

MINUTES

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, January 13, 2014

6:00 P.M. Workshop re: the Comprehensive Plan Update Committee's recommendation

7:00 p.m. Call to Order

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

I. CALL TO ORDER

II. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Copp, to accept the December 23, 2013 minutes as presented.

VOTE: 7-0 UNANIMOUS

III. MANAGER'S REPORT

Town Manager Shane said that he will give his report during new business.

IV. PUBLIC DISCUSSION

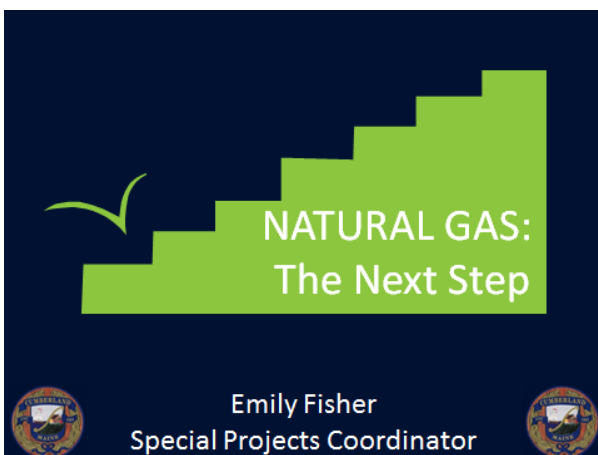
None

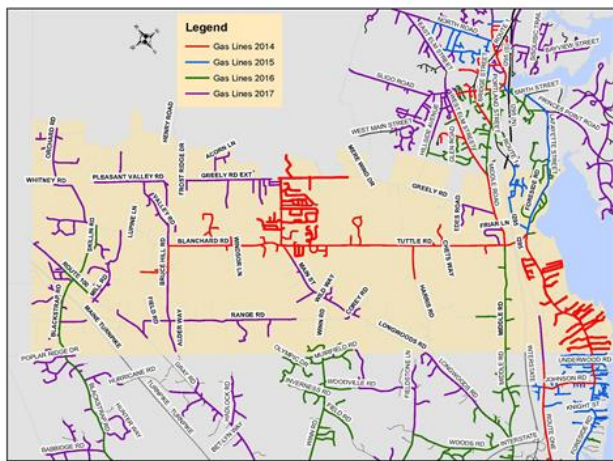
V. LEGISLATION AND POLICY

14 – 001 To hear a report re: Natural Gas 2014 – what's next.

Town Manager Shane introduced Special Projects Coordinator, Emily Fisher. Emily is a Deans List student at UNH, majoring in Business Administration. Emily and Eliza Porter will be interning during school breaks.

Ms. Fisher gave the following presentation:





Update on the Natural Gas Project

- Summit will begin to construct the mainline in May.
- Service lines to homes will begin to be installed later in the year.
- Summit representatives will be going door-to-door in our community to sign up interested residents very soon.
- Neighborhood meetings will be held at the end of May where local contractors, Summit, Atlantic Regional Federal Credit Union, and Efficiency Maine will be present to answer questions.

The Cost to Convert

\$2,500-\$3,000 \$4,000-\$7,000 \$7,000+

- replacing burner in current system
- replacing entire system
- replacing entire system
- more elaborate heating system
- new chimney lining
- new boiler, furnace, or wall hung unit
- new chimney lining
- other code compliance issues



Chimney Linings Oil Tank Removal Electrical Code Compliance Furnace Natural Gas Detector

Possible Additional Costs

Ask your contractor.

An Average Home Owner's Savings

Natural Gas



Annual Cost of Natural Gas : \$2,100
120 decatherms

Oil



Annual Cost of Oil : \$3,230
850 gallons

Average annual savings approximately \$1,130 per year (\$94 per month)

1

Contact a licensed contractor for an estimate



Estimates range from:
\$0 - \$100

Ask contractor before scheduling

- The contractor will do an initial internal site inspection at your home to determine:
 - whether you need to update your current system or replace it
 - the cost of conversion
 - code compliance/additional updates that need to be made

* A list of contractors is available on the town website and will be updated regularly*

2

Sign Up with Summit Natural Gas



- Sign the contract
- Signing the contract triggers eligibility for Summit's rebate program.

