

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, July 8, 2013

6:00 Nominating Committee Interviews

6:30 p.m. Workshop re: presentation of new Food Pantry plan and location by Chris Bolduc.

7:00 p.m. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Bingham, to accept the June 17, 2013 minutes as presented.

VOTE: 7-0

II. MANAGER'S REPORT

In the near future, the Ordinance Committee will be discussing the topic of medical marijuana facilities. Town Staff is presently looking at the issue to see if additional dispensaries are even allowed. There were districts established for dispensaries and Portland currently has the dispensary for our region. The Ordinance Committee will report back in August with some language to move forward to the Planning Board.

Town Manager Shane introduced Recreation Coordinator, Peter Bingham, who presented plans for the proposed playground in West Cumberland.





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Mr. Bingham explained that he and Public Services Director, Chris Bolduc took the playground designs to the second grade class at Mable I. Wilson School and the students voted for their favorite. The kids enjoyed the process and chose this design:

Second Grade Vote Totals

Results	1 st /2 nd	
1 st Choice	7, 9	Total of 16 votes
2 nd Choice	5, 5	Total of 10 votes
3 rd Choice	6, 15	Total of 21 votes
4 th Choice	31, 14	Total of 45 votes
5 th Choice	5, 9	Total of 14 votes

54 total ballots cast



The playground will be located at the West Cumberland Athletic Complex with vantage points to the football and the baseball fields.

Play Ground Location



Town Manager Shane said that he spoke to Superintendent of Schools, Dr. Hasson today and was advised that School Board Co-Chairman, Bill Richards, submitted his resignation from the School Board effective today. This is the second resignation from the School Board, including Jeff Porter's.

Chairman Stiles read the following letter from Jeff Porter:

I am writing to give the Cumberland Town Council my official resignation from the School Board.

Since I can no longer trust Bob Hasson and Scout Poulin, I have decided to tender my resignation. The security debacle convinced me that the tail does wag the dog. Unfortunately a majority of the School Board did not wish to hold the administration accountable for their actions.

I am sorry to have created more work for you and the Council but having to work with people I don't trust was something I could not do.

Jeff Porter

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

13 – 109 To hold a Public Hearing to consider and act on authorizing the Code Enforcement Officer to enter into a Consent Agreement with property owners located at 78 Harmon Way.

Town Manager Shane explained that this request is due to a septic system being located over the abutter's property line. The septic system is being moved, and setback variance is requested because the house is 10-feet too close to the abutter's property line. The Consent Agreement has been reviewed by the Town Attorney and Code Enforcement Officer, and staff is recommending approval with the customary \$500 fee to cover attorney fees.

Chairman Stiles opened the Public Hearing.

Public Discussion: None

Chairman Stiles closed the Public Hearing.

Motion by Councilor Bingham, second by Councilor Storey-King, to authorize the Code Enforcement Officer to execute a Consent Agreement upon payment of \$500 with property owners of 78 Harmon Way.

VOTE: 7-0 UNANIMOUS

13 – 110 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Cumberland Soccer Club Labor Day "Just for Fun Tournament" to be held August 31st – September 1st, 2013 at Twin Brook.

Chairman Stiles opened the Public Hearing.

Public Discussion: None

Chairman Stiles closed the Public Hearing.

Motion by Councilor Copp, second by Councilor Turner, to approve the Mass Gathering Permit for the Cumberland Soccer Club Labor Day “Just for Fun Tournament” to be held August 31st – September 1st, 2013 at Twin Brook.

VOTE: 7-0

UNANIMOUS

Councilor Gruber asked Martha Leggat of the Soccer Club if there are only Maine teams competing.

Ms. Leggat said that only Maine teams will compete.

Councilor Gruber said that this tournament is very well organized.

Councilor Bingham asked if the parking problems of the past have been resolved.

Town Manager Shane said that the Soccer Club has become the model for other groups in regard to organization and parking, and have always repaired any damage done to the fields.

13 – 111 To appoint members to vacant board/committee seats.

Motion by Councilor Copp, second by Councilor Gruber, to appoint David Echeverria, Sara Perfetti, and Jennifer West to the Prince Memorial Library Advisory Board.

VOTE: 7-0

UNANIMOUS

Motion by Councilor Bingham, seconded by Councilor Turner, to appoint Paul Chesley and Doug Pride to the Sewer Advisory Board.

VOTE: 7-0

UNANIMOUS

13 – 112 To appoint William Longley as Code Enforcement Officer, Dan Small as alternate Building Inspector, and Stanford Brown and Richard Wentworth as Electrical Inspectors.

Motion by Councilor Storey-King, second by Councilor Gruber, to appoint William Longley as Code Enforcement Officer, Dan Small as alternate Building Inspector, and Stanford Brown and Richard Wentworth as Electrical Inspectors.

VOTE: 7-0

UNANIMOUS

13 – 113 To appoint Paul McKenney as acting Tax Assessor.

Town Manager Shane explained that Paul McKenney is a manager for Vision Appraisal Company, who is currently responsible for our Assessing service. Per recommendation of the Town Attorney, the contract with Vision will go through September, then month to month. Once the Town has decided on a permanent appointment or contracted service with the County, Vision will agree to step aside. Paul will be appointed acting Tax Assessor because he is a Manager of Vision Appraisal, but Nancy Pinette (an employee of Vision Appraisal) will be working at Town Hall one day per week.

Motion by Councilor Storey-King, second by Councilor Bingham, to appoint Paul McKenney of Vision Government Solutions, Inc. as acting Tax Assessor.

VOTE: 7-0

UNANIMOUS

13 – 114 To set a date of July 22nd to hear a report from the acting Tax Assessor and to set the FY'14 tax rate.

Motion by Councilor Copp, second by Councilor Bingham, to set a date of July 22nd to hear a report from the acting Tax Assessor and to set the FY'14 tax rate.

VOTE: 7-0 UNANIMOUS

13 – 115 To set a Public Hearing date of July 22nd to set rates at which interest will be paid for delinquent taxes, and to authorize applying tax payments to the oldest unpaid taxes.

Motion by Councilor Edes, second by Councilor Copp, to set a Public Hearing date of July 22nd to set rates at which interest will be paid for delinquent taxes, and to authorize applying tax payments to the oldest unpaid taxes.

VOTE: 7-0 UNANIMOUS

13 – 116 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, amendments to the Contract Zone Agreement for Telos Capital to allow for two additional home designs.

Town Manager Shane said that although these are technically amendments to the Contract Zone Agreement, the agreement was written in a way that describes New England style architecture. The two additional designs are very similar to the approved designs. Mr. Shane said that the Council can send this to the Planning Board or simply approve the additional designs this evening.

Councilor Turner said the more variety the better and the new designs fit nicely with the project.

Councilor Gruber said that he is supportive of approving this tonight and not sending it on to the Planning Board.

Motion by Councilor Bingham, second by Councilor Gruber, to approve the additional designs as presented.

VOTE: 6-1 (Copp opposed) MOTION PASSES

V. NEW BUSINESS

Councilor Turner – Thank you to Chris Bolduc and the Public Works crew for cutting the bushes that were blocking the view on Carriage Road and Route 88. It was a dangerous situation because a car had to pull way out onto Route 88 to see oncoming traffic. He called Chris to report the problem and it was taken care of very quickly.

Councilor Bingham – Phase I of the Bateman Project required speed bumps. He asked the Manager if the speed bumps would be installed.

Town Manager Shane said that the speed bump is part of the final paving and will be on Wyman Way.

Councilor Storey-King – She wants to second Councilor Turner's kudos to the Public Works Department. She had a similar experience. While biking, she noticed the storm drains on Route 88 clogged with grass from roadside mowing. Because we were about to get 3 inches of rain, she called

the Town Manager and the drains were cleaned out that day. She reminded people that if they are walking and notice a storm drain blocked with debris to kick it clean.

She attended another Korean War Veterans celebration planning committee recently. She will be contacting business owners in the community to buy ads in the Veterans Day celebration program. The ads will help pay for the celebration. If there is anyone who lives in Town, but works out of Town and would like to buy an ad, they can contact her to purchase one for this good cause.

Councilor Gruber – He noticed that work began today on the Blanchard Road reconstruction project.

The Food Pantry continues to do well, servicing on average 25 families per week.

Chairman Stiles – State Representative, Steve Moriarty will be at the next meeting to give the Council an update on the last State Legislative session.

He reminded residents that there is a campaign going on to support the 4-H Club and Food Pantry to collect donations for purchase of meat for the food pantry.

He has been contacted by a couple of residents regarding no entrance on the roads leading out of Val Halla and the fact that it is the only road in Town posted that way. He suggested that the Council look at this in the near future.

He requested a report from the Police Chief regarding any damage or complaints on the Fourth of July from fireworks.

Councilor Edes – A Cumberland native, Pete Bickmore retired from the FBI after 26 years. Pete had an amazing FBI career and he wished him congratulations.

It is the time of year to beware of driveway paving and sealing scams. If anyone has questions regarding a company soliciting work, they can contact the Attorney General's Office.

He is very proud of the Cumberland Fire Department and the assistance that they gave in Yarmouth recently with the propane explosion. This is a good example that we have no borders when our neighbors are in need. Kudos to the Fire Department and to Chief Small.

Councilor Copp – He asked the Manager to remind residents where they can get the large trash bins with wheels.

The Manager said that they should contact Waste Management directly. The large containers are generally for commercial use, however.

Town Manager Shane – He thanked Councilor Edes for his kind words. Our Fire Department was present from 6:30 a.m. until 5:00 p.m. the day of the Yarmouth explosion sifting through the rubble. Our team did a phenomenal job and are always willing to help our neighbors.

Officer Ryan Martin will be doing a presentation to the Council in the near future on "Drug Use and Our Youth".

VI. EXECUTIVE SESSION pursuant to 1 M.R.S.A., §405(6)(E) re: consultation with Town Attorney.
Motion by Councilor Storey-King, seconded by Councilor Bingham, to recess to Executive Session pursuant to 1 M.R.S.A., §405(6)(E) re: consultation with Town Attorney.
VOTE: 7-0 UNANIMOUS
TIME: 7:54 p.m.

VII. ADJOURNMENT
Motion by Councilor Storey-King, seconded by Councilor Gruber, to adjourn.
VOTE: 7-0 UNANIMOUS
TIME: 8:37 p.m.

Respectfully submitted by:

Brenda L. Moore
Council Secretary