

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, June 17, 2013

6:00 p.m. Workshop re: FOAA Training with Jensen, Baird, Gardner & Henry

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 Copp, to approve the June 3, 2013 minutes as presented.

VOTE: 5-0-2 (Bingham and Edes abstained) MOTION PASSES

II. MANAGER'S REPORT

The Town received a \$35,000 grant from the Maine Department of Transportation to build access to the clam flats. Works has begun on the construction of stairs and the project should be done within the next month.

Andy Walsh of North Yarmouth has requested that representatives from Cumberland serve on a regional bike/pedestrian committee comprised of North Yarmouth, Freeport, Cumberland and Yarmouth. The committee will work on bike and pedestrian access in our region.

As most everyone knows by now, our Assessor, Bill Healey has taken a new job in Scarborough. We are now using Vision Appraisal for contracted assessing services and have been talking to the County about the regionalization of assessing services. There should be a plan in place to present by the fall of this year.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

13 – 096 To swear in newly elected Town Councilors.

Town Clerk, Tammy O'Donnell administered the oath of office to Councilors Edes and Bingham.

13 – 097 Election of Council Chair and Vice-Chair.

Motion by Councilor Bingham, seconded by Councilor Turner, to appoint Councilor Stiles as Chair.

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

Motion by Councilor Storey-King, seconded by Councilor Bingham, to appoint Councilor Gruber as Vice-Chair.

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

13 – 098 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the 142nd Cumberland Fair to be held from September 22nd – 29th, 2013 at the Cumberland Fairgrounds.

Town Manager Shane said that all the paperwork is in order and staff is recommending approval.

Chairman Stiles opened the Public Hearing.

Public discussion: None

Chairman Stiles closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Gruber, to approve the Mass Gathering Permit for the 142nd Cumberland Fair to be held from September 22nd – 29th, 2013 at the Cumberland Fairgrounds.

VOTE: 7-0 UNANIMOUS

13 – 099 To hear a report from the Finance Committee Chair and to authorize the Town Manager to transfer inter-departmental operating funds for FY'13.

Chairman of the Finance Committee, Councilor Gruber explained that the Finance Committee met last week and discussed the end of year transfers. Per the Town Charter, the Manager is required to come before the Council with any appropriation changes within departments. The Finance Committee is recommending approval of these transfers.

Town Manager Shane added it was a good year as far as projecting revenues goes (about \$187,000 over what was budgeted) and expenses were approximately \$100,000 over what was budgeted. The primary reason for this was overtime in the Police Department due to short staffing issues (we are now fully staffed again) and the winter we had this year.

Motion by Councilor Turner, seconded by Councilor Bingham, to authorize the Town Manager to make interdepartmental fund transfers between departments to close-out the FY 2013 budget, per the recommendations of the Finance Committee.

I move to authorize the Town Manager to transfer end of year fund balance to the following accounts:

Senior Circuit Breaker Fund	\$ 80,000
Fuel Assistance	\$ 15,000
Road Improvement Fund	\$ 27,268
Equipment Reserve Fund	\$119,288
Val Halla Project	\$ 34,728
Val Halla Operations	\$ 68,000

And I further authorize the transfer of:

\$279,022 from the Drowne Road School Bond Fund to the Land Acquisition Fund, and

\$230,218 from the General Fund Balance and any additional end of year revenues to the Val Halla Fund.

VOTE: 7-0 UNANIMOUS

13 – 100 To hold a Public Hearing to award the Tax Anticipation Notes for FY2014.

Finance Director, Heather Perreault explained that a detailed cash flow analysis determined that a Tax Anticipation Note of \$3,000,000.00 will be needed for the next fiscal year. This is typical of the past several years. 5 institutions were invited to bid and we received 3 responses from Peoples United Bank (.95%), Bath Savings Institute (.71%) and Androscoggin Savings Bank (.84%), with the lowest rate from Bath Savings

Institute. Ms. Perreault recommended the award to Bath Savings Institute. We would be continuing our relationship with them as they are the holder of the Tax Anticipation Note for FY'13.

Town Manager Shane pointed out that the borrowing is on an as needed basis. We will only borrow as much as we need, up to \$3,000,000.00.

Chairman Stiles opened the Public Hearing.

Public discussion: None

Chairman Stiles closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Gruber, to authorize the Town Manager to execute a Tax Anticipation Note with Bath Savings Institution for FY'14 at an interest rate of .71% and a total of up to \$3,000,000.00, per the Town Council Resolution included in meeting materials.

