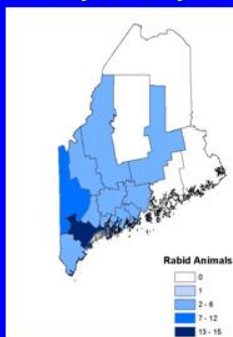
(c) FLI, Wusterhausen

http://www.who-rabies-bulletin.org/about_rabies/Transmission_Pathogenesis.aspx

Animal Rabies by Year - Maine, 2006-2011



Animal Rabies by County - Maine, 2011



Animal Rabies by Species - Maine, 2006-2011

Species	2006	2007	2008	2009	2010	2011	Total positive	% positive
Bat	15	9	8	6	5	5	48	3.9
Bobcat						1	1	14.3
Cat	6	3		1	1	2	13	1.3
Cow	1						1	2.9
Fox	2	4	3	7	7	11	34	29.8
Horse						1	1	3.0
Raccoon	59	38	32	28	28	32	217	52.3
Sheep						2	2	15.4
Skunk	43	31	21	14	20	12	141	44.6
Wildlife hybrid	1						1	10.0
Woodchuck		1			1		2	2.1
Total	127	86	64	56	62	66	461	11.7

■ Domestic animals

Rabies Surveillance – Maine, 2011

- 66 animals tested positive
 - 32 Raccoons
 - 12 Skunks
 - 11 Foxes (8 gray, 3 red)
 - 5 Bats
 - 2 Cats
 - 2 Sheep
 - 1 Bobcat
 - 1 Horse
- 143 people recommended to receive PEP
 - 40 due to lab-confirmed exposure
- 874 rabies consultations
 - Majority June - Sept

Rabies Surveillance – Maine, 2012 1st Quarter

- 29 animals* positive for rabies
 - 17 Raccoons*
 - 10 Skunks
 - 1 Fox (gray)
 - 1 Cat, stray
- Last year, 8 positive animals in the 1st quarter (6 raccoons, 1 skunk, 1 sheep)

*Includes 1 raccoon tested by USDA

What to do...

If YOU are exposed:

1. Clean wound thoroughly with soap and water.
2. Call the local Animal Control Officer (domestic) or Game Warden (wild).
 - 10-day confinement and observation for domestic animals
 - Submit wild animals for testing
3. Contact Maine CDC or your physician.
 - If animal tests positive OR is unavailable for testing, begin post-exposure prophylaxis (PEP).

What to do...

If your PET is exposed:

1. Call the local Animal Control Officer (domestic) or Game Warden (wild)
 - 10-day confinement and observation for domestic animals
 - Submit wild animals for testing
2. Call your veterinarian
 - If pet is up-to-date, booster + 45 day observation
 - If not up-to-date, euthanasia OR booster + 6 month isolation

Enforcing Control Measures

Exposure Type	Jurisdiction
Domestic to Domestic/Human	Municipality – ACO
Wild to Domestic/Human	IF&W – Game Warden
Wild to Livestock	Dept of Agriculture

Rabies Prevention

- Vaccinate cats and dogs against rabies; it's the law
- Vaccinate eligible livestock
- Avoid contact with wild animals and any animal you don't know
- Report all exposures to Maine CDC
- Consider "bat-proofing" your home
 - Wildlife biologists can provide tips on how to prevent bats from entering your home without harming them
- Do not leave garbage or pet food outside
- If you work with or have frequent contact with wild animals, consider getting the pre-exposure rabies vaccine

Rabies Alert!

For Safety's Sake:



STAY AWAY
from wild
and stray animals



VACCINATE
your pets and livestock



DON'T EVER
touch a bat!



**QUESTIONS?
CONCERNS?**
call the Maine CDC
at 1-800-821-5821



BAT Rabies Alert!

BATS BITE
but the bite may be painless
SAFELY CAPTURE
for testing any bat you find
in your home or near your pets

PROTECT YOURSELF
bat-proof your home



**QUESTIONS?
CONCERNS?**
call the Maine CDC
at 1-800-821-5821



Maine CDC

Infectious Disease Epidemiology Program

24/7 Disease Reporting & Consultation

Line: 1-800-821-5821

Fax: (207) 287-8186

www.mainepublichealth.gov/rabies

www.cdc.gov/rabies

Kate Colby

Kate.Colby@maine.gov



Post-Exposure Prophylaxis (PEP)

For previously unvaccinated persons:

- Four doses of vaccine on days 0*, 3, 7, 14.
- Rabies immune globulin (RIG) on day 0.

For previously vaccinated persons (with pre- or post-exposure regimen):

- Two doses of vaccine on days 0 and 3
- No RIG

For immunosuppressed persons:

- 5 Doses of vaccine on days 0, 3, 7, 14, and 28.
- RIG on day 0.