3

Contact an Energy Advisor to Perform an Energy Audit

- Call an Efficiency Maine approved contractor to perform an energy audit on your home.
 - Visit this website (or the town website) to find a licensed contractor in Cumberland: <http://www.efficiencymaine.com/at-home/vendor-locator/>
- An energy audit will determine the energy efficiency of your home.
- Energy audits will be covered up to \$560 (with audit and air sealing) or up to \$375 (audit only) under Summit's rebate program.
- Additional rebates may be available through Efficiency Maine.

4

Finance Options

- Summit offers its customers a rebate program that will cover up to \$1,500 of conversion costs.
 - For more information on Summit's Rebate program, check out the Natural Gas Page on the Town Website.
- Since the money is out of pocket, here are a few finance options to make the switch possible:



HEWE-Atlantic Regional Federal
Credit Union



Pace Loan

Rebate Program



- Summit offers a rebate of up to \$1,500.

- This depends on the efficiency of your system.

- Efficiency Maine may also offer additional rebate incentives.



5

While you are waiting for natural gas...

- You will continue to use your current system until natural gas begins to flow on your street.
- Once natural gas service line and meter are installed outside of your home, contact your contractor to convert your home heating system to one that is natural gas burning.



Our Communication Approach



1st Resident Handout



2nd Resident Handout



This will be sent out by the week of February 1st.

Social Media Approach



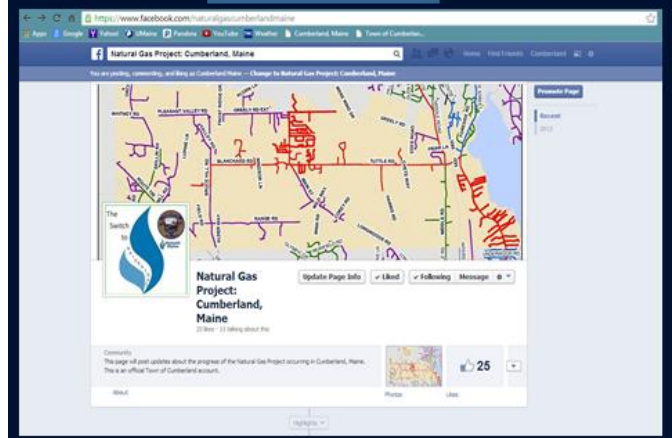
Facebook
Natural Gas Project:
Cumberland, Maine



Twitter
@CumberlandNG

Updates, maps, and photos from last summer have been posted to these sites to keep the public informed.

Facebook



Twitter



Once you've decided to convert...

1. Go to Town Website & click on Natural Gas.
2. Schedule an estimate with a contractor.
3. Sign up with Summit.
4. Schedule an energy audit with a contractor.
5. Consider financing options.
6. Wait for natural gas to become available on your street.

Contact Information

Any questions?
Contact:

Eliza Porter
eporter@cumberlandmaine.com

Emily Fisher
efisher@cumberlandmaine.com

Also Visit our Facebook and
Twitter Pages:


facebook.com/naturalgascumberlandmaine


twitter.com/CumberlandNG

Councilor Bingham asked Ms. Fisher if the Town will have a list of licensed contractors for the public to refer to.

Ms. Fisher said that list will be available on the Town website under the natural gas section.

Chairman Stiles asked on behalf of anyone who may worry about natural gas, if it is safe.

Ms. Fisher said that natural gas has been proven to be safer than propane and oil.

Chairman Stiles thanked Ms. Fisher for her presentation.

14 – 002 To hear a report from the Town Manager/Tax Collector re: foreclosed properties.

Town Manager Shane explained that on December 18th, 11 properties were foreclosed upon. Per the Town Council foreclosure policy (aka the Murray Policy), the Council has allowed Town staff to work with those property owners for up to 3 months. During those 3 months, the back taxes can be repaid, a quit claim deed will be issued, and the owners will get their properties back. The Manager recommended that the same policy be continued for these 11 properties.

Motion by Councilor Bingham, seconded by Councilor Turner, to take the action that the Town Manager recommended.

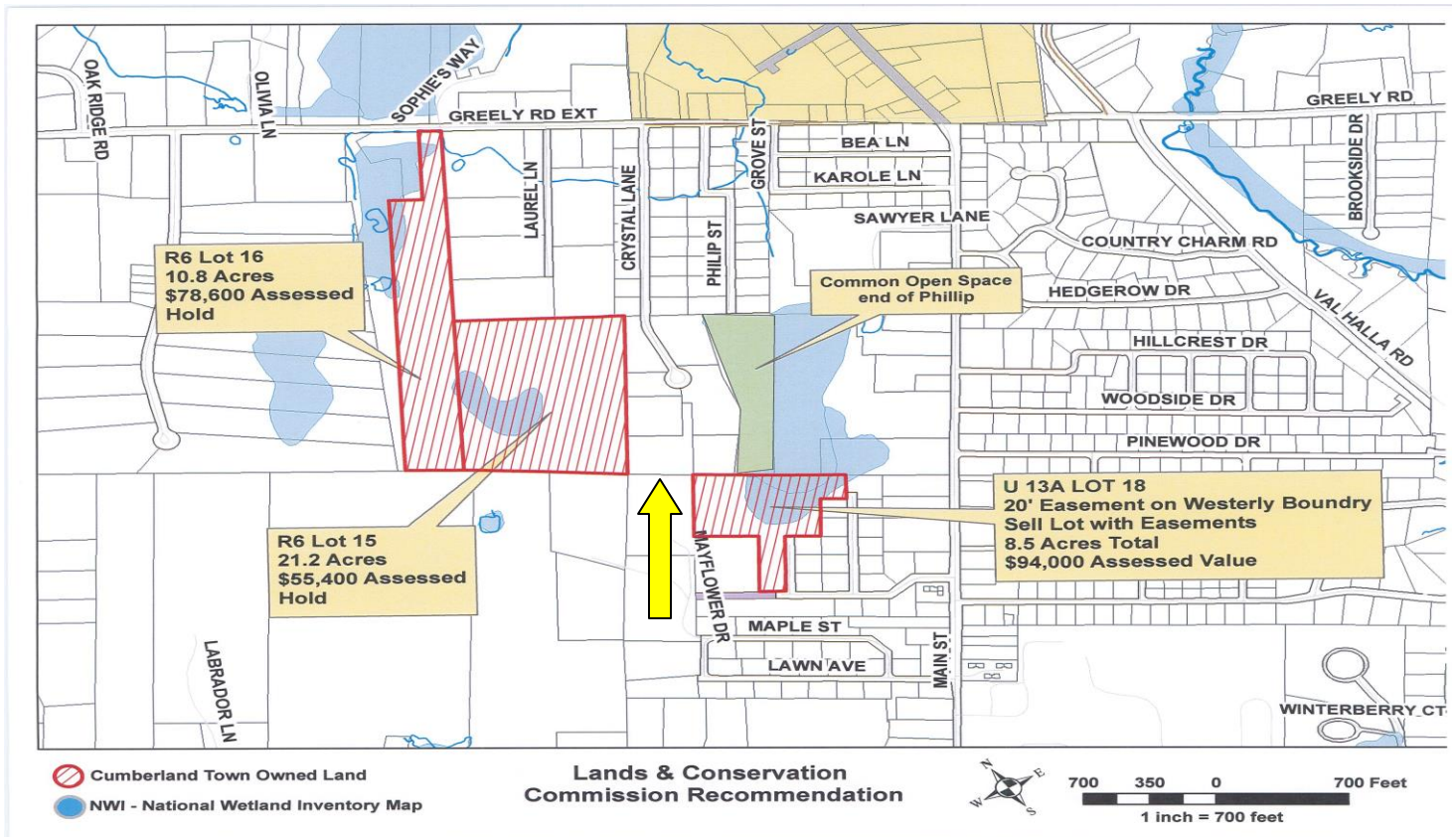
VOTE: 7-0 UNANIMOUS

14 – 003 To hold a Public Hearing to consider and act on a recommendation from the Lands & Conservation Commission re: foreclosed properties on Cottage Farm Road and Greely Road Extension.

Chairman Stiles opened the Public Hearing.

Brad Hilton of Blanchard Road said that he is a member of the Lands and Conservation Commission and is an abutter to the rear of the Greely Road Extension property. Mr. Hilton said that it is his suggestion, and that of the Lands & Conservation Commission, to retain the two properties as Town owned land. This will not cost the Town anything since we already own the properties. Then, over time, he would like to see the existing trails upgraded. The trails have been made and maintained by the residents of the area. The Lands & Conservation Commission could assist the residents in maintaining the trails. Mr. Hilton said that to sell the properties and have housing developments built on them would be wrong. This open space is the only

open space in the neighborhood that is still owned by the Town. There is 10 foot wide easement that could easily connect the three parcels (see yellow arrow on map below).



Timothy Johnson of 27 Archer Lane said that he knows the trails in the area very well. The Cottage Farms property is an important parcel because of the “wild life flow”.

Ivy Frignoca of 2 Sparhawk Lane said that her entire neighborhood accesses the trail system through the Cottage Farms Road parcel. She asked why the Town is considering selling the parcel. It is very wet and she doesn't think it would be a suitable building lot.

Mark Goettle of Sparhawk Lane said that there is a stream that runs under the Cottage Farms Road parcel. It is swampy $\frac{3}{4}$ of the year. Any developer that would want to develop the parcel would have to fill the swamp. He asked the Council to consider the environmental implications of that. Mr. Goettle said that he does not support the sale of the property.

Sam York, Chairman of the Lands & Conservation Commission said that he would like the Council to consider that the potential connectivity of the three parcels is the most important part of the Council's decision to keep or sell the parcels. If the property is sold and developed, there will be no chance to connect the trails and the migratory habitat will be seriously interrupted. He requested that this is considered versus the small gain the Town may get to the tax rolls over time.

Everett White of 26 Mayflower Drive said that he walks the trail almost every day. He feels that with some volunteers, the trails could be maintained. He has a good visual of the Cottage Farms parcel and knows that is very wet all year round and that there is a lot of wildlife in that area.

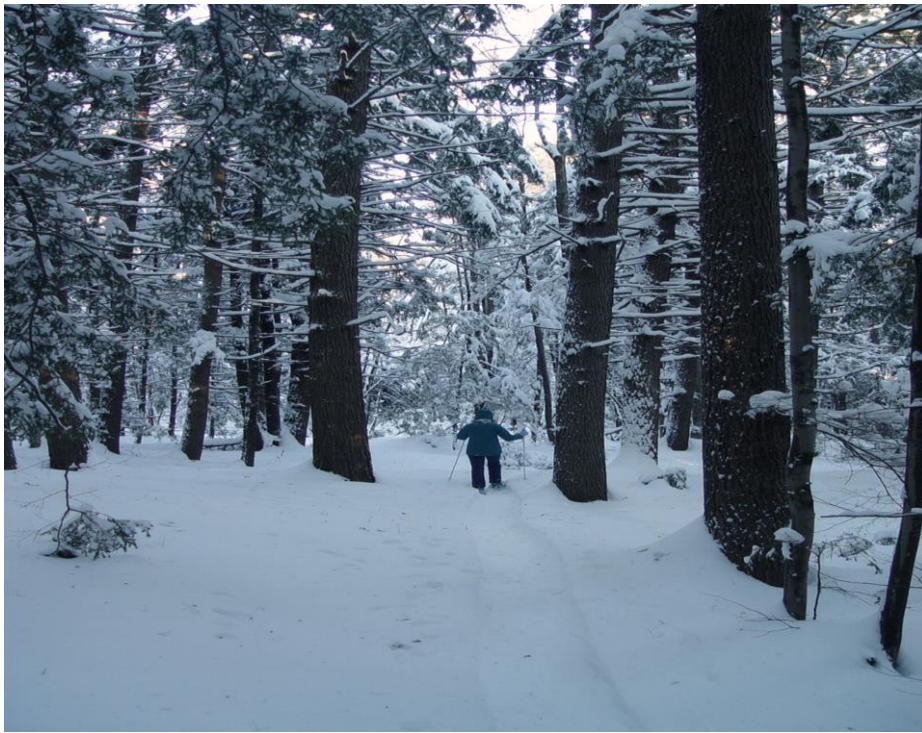
Councilor Copp reminded everyone that the Council does not necessarily think that selling and developing these parcels is the best choice. He asked if any of the abutting neighbors would like to be given the land as a gift and start pay taxes on it. As a Council, they have a responsibility to the tax payers of our Town. We have to make these foreclosed properties pay or come up with another option so it is not a stagnant piece of land.

John Jensenius of Laurel Lane said that he also frequently walks the trails. The area is habitat for deer and he has seen snowshoe hare tracks (see photo below). He feels that this area and trail system is a real treasure to the Town. He would not want to see any of the properties sold off.



Snowshoe hare tracks





Photos courtesy of Mr. Jensenius

Councilor Bingham said that future connectivity of our trail system is important. He is in favor keeping all three parcels.

Councilor Gruber said that the Council owes it to the taxpayers to go through this process and have this conversation.