VOTE: 7-0 UNANIMOUS

13 – 101 To hold a Public Hearing to consider and act on draft zoning amendments to Chapter 315, Zoning Ordinance, § 48 (Erosion and Sedimentation Control) of the Cumberland Code as recommended by the Planning Board.

Councilor Storey-King said she would like to table this item until the Ordinance Committee can review it further, compare it to the State Ordinance, and get more public input.

Councilors Turner and Copp agreed.

Town Manager Shane recommended a workshop on this item when it comes back from the Ordinance Committee.

Chairman Stiles agreed.

Chairman Stiles opened the Public Hearing.

Public discussion: None

Chairman Stiles closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Turner, to table draft zoning amendments to Chapter 315, Zoning Ordinance, § 48 (Erosion and Sedimentation Control) of the Cumberland Code as presented.

VOTE: 7-0 UNANIMOUS

13 – 102 To hold a Public Hearing to consider and act on draft zoning amendments to Chapter 229, Site Plan Ordinance, § 11 (Expiration of Approval) of the Cumberland Code as recommended by the Planning Board.

Chairman Stiles opened the Public Hearing.

Public discussion: None

Chairman Stiles closed the Public Hearing.

Councilor Storey-King said that she is opposed to the word “substantial” in the language (*“If construction has not been substantially completed with 24 months...”*). She would prefer something more measurable.

Town Manager Shane explained that the language has been in the ordinance for a long time. He will ask the Code Enforcement Officer if he has a better interpretation.

Motion by Councilor Bingham, seconded by Councilor Turner, to adopt draft zoning amendments to Chapter 229, Site Plan Ordinance, § 11 (Expiration of Approval) of the Cumberland Code as recommended by the Planning Board.

VOTE: 7-0

UNANIMOUS

13 – 103 To hold a Public Hearing to consider and act on an amendment to the Official Shoreland Zoning Map to remove the Wetlands / Limited Residential designation to the following properties as shown on the Official Cumberland Zoning Map below: Map R05, Lots 33B, 33C, 35, 35A, 35B, 35C, 35D, 35E, 35F, 35G, 37, 37B, 37C, 37D, 37E, 37F and Map U15, Lots 10, 10A, 10B, and 7B.

Town Manager Shane explained that the Town discovered our zoning is more restrictive than the State requires. Shoreland zoning requires very specific details be followed when a property is located in that zone. At a request of an owner who was impacted, the Town changed the land use to be consistent with the State guidelines and more consistent with zoning Town wide. This particular change has to do only with shoreland zoning and doing away with the cumbersome setback requirements.

Chairman Stiles opened the Public Hearing.

Public discussion: None

Chairman Stiles closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Gruber, to amend the Official Shoreland Zoning Map to remove the Wetlands / Limited Residential designation to the following properties as shown on the Official Cumberland Zoning Map: Map R05, Lots 33B, 33C, 35, 35A, 35B, 35C, 35D, 35E, 35F, 35G, 37, 37B, 37C, 37D, 37E, 37F and Map U15, Lots 10, 10A, 10B, and 7B.

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

Chairman Stiles said he abstained since he and most of his family live in this zone.

13 – 104 To consider and act on Commercial Hauler's license renewals for FY'14.

Town Manager Shane explained that this is an annual renewal and the list is the same as last year, with the exception of the addition of Garbage to Garden food composting service.

Motion by Councilor Bingham, seconded by Councilor Storey-King, to approve the Commercial Hauler's license renewals for FY'14.

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

13 – 105 FY'14 Town Council Committee Assignments.

Chairman Stiles asked the Council if they would like to make any changes to their current committee assignments.

There were none.

Motion by Councilor Gruber, seconded by Councilor Bingham, to approve the Town Council Committee Assignments for 2013-2014 as presented.

VOTE: 7-0 UNANIMOUS

13 – 106 To set a Public Hearing date (July 8th) 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.

Motion by Councilor Copp, seconded by Councilor Gruber, to set a Public Hearing date of July 8th 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.

VOTE: 7-0 UNANIMOUS

13 – 107 To authorize the Town Manager to accept an anonymous donation of \$10,000 for the Food Pantry and execute a gift letter.

Town Manager Shane said that this generous family has stepped up many times to help their fellow Cumberland residents and this donation was made specifically to the Food Pantry. This is another example of their generosity and what makes Cumberland a great place.

Motion by Councilor Turner, seconded by Councilor Bingham, to authorize the Town Manager to accept an anonymous donation of \$10,000 for the Food Pantry and execute a gift letter.