*Day 0 = first day of treatment

Rabies Pre-exposure Vaccination

- Recommended vets, vet techs, animal control officers, or anyone who handles wildlife frequently
- Regimen of 3 doses of rabies vaccine given in the arm on days 0, 7, and 21 or 28
- Given before an exposure for protection
- After an exposure, still need 2-dose booster on days 0 and 3 (NO immune globulin)
- List of sites that offer on our website

Management of dogs, cats, ferrets and livestock exposed to rabies

Exposure Category	Vaccinated+	Non-Vaccinated [^]
Direct contact or visible bite from known rabid animal OR	1. Booster immediately* 2. Notify ACO 3. Observe for 45 days	1. EUTHANIZE 2. If owner unwilling: a. Notify ACO b. Isolate for 6 months c. Vaccinate on entry or 28 days before release
Direct contact with or visible bite or wound from suspect rabid animal (unavailable for testing) OR		
Wound of unknown origin: suspicious scratch, bite, abscess or wound		
Exposure by proximity (seen near or in same vicinity of known rabid animal) -no contact or wounds	1. Consider booster* 2. Observe for 45 days	1. Vaccinate at once 2. Observe for 6 months

Submitting Animals for Testing: Help

- Health & Environmental Testing Lab (HETL)
 - 221 State Street, Augusta (across from Capitol)
 - Business hours: 7:30am – 5:00pm
 - After hours drop off, call Capitol Security: 287-4357
 - Test animals daily, 11:00 am drop off same day testing
 - Fill out submission form completely (including exposures)
- Maine CDC Disease Reporting & Consultation 24/7: 1-800-821-5821

12 – 076 To hear a report from the Town Clerk re: June Election and Victualer's Licensing.
Town Clerk, Tammy O'Donnell presented the following:

Election

• June 12, 2012



- Municipal
- State Primary
- MSAD #51
- Absentee Ballots available May 14, 2012, at Town Hall.

Extended Absentee Hours

- Friday, June 1, 2012 9 a.m.-1:00 p.m.
- Saturday, June 2, 2012 9 a.m.-1:00 p.m.
- Sunday, June 3, 2012 9 a.m.-1:00 p.m.
- Thursday, June 7, 2012 6 p.m.-7:00 p.m.



Absentee Voting



- New laws effective September 28, 2011
- Title 21-A §753-B.2
- Special Circumstances Application.
- To any voter, immediate family member, or third person whose request was received after the 3rd business day before and election day (close of business on Thursday if the election is held on Tuesday), unless the voter signs an application, designed by the Secretary of State, stating one of the following reasons for requesting an absentee ballot after this deadline.

Special Circumstance Reasons

- A. An **unexpected** absence from the municipality during the **entire time** the polls are open on Election Day.
- B. A physical disability, or an incapacity or illness that makes the voter unable to leave home or a treatment facility; or
- C. An inability to travel to the polls because the voter is a resident of a coastal island ward or precinct.

Budget Validation Referendum Procedures

- 20-A M.R.S. §1486 provides that:
- Absentee ballots may not be processed or counted unless received on the day after the conclusion of the District Budget meeting and before the close of polls at the budget validation referendum. Absentee ballot envelopes received too early or too late must be marked "rejected" by the Municipal Clerk.

Ms. O'Donnell explained to the Council that the Victualer Licensing laws have changed and municipalities are no longer certified to do health inspections, unless they have a health inspector who has been certified by the State. The process to become certified is very long, rigorous, and expensive. As a result, the State will handle our health inspections from now on. The Town will continue, and will be allowed by the State, to inspect non-profit food establishments.

12 – 077 To countersign the Warrant and Notice of Election calling the June 12, 2012 M.S.A.D. 51 Budget Validation Referendum.

Town Manager Shane reminded the Council that this is something that they are required to do on an annual basis.

Motion by Councilor Moriarty, seconded by Councilor Gruber, to receive and countersign the Warrant and Notice of Election calling the MSAD 51 Budget Validation Referendum of Tuesday, June 12, 2012.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 078 To hold a Public Hearing to consider and act on a Mass Gathering Permit for Cumberland Soccer Club "Just For Fun" Labor Day Tournament to be held at Twin Brook Recreational Facility on September 1st & 2nd from 7:00 a.m. to 7:00 p.m.

Town Manager Shane explained that this is an annual event, which is well attended by many people from across the State. Susan Clifford is present this evening to answer any questions that the Council may have. The application is complete, the Soccer Club has met with Town staff, and staff is recommending approval.