The following correspondence was sent via e-mail to be included as part of the public record:

Matthew D. Manahan
17 Cottage Farms Road
Cumberland, Maine 04021
(207) 829-5909
mattmanahan@gmail.com

January 10, 2014

William Stiles, Chairman
Town Council
290 Tuttle Road
Cumberland, ME 04021

RE: Town Council Hearing on Disposition of Town Property on Cottage Farms Road,
January 13, 2014 Council Meeting Agenda Item 14-003

Dear Chairman Stiles and Members of the Town Council:

Unfortunately I am unable to attend the Council hearing on this matter next Monday evening, January 13. Please accept this letter as my comments on the recommendation of the Lands & Conservation Commission for the disposition of the Town-owned property at the end of Cottage Farms Road.

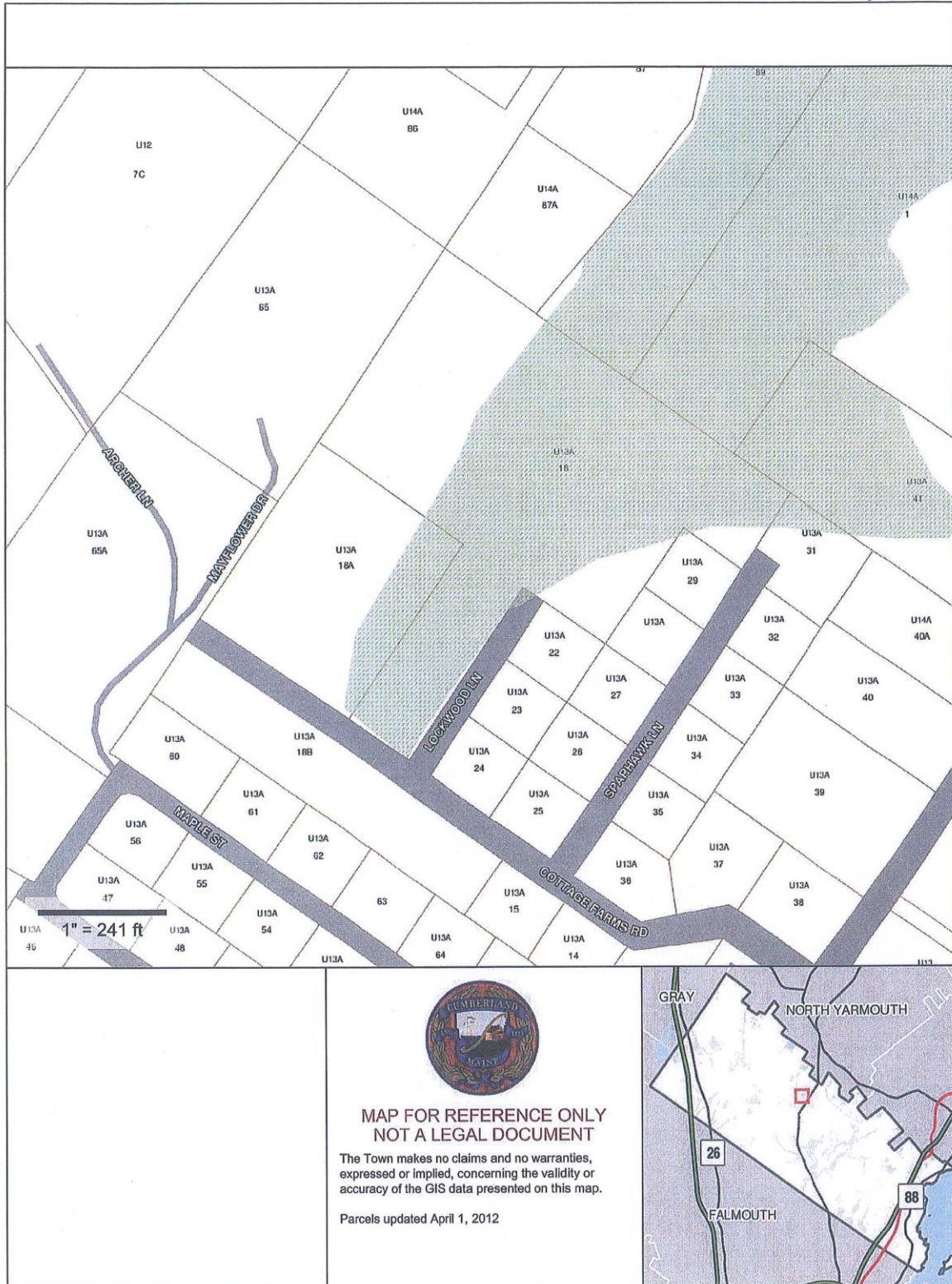
I live at 17 Cottage Farms Road, Tax Map 13A, Lot 18A, which directly abuts the Town's Cottage Farms Road property, Lot 18. I have lived here since 1998.

