

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, August 11, 2014

6:00 P.M. Call to Order

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

- I. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(C) re: real property and § 405(6)(E) consultation with the Town Attorney.
Motion by Councilor Bingham, seconded by Councilor Stiles, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.
VOTE: 7-0 UNANIMOUS
TIME: 6:04 P.M.

Reconvene to regular session at 7:01 P.M.

- II. APPROVAL OF MINUTES**
Motion by Councilor Stiles, seconded by Councilor Bingham, to accept the July 28, 2014 meeting minutes with amendment to vote on the first 3 items to show that Councilor Edes did not vote or participate in the discussion (the minutes indicated that he abstained from voting).
VOTE: 7-0 UNANIMOUS

- III. MANAGER'S REPORT**
The Planning Board site walk this Wednesday on the Payson Property has been cancelled due to impending inclement weather on Wednesday and a few of the Planning Board members had conflicts that evening. An alternate date will be chosen at the Planning Board next week.
- The Manager met with Buzz Lamb of Range Way today regarding a property dispute between him and the Town. Mr. Lamb presented the following letter to the Council and the Manager said that discussions will be continuing with Mr. Lamb to find a resolution.

August 6, 2012

Mr. Thomas Gruber, Chairman
Cumberland Town Council
Town of Cumberland
290 Tuttle Road
Cumberland, Maine 04021

Dear Mr. Gruber:

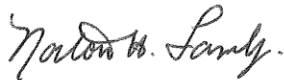
I would like to bring to your attention my concern and dismay that the Town of Cumberland continues to lay claim to a portion of the land I own on the Range Way in Cumberland (lot R1 46E) despite having no legal or logical basis for such claim. Judging from responses I have received from the Town Manager and Town Attorney, it appears the Town continues to base its claim on mere speculation with complete disregard for well established rules of construction in establishing legal boundaries. Furthermore, I am particularly upset that the Town authorized its surveyor to record a plan affecting my property in the Registry of Deeds without previous consultation with me and without noting on the plan a potential disputed boundary – both called for in the Maine Surveyor rules.

In addition, the Town recently placed a pin and flagged a line from the Range Way toward the Falmouth town line approximately 900' across my property. I have not found nor been presented with a single bit of legal or logical evidence to support this action. I have spent considerable time at the Cumberland and York County Registries of Deeds and the North Yarmouth town hall researching land records. I have repeatedly asked Cumberland officials to provide a deed or contract or other evidence supporting its claim but have received nothing but some unsupported speculation about a possible "lost deed" from nearly 200 years ago. If the Town has any concrete information respecting legal title and/or establishment of property lines other than the unwarranted and mistaken assertions of its surveyor, I believe it is your duty and in your best interest to share it with me. In the absence of legal supporting documentation, I consider the Town's actions a trespass on my property.

I respectfully ask the council to address this issue. First, if there is legal documentation supporting the Town's claim of title, please send me a copy. If there is not, then please cease any actions disparaging my title. My family and I have continuously occupied, maintained and harvested timber from this property since 1972, and intend to continue to do so.

Thank you for your attention to this matter.

Sincerely,



Norton H. Lamb Jr.

IV. PUBLIC DISCUSSION

Mike Timmons of the Cumberland Farmer's Club announced that there will be a family walk event on September 21st to raise money for a gentleman who has been involved with the fair for over 60 years and suffered an accident recently. The gentleman requested that the money to go to the Cumberland Police, Fire & Rescue.

V. LEGISLATION AND POLICY

14 – 136 To hear a report from the Twin Brook Advisory Committee Chair, John Leavitt re: tree harvesting in Twin Brook.

John Leavitt, Chairman of the Twin Brook Advisory Committee explained that the committee has been looking at some long range goals over the past couple of years, and forest management was one of those goals. The Town has a history of active forest management in other areas, but not at Twin Brook. The committee invited Paul Larrivee, Jr. from Sappi Fine Paper to prepare a Forest Management Plan in July of 2013. Mr. Larrivee determined that the forest would benefit from a harvest, which would not cost the Town any money, but would generate some revenue from the trees removed. Mr. Leavitt said that he would like to see the tree harvesting at Twin Brook be a learning opportunity for students and residents who are interested in learning more about it.

Town Manager Shane explained that the Greely Road side of Twin Brook is under a D.E.P. no cut conservation easement in the area of the railroad tracks. We also want to be cognizant of the vernal pools in the area.

Councilor Bingham said that the ski trails at Twin Brook were designed by the person who designed the Olympic ski trails for the 1980 Lake Placid Olympics. Those trails consist of a lot of scientific topography and that needs to be considered with the harvest as well as any change of use. Changes to use have to come back to the Council.

Councilor Storey-King and Councilor Copp spoke highly of Mr. Larrivee. He is very conscience, has a genuine interest in what he does, and is great to work with.

Councilor Copp suggested a Council site walk to allow everyone to see the area, especially the Greely Road side.

Motion by Councilor Bingham, seconded by Councilor Edes, to authorize the Town Manager to execute a contract for harvesting at Twin Brook Recreation Facility as recommended by the Twin Brook Advisory Committee.

VOTE: 7-0 UNANIMOUS

14 – 137 To hear a report from the Finance Committee Chair re: 4th quarter financials and give final approval for end of year transfers.

Chairman Gruber announced that Councilor Bingham is the new Chairman of the Finance Committee.

Finance Director, Heather Perreault presented the following:

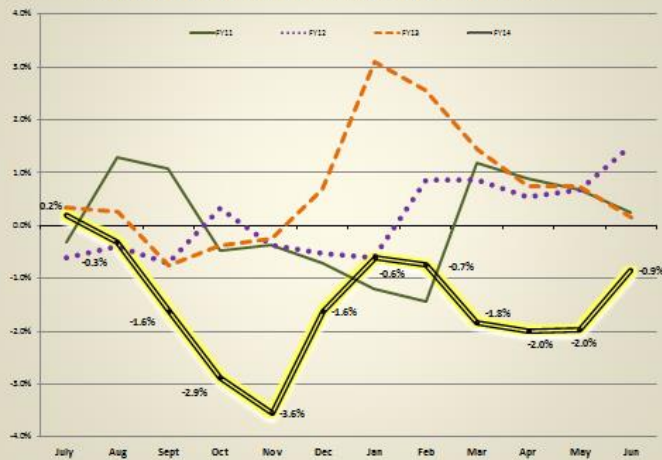


Town of Cumberland Fiscal Year 2014 Final Revenues & Expenses

General Fund Revenues & Expenditures

	FY14 Budget	FY14 Actual	FY14 Over/ (Under) Budget
General Fund Revenues	\$24,230,188	\$24,845,889	\$ 615,701
			<i>Over budget</i>
General Fund Controllable Exp	\$ 6,142,568	\$ 6,086,548	\$ (56,020)
General Fund Fixed Exp	\$16,612,770	\$16,624,610	\$ 11,840
General Fund Total Exp	\$22,755,338	\$22,711,158	\$ (44,180)
			<i>Under budget</i>

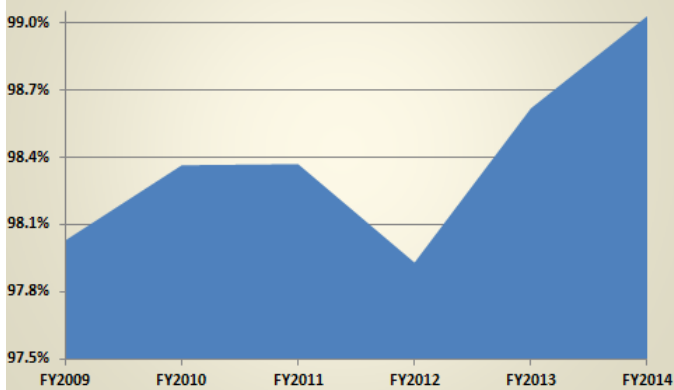
% Variance to 5 Yr Average Expenditures



End of Year Transfers

		FB %
GF Unassigned Fund Balance FY13	\$ 1,433,829	6.2%
GF Total Fund Balance FY13	\$ 2,170,663	9.4%
Add: End of Year Surplus	1,040,378	
Subtract transfers for:		
VH Operating loss	(110,000)	
Transfers to Reserves	(885,000)	
Transfer to VH to reduce Due to GF	(295,000)	
GF Unassigned Fund Balance FY14	\$ 1,479,207	6.2%
GF Total Fund Balance FY14	\$ 1,921,041	8.1%

% Tax Collected in First Year



Questions?



Councilor Bingham added that the financial management strategy that the Council has implemented is to keep our reserves strong and keep our financial position in such a form that we protect our bond rating, which has increased due to this strategy. This is the second year in a row that the Town saved \$40,000 because we did not have to use Tax Anticipation Note money. This is not done in a vacuum; there is a lot of work done by Town staff and the actions of previous Town Councils.

Motion by Councilor Turner, seconded by Councilor Copp, to authorize the Town Manager to close-out the FY 2014 budget, per the recommendation of the Finance Committee.

VOTE: 7-0

UNANIMOUS

14 – 138 To consider and act on a resolution to work with the Towns of Freeport, Falmouth, Yarmouth and METRO to develop an option for public transit connection between the four Towns to Portland.

Greg Jordan, Metro General Manager, gave an overview of the proposed project. The project is proposing express, 4 Town bus service, with stops in Falmouth (who currently has bus service), Cumberland, Yarmouth and Freeport. Metro has concluded that they can accommodate 30,000 transit boarding's per year. If Metro receives approval from all three Towns, they plan to do some public involvement directly with residents to determine the priority, needs of the public, and define the route and stops. There will be limited bus stops in order to keep the commute speed up between the 4 Towns. There will be grant funding sought for startup costs of the first 3 year pilot phase. At the conclusion of the pilot phase, there would be discussions with the three Towns to regarding them joining Metro's total transit network. The local cost at that time would increase and the grant funding would decrease.

Councilor Storey-King asked where the bus would travel in Cumberland.

Town Manager Shane answered that it would travel and stop on Route One, exact location of stop not determined yet.

Councilor Stiles asked Mr. Jordan if he was correct in his calculation of the cost to Cumberland to be between \$20,000 and \$40,000 per year.

Mr. Jordan confirmed that was correct.

Councilor Stiles asked what would the increase be to the 3 Towns if Freeport decides against not to participate.

Mr. Jordan said that is hard to say since the scope of the route would have to be reassessed without Freeport.

Councilor Stiles asked if any side loop routes are being considered for Falmouth and Cumberland, or will it simply be an express route down Route One.

Mr. Jordan said that as of right now, it is a corridor focused route. Deviating off the main line gets complicated because it slows the trip down for commuters. Metro does intend to do some public meetings to see what the demand for other routes might be.

Michael Doyle of Falmouth said that the 30,000 riders that Mr. Jordan spoke of represents 60 people getting on and off the bus between Freeport and Veranda Street in Portland, then getting on and riding back. That is 120 passengers per day, times 5 days, times 50 weeks per year, equals 30,000 commuters per year. Mr. Doyle invited everyone to come to Falmouth at 7:00 a.m., ride 3 round trips and count the number of people on the bus at commuter time going into Portland. Then get on the bus in Portland at 3:00 and count the number of people getting on the bus going back to Falmouth. He did this many times and there was nobody on the bus when it left Portland and headed back to Falmouth during commuter hours. The Town of Falmouth pays over \$125,000 per year to use the bus and the usage is miniscule. Do any of these Towns need to spend \$80,000 (3 years from now) to send 60 people back and forth to Portland?

Councilor Edes said that he feels that this project would be a misuse of Cumberland taxpayer money. We would be subsidizing Freeport and Portland and would likely see zero participation from Cumberland residents. He will not support this.

Councilor Bingham said that he is all for regionalization, but we have bigger priorities.

Councilor Storey-King agrees with Councilors Edes and Bingham. Cumberland has significant mass transit needs, but this plan does not meet those needs. There is a strong need for our special population, but we would have to find a way to get them to Route One to get on this bus.

Councilor Turner said that he shares the skepticism of his fellow Councilors, but he feels the best argument in the other direction is that this proposal really does not hold us to anything. If all four Towns do not agree to do it, we can opt out. If all four Towns agree to this proposal, it might have the effect of increasing the ridership and we may be pleasantly surprised. He does not feel that we have anything to lose with voting on the resolution this evening.

Councilor Copp agreed with Councilor Storey-King. He finds it hard to believe that anyone is going to find their way to Route One to catch a bus to go to Freeport or Portland. There is no place in Cumberland to leave a vehicle. He agreed with Mr. Doyle, we are going to see an empty bus going from Freeport to Portland. He cannot justify spending \$27,000 to see if it will work. He does not think it will work.

Councilor Stiles feels that it is a good experiment. We need to come up with a method of public transportation that will benefit everyone. As people get older and cannot drive anymore they will look for a public transportation option, and the price of gas may be a factor for some people. He would prefer to see a loop through Town picking people up. He is in favor of approving the resolution and seeing what Freeport decides, but when comes down to actually spending money on this proposal, he would have to think about it long and hard.

Chairman Gruber said he was excited about this proposal when he first heard about it. We need to test the waters because public transportation is a big deal. He feels that we should approve the resolution and if we cannot agree on an acceptable route we can opt out.

Motion by Councilor Turner, seconded by Councilor Stiles, to adopt the attached resolution to work with the Towns of Freeport, Falmouth, Yarmouth and the METRO to develop options for a public transportation system and support the upcoming pilot project in July of 2015.

VOTE: 3-4 (Bingham, Edes, Storey-King & Copp opposed) MOTION FAILS

14 – 139 To set a Public Hearing date (August 25th) to consider and act on authorizing bonding of \$600,000.00 for Senior Housing roofs and heating systems.

Town Manager Shane explained that the Housing Authority met last week and unanimously approved bringing this item forward for the Council to consider. All 30 units of senior housing will be receiving a new heating system and converting to natural gas. The roofs were assessed 4 years ago with a recommendation that they should be replaced within 5 years.

Motion by Councilor Bingham, seconded by Councilor Copp, to set a Public Hearing date of August 25th to consider and act on authorizing bonding of \$600,000.00 for Senior Housing roofs and heating systems.

VOTE: 7-0 UNANIMOUS

14 – 140 To appoint Brenda Moore as Human Resources Director.

Town Manager Shane explained that in January of this year, we lost Alyssa Tibbetts who was the Human Resources Director. Brenda has taken over the HR role since January along with her other duties as Executive Assistant and Council Secretary. The Manager said that she is very capable of doing this and he felt it is time that she was recognized for her contribution to the organization.

Motion by Councilor Copp, seconded by Councilor Turner, to appoint Brenda Moore as Human Resources Director.

VOTE: 7-0

UNANIMOUS

14 – 141 To set a Public Hearing date (August 25th) to consider and act on no increase in sewer user fees for FY'15.

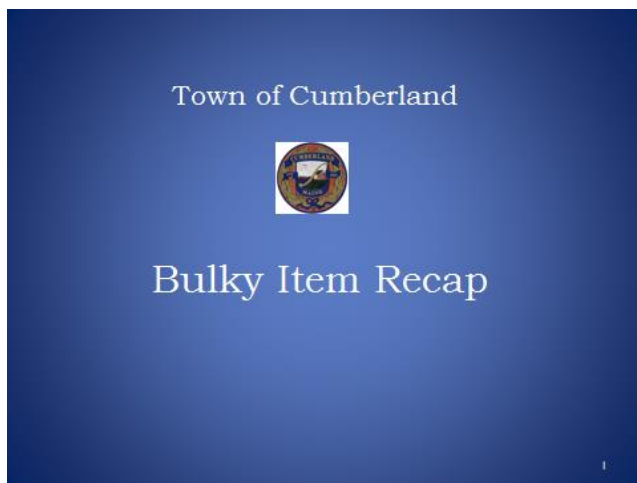
Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of August 25th to consider and act no increase to sewer user fees for FY'15.

VOTE: 7-0

UNANIMOUS

14 – 142 To set October 4th as Confidential Shredding Service day, October 11th as Hazardous Household Waste collection day, October 13th – 17th as Bulky Item Pick up week, and October 18th as Universal Waste (e-waste) collection day.

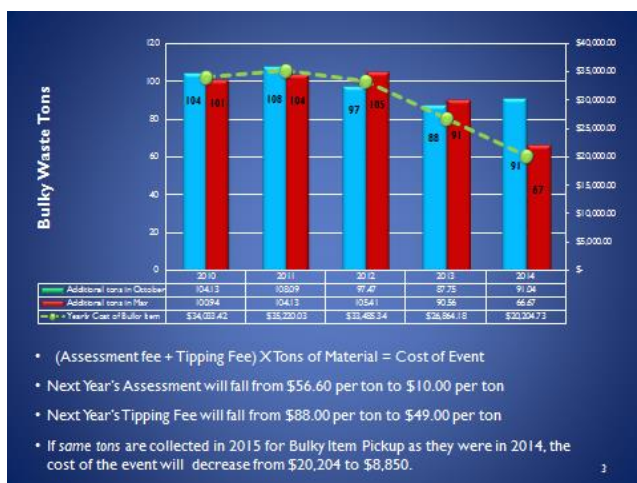
Public Services Director, Chris Bolduc presented the following:



Bulky Waste Pickup Week

- A Bulky Item Pickup Week was designed to assist the Residents of Cumberland in the disposal of large, oversized items that cannot fit into the Town's PAYT bags in the weekly trash or be recycled in regular curbside recycling.
- If an item, or group of items, fits in a Town of Cumberland PAYT bag, the material IS NOT BULKY Waste and will not be picked up unless it is in a Town of Cumberland PAYT bag.
- The past 3 years history has shown a continuous decline in the amount of bulky waste that is picked up during this event; the education program that the town put into effect back in 2011 has had excellent results.

- 2011 - \$35,220 *Education Program started
- 2012 - \$33,485
- 2013 - \$26,864
- 2014 - \$20,204




Town of Cumberland October Waste and Recycle Events

- Confidential Shredding Service**
Saturday, October 4, 2014
8am – 1pm Drop Off
Public Works Garage, 23 Drown Rd
- Hazardous Household Waste Collection**
Saturday, October 11, 2014
8am – 1pm Drop Off
Public Works Garage, 23 Drown Rd
- Bulky Item Pickup Week**
Week of October 13th - 17th
Curbside pickup
- Universal Waste Collection (Ewaste)**
Saturday, October 18, 2014
8am – 1pm Drop Off
Public Works Garage, 23 Drown Rd

Confidential Shredding Service

Saturday, October 4, 2014 8am—1pm
Drop Off Event
Public Works Garage, 23 Drowne Rd



- Identity theft is the fastest growing crime in the United States.
- Documents containing names, addresses, Social Security numbers, credit card and bank account numbers, etc. should be shredded when they are no longer needed.
- The Town of Cumberland presents this opportunity to safeguard your personal information and prevent identity theft. Simply load all paper to be shredded in a bag or box (removing all metal paper clips—staples okay) and bring them to the Public Works Garage where they will be shredded in your presence.

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Hazardous Household Waste Collection



- Household hazardous waste (HHW) is leftover household products that contain ignitable, toxic, reactive or corrosive ingredients and can be dangerous if left unattended over long periods of time.
- These products also require special care when you dispose of them.
- Examples of Household Hazardous Waste:
 1. Workshop and Painting Supplies
 2. Indoor Pesticides
 3. Automotive Products
 4. Cleaning Products
 5. Lawn and Garden Products
- Clean Harbors - handles all the hazardous materials starting right from removing the items from the residents vehicles and Provides:
 1. Project Manager
 2. Chemist
 3. Technicians

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Universal Waste Collection



Last Years Collection Numbers

Batteries	3,373 units
Bulbs	550 units
Microcomputers	43 units
TV's	220 units
Refrigerators	77 units
Monitors	83 units
Printers	200 units

2012 – 24,000 pounds collected
2013 – 29,000 pounds collected

Following items collected at Drowne Road During the event:

- *TV's
- *Computers
- *Game Consoles
- *Telephones
- *Stereos
- *VCR/DVD players
- *Flourescent Light Bulbs
- *Air Conditioners




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Town of Cumberland October Waste and Recycle Events

Confidential Shredding Service  Saturday, October 4, 2014
8am – 1pm Drop Off
Public Works Garage, 23 Drowne Rd

Hazardous Household Waste Collection  Saturday, October 11, 2014
8am—1pm Drop Off
Public Works Garage, 23 Drowne Rd

Bulky Item Pickup Week  Week of October 13th - 17th
Curbside pickup

Universal Waste Collection (Ewaste)  Saturday, October 18, 2014
8am—1pm Drop Off
Public Works Garage, 23 Drowne Rd

Motion by Councilor Turner, seconded by Councilor Storey-King, to set October 4th as Confidential Shredding Service day, October 11th as Hazardous Household Waste collection day, October 13th – 17th as Bulky Item Pick up week, and October 18th as Universal Waste (e-waste) collection day.

VOTE: 7-0 UNANIMOUS

14 – 143 To hear a report from the Nominating Committee re: committee charge for the new Ocean Access Committee.

Councilor Copp explained that the Nominating Committee met last week and decided that a committee should be formed now and start the discussion about the property. They hope to get input from a variety of residents from all parts of Town. Per the committee charge, the initial committee will include 2 members of the Land Trust, 2 Foreside Residents, 3 members of the community at large, 1 member of the Shellfish Conservation Commission, 1 member of the Coastal Waters Commission and 2 non-voting Town Councilors. There will be staggered terms of 1, 2 & 3 years. Items that the committee will discuss include (but are not limited to):

- Complete understanding and review of the conservation easement
- Exploration of opportunities for passive recreation such as hiking and bird watching
- Develop understanding for protection of horseshow crabs
- Develop understanding for protection of different sea grasses and shoreline erosion protection
- Review kayaking opportunities
- Review shellfish opportunities
- Establishment of parking and access to the property

- Study and recommend property maintenance activities, implementation and oversight
- He urged any resident who is interested to please apply.

Motion by Councilor Bingham, seconded by Councilor Turner, to direct the Town Manager to advertise for a new Ocean Access Committee to be appointed at the September 8th Council Meeting.

VOTE: 7-0 UNANIMOUS

VI. NEW BUSINESS

Councilor Copp – the Cumberland Fair is 6 weeks away. He reminded everyone that there is still time to donate to the 4-H auction that will provide meat to the food pantry. You can donate online, at Town Hall or give a donation to any Town Councilor.

Councilor Storey-King – for those in the public who think that all the Town Councilors think alike, the Metro item is a good indication that they do not, and that is ok. It is what makes us a functioning Council.

Councilor Edes – None

Councilor Bingham – None

Chairman Gruber – there will be a joint meeting with the North Yarmouth Selectmen, the School Board and the Cumberland Town Council on September 18th. The purpose is to meet the new North Yarmouth Town Manager and new Superintendent, and get everybody up to speed on projects, etc.

The numbers of people using the food pantry are increasing. We serve 37 Cumberland families. The Food Pantry has implemented a new policy servicing our own community members first and restricting the number of visits to those who live elsewhere.

Councilor Stiles – his family has a golf tournament every year. This year was the 50th anniversary of the tournament. It was held at Val Hall this year with 45 family members playing in the tournament and over 70 at the banquet after. It was a great time and everyone was complementary of the course at Val Halla.

Councilor Turner – None

Town Manager Shane – after authorization at the last Council meeting, the Purchase & Sale agreement for the Payson property was signed. A joint appraisal of the land is in the process of being signed now, with the deadline of being completed by the end of September. We hope to schedule a public meeting on September 29th or October 6th.

VII. ADJOURNMENT

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

VOTE: 7-0

TIME: 9:36 P.M.

Respectfully submitted,

Brenda L. Moore
Council Secretary