Public discussion: None

Motion by Councilor Stiles, seconded by Councilor Gruber, to approve the Mass Gathering Permit for Cumberland Soccer Club "Just for Fun" Labor Day Tournament to be held at Twin Brook Recreational Facility on September 1st & 2nd from 7:00 a.m. to 7:00 p.m.

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 079 To hold a Public Hearing to consider and act on amendments to Section 204.17.1 (Setback Overlay District 1) of the Cumberland Zoning Ordinance to include the following properties, as recommended by the Planning Board: Tax Map U06, Lot 87 (145 Foreside Road), Lot 86 (149 Foreside Road), Lot 87 (1 Wildwood Blvd.), and Tax Map R01, Lot 2B (2 Birch Lane).

Town Manager Shane explained that this affects the Wildwood neighborhood. 4 parcels are outside the Overlay District. The Overlay District in this neighborhood was developed a number of years ago because the Zoning Board was becoming inundated with requests for variances for additions and decks. One of the owners of the 4 parcels (corner of Foreside Road and Coveside Drive) requested that his property be included in the Overlay District. When a second resident made the same request, staff decided that in order to make it more contiguous, all four lots should be included.

Motion by Councilor Turner, seconded by Councilor Stiles, to amend Section 204.17.1 (Setback Overlay District 1) of the Cumberland Zoning Ordinance to include the following properties, as recommended by the Planning Board: Tax Map U06, Lot 87 (145 Foreside Road), Lot 86 (149 Foreside Road), Lot 87 (1 Wildwood Blvd.), and Tax Map R01, Lot 2B (2 Birch Lane).

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 080 To hear a report from the Ordinance Committee and set a Public Hearing date (June 4th) to consider and act on the adoption of a Road Acceptance Ordinance.

Councilor Moriarty explained that the Council receives a fair amount of road acceptance requests, and they often times struggle with the terms of accepting roads, or if they should be accepted as Town roads at all. The Ordinance Committee met and developed an ordinance that would spell out the conditions that the Council would consider when accepting a new public way. The highlights of the new Road Acceptance Ordinance are:

- Purpose: to provide a uniform, consistent, and equitable process for the dedication and acceptance of municipal roads.
- The applicant bears all the costs associated with road acceptance.
- A road must be built to subdivision ordinance standards.
- 75% of the lots in the subdivision must have occupancy permits before the applicant can apply for road acceptance.
- There are several layers of review by the Finance Committee, Town Attorney, and Town Council. Even after the review process, the Council still has the discretion to approve or not.

Motion by Councilor Gruber, seconded by Councilor Copp, to set a Public Hearing date of June 4th to consider and act on the adoption of a Municipal Road Acceptance Ordinance.

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 081 To hear a report from the Ordinance Committee and consider and act on forwarding draft zoning amendments to the Recreational Facilities & Open Space Impact Fee Ordinance to the Planning Board for a Public Hearing and recommendation.

Councilor Moriarty explained that the Council voted unanimously on April 9th to amend portions of the Recreational Facilities & Open Space Impact Fee Ordinance. Town Staff then realized there were a few areas that required clarification.

- 1) If a building is destroyed by disaster, the new building that will replace the destroyed building will not require an impact fee.
- 2) If a building is intentionally demolished for the purpose of rebuilding, the first 1,000 square feet, or the square footage of the demolished structure, whichever is larger, will be exempt.
- 3) If a home is moved from one lot to another, there will be no impact fee.
- 4) If a home is moved from a lot and a new home is built on that lot, the first 1,000 square feet or the square footage of the demolished structure, whichever is larger, will be exempt.
- 5) In the definitions section, the term “new residential structures” is replacing “new residential construction”.

Councilor Gruber asked, what about a commercial building that is converted into a residential home, or a Habitat for Humanity home. Would those scenarios have to pay an impact fee?

Councilor Moriarty said that these are both good points. Impact fees apply on new residential structures. The conversion of a building into residential space, his sense is that it is not a new structure, so does not apply.

Councilor Storey-King said that she feels it should apply, as should the conversion of a barn or a church into a residential structure. There is an impact therefore the fee should apply.

Town Manager Shane said that any of these unusual scenarios could happen, but they are very rare.

Chairman Perfetti suggested sending it on to the Planning Board for discussion. They can add to it if they choose to and the Council can add to when it comes back to them.

Motion by Councilor Copp, seconded by Councilor Storey-King, to forward draft zoning amendments to the Recreational Facilities & Open Space Impact Fee Ordinance to the Planning Board for a Public Hearing and recommendation.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 082 To hear a report from the Ordinance Committee and consider and act on forwarding draft zoning amendments to the Cumberland Zoning Ordinance to eliminate junkyards as a permitted use to the Planning Board for a Public Hearing and recommendation.

Councilor Moriarty explained that the Ordinance Committee is recommending that junkyards as a use or a special exception should be eliminated Town wide. Currently, junkyards are only allowed in the Industrial Zone as a special exception.

Motion by Councilor Moriarty, seconded by Councilor Gruber, to forward draft zoning amendments to the Cumberland Zoning Ordinance, eliminating junkyards as a permitted use or special exception, to the Planning Board for a Public Hearing and recommendation.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 083 To set a Public Hearing date (June 4th) to consider and act on a Mass Gathering Permit for the United Maine Craftsmen’s 43rd Annual Cumberland Arts and Crafts Show, August 9th – 12th, 2012 at the Cumberland Fair Grounds.

Motion by Councilor Turner, seconded by Councilor Copp, to set a Public Hearing date of June 4th to consider and act on a Mass Gathering Permit for the United Maine Craftsmen's 43rd Annual Cumberland Arts and Crafts Show, to be held August 9th - 12th, 2012 at the Cumberland Fair Grounds.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 084 To endorse the nomination of George Turner to the Maine Municipal Association Legislative Policy Committee.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to nominate George Turner for consideration to the Maine Municipal Association’s Legislative Policy Committee, representing Senate District 11.

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

V. NEW BUSINESS

Councilor Turner – he has noticed a few political signs have disappeared around Town. He warned everyone that it is a violation of State Law to tamper with political signs.

Councilor Copp – None

Councilor Storey-King – recently, there have been articles in the newspaper about the railroad. They plan to open some platforms in the next month or two. Last Friday, the Middle School had a ½ hour presentation from the Railroad about the importance of keeping off the tracks. They filled the kids with a lot of facts, but the most important fact being that if you are on the railroad tracks, you are trespassing. 500 Middle School students are now aware of this.

Reminder to the public that this is the last Town Council in May. The next meetings will be on June 4th and June 18th.

Councilor Moriarty – Thank you to the Cumberland Police Department and the volunteers who made the Safe Passage Road Race so successful. A couple hundred runners of all ages participated. It was done well, safely, and was a very successful event.

Councilor Stiles – Congratulations to Councilor Moriarty on some successful road races recently.

He referred to a thank you letter from the Cumberland Farmers’ Market thanking the Council for the budgeted contribution to help support the market. He noted that one of the list of item that the money helps pay for is entertainers at the Farmers’ Market. He feels that the Town should not be paying for entertainment at the Farmers’ Market.

He has been noticing that used tires are appearing on lawns. He reminded residents to be on the lookout for people who dump their trash in Cumberland during bulky waste pick up week.

Councilor Gruber – Frank Knight of Yarmouth passed away at 103 years old. Frank was a great person and always a pleasure to talk to.

As an umpire, he enjoys umpiring at all levels of Greely baseball. They are all doing great this year.

The Shellfish Conservation Commission and students from Greely will be stenciling storm drains on Route 88 on May 24th. The purpose is to remind everyone not to dump anything into the storm drains as everything makes its way to the shore and affects the shoreline. Jessica Joyce of the Shellfish Commission is leading this project and she has done a great job.

Chairman Perfetti – Thank you to Councilor Moriarty for handling the Chairman duties while he was away on business.

Town Manager Shane – The annual Memorial Day parade will be held on May 28th beginning at 10:00 a.m. This will be a very special parade, as we will be dedicating the Veterans Recognition Monument at Moss Side Cemetery.

For those people who may be new to Town, stop by Town Hall and pick up a welcome packet from the Cumberland/North Yarmouth Family Network. It is full of lots of great information.

There will be a Planning Board Workshop on May 15th at 6:00 p.m. re: proposed amendments to VCC Zone.

Last weekend, longtime Town Councilor in Yarmouth, Irv Bickford, passed away. Irv was a very dedicated Public Servant and brilliant engineer. He will be sadly missed.

VI. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(C) re: real property acquisition.
Councilor Turner said that he will be recusing himself from the Executive Session because of a conflict of interest.

Motion by Councilor Stiles, seconded by Councilor Storey King, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property acquisition.

VOTE: 6-0 (Councilor Turner abstained and left meeting) **MOTION PASSES**

TIME: 8:35 p.m.

Motion by Councilor Moriarty, seconded by Councilor Copp, to return from Executive Session.

VOTE: 6-0 **UNANIMOUS PASSAGE**

TIME: 9:03 p.m.

VII. ADJOURNMENT

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

VOTE: 6-0 **UNANIMOUS PASSAGE**

TIME: 9:04 p.m.

Minutes taken from DVD of meeting. Not present at meeting.

Respectfully submitted by,

Brenda L. Moore
Council Secretary