My primary concern with the Town selling Lot 18 is that is predominantly comprised of wetlands and a stream, which should continue to be protected as valuable resource protection open space. I attach for your information a printout from the Town's MapGEO web site, which depicts the location of the freshwater forested/shrub wetlands on Lot 18. The location of the stream is not shown on this map, but it runs north to south, extending through the portion of Lot 18 between my property (Lot 18A) and Lockwood Lane.

The wetlands on Lot 18 provide flood control and sediment and erosion control benefits, as well as habitat protection. The property serves as a deer wintering area. I strongly suspect (though I do not know) that the property contains vernal pools.

According to the Town's Comprehensive Plan, these types of natural resources "are finite and usually irreplaceable. Consequently, their protection is of paramount importance." See Comprehensive Plan, page 117. Hence, Goal #1 of the Comprehensive Plan is "to protect critical natural resources, including, but not limited to: wetlands, wildlife and fisheries habitat, shoreland areas, aquifer recharge areas, and unique natural areas." Comprehensive Plan, page 118. Further, Action item #1 is to "Encourage . . . the Cumberland Lands and Conservation Commission to work with the town to protect critical areas by obtaining land dedications, easements, or other forms of permanent protection." Comprehensive Plan, page 118.

(W4047602.1)



Base Map & Wetlands Legends

Major Roads

-  State Route
-  U.S. Highway
-  Interstate

 Town Boundary

 Parcels

 Railroad

 Road Centerlines







 Water Bodies

 Federal and State Conserved Lands

 Wetlands

 Towns

Wetlands

-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Estuarine and Marine
-  Estuarine and Marine Deepwater
-  Riverine
-  Other

January 11, 2014

To: Cumberland Town Council Members

Fr: Everett, Jean and Debra White

Re: Town Council Public Hearing on Disposition of Properties on Greely Road
Extension and Cottage Farm Road

My name is Everett White and I live at 26 Mayflower Drive, Cumberland. I'm writing in regards to the disposition of Town owned land off of Cottage Farms Road and Greely Road Extension.

I've walked the trails in lots 15 and 16, almost every day, year round, for 10 years with my four-legged friend. The trails are in decent shape except for some wet spots. Because of the ground condition, which is mostly thin topsoil with granite underneath, the wet spots do not drain well. The trail could use some relocation around the wet spots but I think this could be done with volunteers over a period of time. I would be happy to volunteer as a helper. I don't think the Town should have to spend any money on this trail system.

Lot 18 is adjacent to our property (26 Mayflower Drive). The side of lot 18 that faces our property is a low lying area that is heavily wooded in front and runs into a swamp in the rear. All the adjacent properties on my side, go uphill from lot 18 and have always drained into it. Because of the granite base (all four homes in the area had to blast to install foundations), there is probably more runoff than usual. My front windows look directly into lot 18. Because of the tall pine and hemlock trees on lot 18, there is little growth on the ground except in the rear where it runs into the swamp and where there is high grass and only small trees.

What do I see when I look into lot 18? I see the neighborhood kids playing cowboys and Indians (or whatever games they play these days!). I see them building a fort of downed tree limbs (it's still standing). I see deer, fox, wild turkeys, Pileated Woodpeckers, and occasionally, a huge Barred Owl. The deer hang out in the swampy area where they have some protection, and in the spring we see the does with their fawns.

It seems to me that this lot is more valuable to the Town as an animal sanctuary and children's play area than are the few dollars the Town would make by selling it. We strongly recommend keeping lot 18 as the open space it now is.

Thank you for considering our opinions about these special Town resources.

Everett, Jean, and Debra White

Brenda Moore

From: William Shane
Sent: Friday, January 10, 2014 8:17 AM
To: mdedon@maine.rr.com
Cc: Brenda Moore; Town Council
Subject: RE: Support of Lands & Conservation Commission recommendation

Good Morning,

Thank you for emailing me your comments. I have forwarded them to the Town Council and they will be incorporated into the record of the meeting.

Bill

William R. Shane, P.E.
Town Manager
290 Tuttle Road
Cumberland, Maine 04021

Tel: 207-829-2205
Fax: 207-829-2224
Cell: 207-232-5258

-----Original Message-----

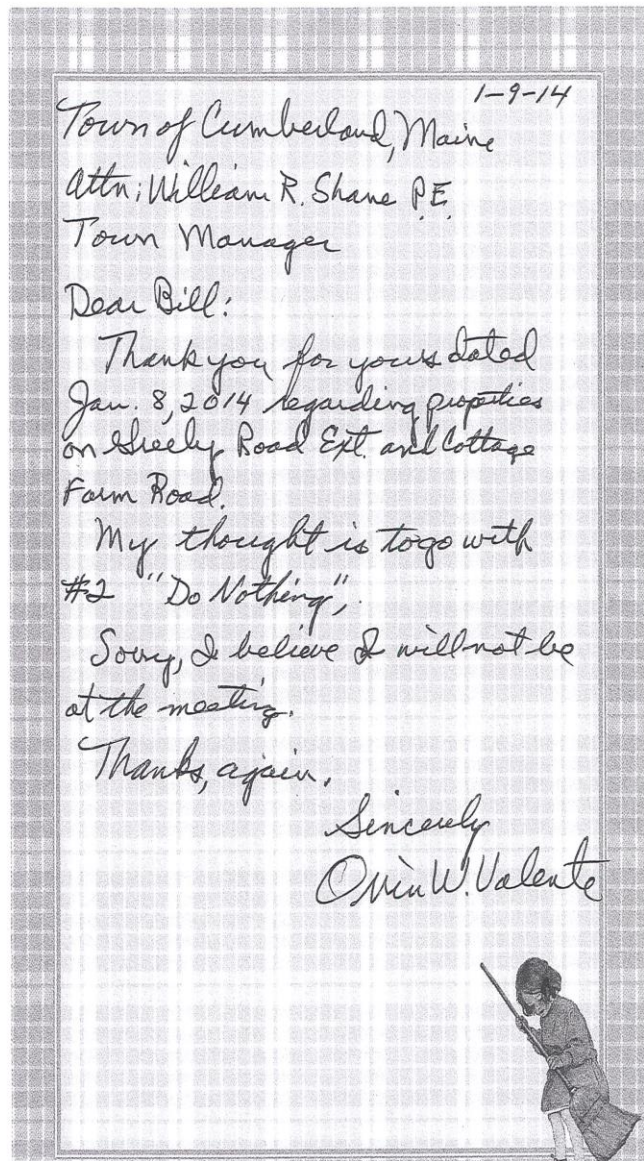
From: mdedon@maine.rr.com [<mailto:mdedon@maine.rr.com>]
Sent: Friday, January 10, 2014 8:14 AM
To: William Shane
Subject: Support of Lands & Conservation Commission recommendation

Mr. Shane,

I am a resident of Greely Rd Ext. I won't be able to attend the Town Council meeting on 1/13, but I wanted to be on record as supporting the Lands & Conservation Commission's recommendation to keep the foreclosed properties off Greely Rd Ext as town land, and sell the foreclosed property on Cottage Farm Road.

We use the land off Greely Rd Ext frequently, either cross-country skiing or walking to the frog pond and beyond. I've also seen many others using the trails - runners, snow-mobilers, skiers, mountain bikers, and people just out walking their dogs. It is wonderful to have a place so close to the center of town, and off the roads, for getting a bit of exercise. It is a little gem in the middle of Cumberland that should be kept for public use.

Thanks,
MJ Dedon
366 Greely Rd Ext



Chairman Stiles closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Gruber, to authorize the Town Manager to advertise for bids the sale of lots 15 & 16, and to table the sale of lot 18 (lot numbers indicated on map above).

VOTE: 2-5 (Turner, Storey-King, Bingham, Stiles & Edes opposed) MOTION FAILED

Motion by Councilor Bingham, seconded by Councilor Storey-King, to table any action on the disposition and recommendation of the Lands & Conservation Commission.

VOTE: 5-2 (Gruber & Copp opposed) MOTION PASSES

Chairman Stiles thanked the public for coming to the meeting this evening and sharing their views with the Council.

14 – 004 To appoint Chris Bolduc as acting Town Manager in the event of the Town Managers absence.

Town Manager Shane explained that Mr. Bolduc would be acting Town Manager in the event of his absence. Chris is a dedicated and knowledgeable Department Head who has served the Town in multiple roles for many years.

Motion by Councilor Storey-King, seconded by Councilor Bingham, to appoint Chris Bolduc as acting Town Manager in the event of the Town Managers absence.

VOTE: 7-0 UNANIMOUS

14 – 005 To set a Public Hearing date (January 27th) to consider and act on draft zoning amendments to Chapter 315, Article 7, Section 74 (Non-Conforming Uses, Buildings, Structures and Lots) of the Cumberland Code, as recommended by the Planning Board.

Motion by Councilor Copp, seconded by Councilor Turner, to set a Public Hearing date of January 27th to consider and act on draft zoning amendments to Chapter 315, Article 7, Section 74 (Non-Conforming Uses, Buildings, Structures and Lots) of the Cumberland Code, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

14 – 006 To set a Public Hearing date (January 27th) to consider and act on adopting an ordinance for Payment in Lieu of Taxes (PILOT).

Town Manager Shane explained that in order to enact a Payment in Lieu of Taxes, an ordinance is required. This has to do with the Friend's School who will be requesting the Council's endorsement of a PILOT because they are a non-profit, tax exempt school. Town Attorney, Ken Cole will be present for a Workshop on January 27th to explain more.

Motion by Councilor Gruber, seconded by Councilor Edes, to set a Public Hearing date of January 27th to consider and act on adopting an ordinance for Payment in Lieu of Taxes (PILOT).

VOTE: 7-0 UNANIMOUS

14 – 007 To hear a report from the Town Manager re: Energy Savings Contract (ESCO) and to authorize the Town Manager to enter into an Energy Savings Contract with Siemens.

Town Manager Shane said that Siemens is prepared to do an energy audit of all Town owned buildings, and guarantee the energy savings. The Manager said that he is looking for the support of the Council to move forward and begin developing the contract with Siemens. By starting the process now, the Town will not have to wait for the schools process to be completed and will be better prepared for the natural gas conversion in the fall.

Motion by Councilor Gruber, seconded by Councilor Bingham, to authorize the Town Manager to enter into an Energy Savings Letter of Intent with Siemens.

VOTE: 7-0 UNANIMOUS

14 – 008 To authorize the Town Manager to accept two anonymous donations of \$10,000 and \$20,000 to be used for food and fuel assistance, and to authorize the Manager to execute gift letters for each.

Town Manager Shane said that these generous gifts will help stretch our general assistance budget further and help more of those in need in our community. We are so fortunate to have such generous and caring families in our community.

Motion by Councilor Gruber, seconded by Councilor Storey-King, to authorize the Town Manager to accept two anonymous donations of \$10,000 and \$20,000 to be used for food and fuel assistance, and to authorize the Manager to execute gift letters for each.

VOTE: 7-0 UNANIMOUS

VI. NEW BUSINESS

Councilor Turner – None

Councilor Bingham – None

Councilor Storey-King – there have been a lot of vehicle break-ins lately. She urged people to lock their cars and not to keep valuables in their vehicles. Her friend had her window broken and purse stolen from her vehicle in broad daylight in a crowded parking lot at Val Halla. If anyone saw anything that day, please contact the Police Department.

Councilor Gruber – there was an article in the paper regarding EcoMaine who will be dropping their annual assessment fees to municipalities. This means a savings of \$80,000 for our Town.

Chairman Stiles – he and the Town Manager will be testifying in Augusta on Wednesday of this week in support of LD1607, an act to reinstate the local communities' ability to continue the circuit breaker program.

Councilor Edes – he had announced previously that he intends to run for Sheriff of Cumberland County. He has been asked if he wins, will he be able to continue his service to the Town Council. The answer is, yes, there is no conflict.

Councilor Copp – early Saturday morning he responded to a horrific accident on the Turnpike involving 4 tractor trailer trucks and a vehicle. The Cumberland Fire Department responded and did a tremendous job. He thanked Chief Small and those who responded for a job well done. Thankfully, there were no serious injuries.

Town Manager Shane – he thanked Councilor Copp for recognizing the Fire Department. He agreed that they do a great job.

Thank you to the Lions Club for donating 25 cases of citrus fruit to the Food Pantry. It was very well received by patrons of the pantry.

VII. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.

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

VOTE: 7-0 UNANIMOUS

TIME: 9:26 P.M.

Reconvened at 9:48 P.M.

VIII. ADJOURNMENT

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

VOTE: 7-0

UNANIMOUS

TIME: 9:49 P.M.

Respectfully submitted by,

Brenda Moore
Council Secretary