VOTE: 7-0 UNANIMOUS

13 – 108 To hear a report from the Town Manager re: 2014 – 2018 Capital Improvement Plan (CIP).

Town Manager Shane explained that he made a presentation to the Planning Board on the Capital Improvement Plan at their last meeting. Per Town Charter, the Planning Board is required to make a recommendation to the Town Council on the 5-year plan. Since 2008, we have had some difficult times. Staff has been cut by nearly 25%, hours were cut by 10% for about half the staff, and things have been difficult for the Town’s capital. We have had to put a lot of projects on hold. As we recover, we have built more money into the capital plan, which includes paving, equipment replacement, and building maintenance. The plan is matched with growth in the community. The Central Maine Power project helped us fund the majority of the plan and we continue to build on it incrementally each year.

The capital plan presented this evening has been incorporated into this years approved budget and was approved by the Planning Board.

Councilor Bingham said that looking forward, collaborating with surrounding Town makes sense. The model of separate governments is not sustainable.

Motion by Councilor Bingham, seconded by Councilor Turner, to accept the 2014 – 2018 Capital Improvement Plan (CIP).

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Turner – Asked the Manager about the stop sign at the end of Tuttle Road and Route 88. There are two there. One is damaged, but he does not understand why there has to be two there.

Manager Shane said that the stop sign had been struck by a truck and the stability was questionable. The Police Department put one on a barricade until the damaged sign can be fixed. It will be taken care of by Public Works this week.

Councilor Bingham – None

Councilor Storey-King – The Middle School was without water for a period of time today. Portland Water District was doing work in the vicinity and she requested that the Manager ask them to notify them if this happens again. There are recreation programs going on at the school now and no water meant there were no bathrooms for the kids.

She has a Korean War Veteran parade planning committee meeting this week. The committee will soon be soliciting donations from the community to help in recognizing the 60th anniversary of the forgotten war, which will happen on Veterans Day in November. If any businesses are interested in helping to sponsor the celebration, they can contact her directly.

She had the honor of presenting the Kimball Award on behalf of the Town Council at Greely graduation recently. It is her favorite award to present because she met John and Lillian Kimball when she received the award 35 years ago. The Kimball Award went to Gabby Morris this year. Congratulations Gabby.

Councilor Gruber – The number of visits to the Food Pantry have been tracked and since November, when it opened. 36% of the families who come to the pantry are from Cumberland, 20% are from North Yarmouth, 22% are from Pownal and New Gloucester.

Another interesting Food Pantry statistic is that 44% of the volunteer hours are made up by 7% of the volunteer workers. Thank you to those 7% who work so hard.

Chairman Stiles – Referenced a memo from Recreation Superintendent, Peter Bingham stating that the Cumberland Recreation Department and Greely PTO recently made a joint contribution of \$669.00 to the Veterans Monument Fund from a portion of the proceeds they received from the 3rd Annual Memorial Day 5k road race.

We are starting a drive for the Food Pantry specifically to send the Town Manager back to the Fair to bid on the 4-H Club's auction, to provide meat for the Food Pantry. His purchase last year provided Easter hams to the families who use the Food Pantry. This year, the goal is \$5,000 to purchase a beef animal as well as pigs.

Councilor Edes – It is an honor to serve on this Council. He has been asked a lot why he wanted to sit on the Council. He has three joys in his life; his family and friends, his occupation, and his community. He feels blessed to be able to say that he is from Cumberland. Thank you to the people of Cumberland for voting for him and he looks forward to serving you.

Councilor Copp – The Ultimate Yard Sale took place last week, and the traffic on Blanchard Road was backed up for miles. He contacted the Police Department to let them know and they got it cleared up in about an hour. The problem was that they were trying to funnel everyone in through one gate. Next year, they have to remember to require them to come up with a traffic plan as part of their mass gathering permit approval.

Town Manager Shane – He recognized a few individuals and organizations who have donated to the Food Pantry recently:

The Congregational Church has donated over \$750

The Lions Club, nearly \$1400

The West Cumberland United Methodist Church, over \$800

Atlantic Regional Credit Union, \$700

Kevin Morrison of North Yarmouth, \$700

There was a house fire in the Crossing Brook neighborhood last week and the fire department's quick response and care was incredible. Thank you to Chief Small and the Cumberland Firefighters. Also, thank you to the North Yarmouth Fire Department who also responded to assist.

VI. ADJOURNMENT

Motion by Councilor Storey-King, seconded by Councilor Gruber, to adjourn.

VOTE: 7-0

TIME: 8:14 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary