

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, August 24, 2015

7:00 P.M. CALL TO ORDER

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

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Stiles, to accept the August 10, 2015 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Town Manager Shane reported that Waste Management has been instructed to not collect trash in "Clink" bags that are the same color as the Town trash bags.

Staff is currently working with our rescue billing vendor to put together a mailing that has the telephone numbers and e-mail addresses of the Fire Chief and Deputy Fire Chief. People will be able to contact them directly if they are having a hard time financially and not able to pay their portion of the ambulance bill. There will also be an application available for those looking for financial relief for payment of their ambulance bill.

Councilor Storey-King said that it was her understanding that it would be our policy to bill insurance companies, but not go after individuals for balances because they are tax payers and ambulance service is a tax payer service. This makes her feel unsettled, partly because of the "hardship" application.

Councilor Stiles said that in regard to billing, everyone has to be treated the same, whether they have Medicare or private insurance. It has been the Town's policy to forgive those who could not pay or if they had been billed a few times and did not pay, their balance would be written off. This will still be the policy of the Town, but now the bill will have contact information on it for people to make contact to discuss payment or the inability to make a payment.

Councilor Storey-King agreed, but added that those who cannot pay would have to fill out a "hardship" form. Many of the people who cannot pay are seniors and are very, very proud people. She is having a hard time with the application.

III. PUBLIC DISCUSSION

Brad Hilton of Blanchard Road said that he received his tax bill recently. When he looks back at the past year's budget, this should have been the year with no tax increase. The revenues came in high (both Town and School), inflation is down, the population is stable and energy costs are down. He feels that there is no will to keep the taxes fixed from the Town or the School. That is disturbing to him. Senior citizens will be forced to move out of Town. It's tough for everyone.

IV. LEGISLATION AND POLICY

15 – 113 To hold a Public Hearing to consider and act on setting sewer user fees for FY'16.

Town Manager Shane explained that every sewer user received a letter advising them that there would be a 2% increase this year. The increase is entirely the result of \$6,000,000.00 in improvements to the pump station in Falmouth, where 100% of our wastewater flows through. The next three years will likely be the same in order to pay this debt to Falmouth.

Chairman Bingham opened the Public Hearing.

Public discussion: None

Chairman Bingham closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Stiles, to authorize a 2% increase in sewer user fees for FY'16.

VOTE: 7-0 UNANIMOUS

15 – 114 To hold a Public Hearing to consider and act on a Mass Gathering Permit for Binnie Media's Fall Ultimate Yard Sale to be held on October 17th at the Cumberland Fair Grounds.

Town Manager Shane said that the application is complete and staff is recommending approval.

Chairman Bingham opened the Public Hearing.

Public discussion: None

Chairman Bingham closed the Public Hearing.

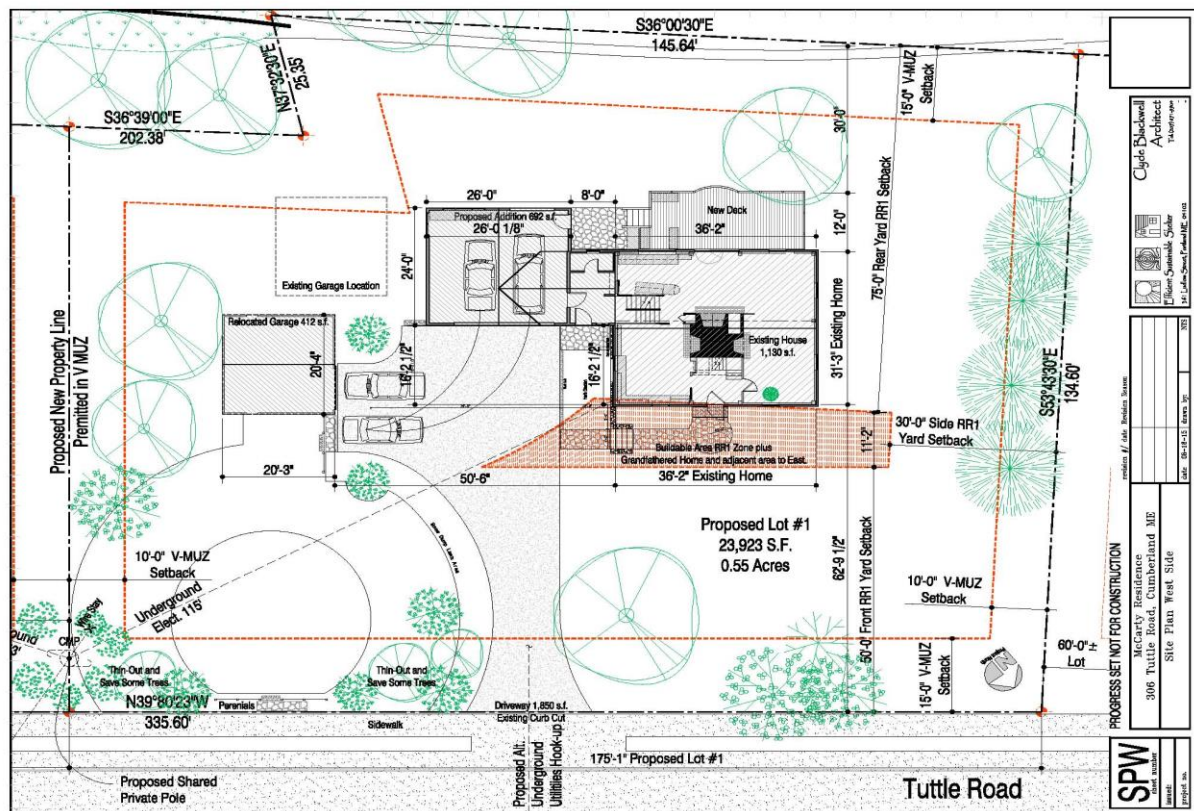
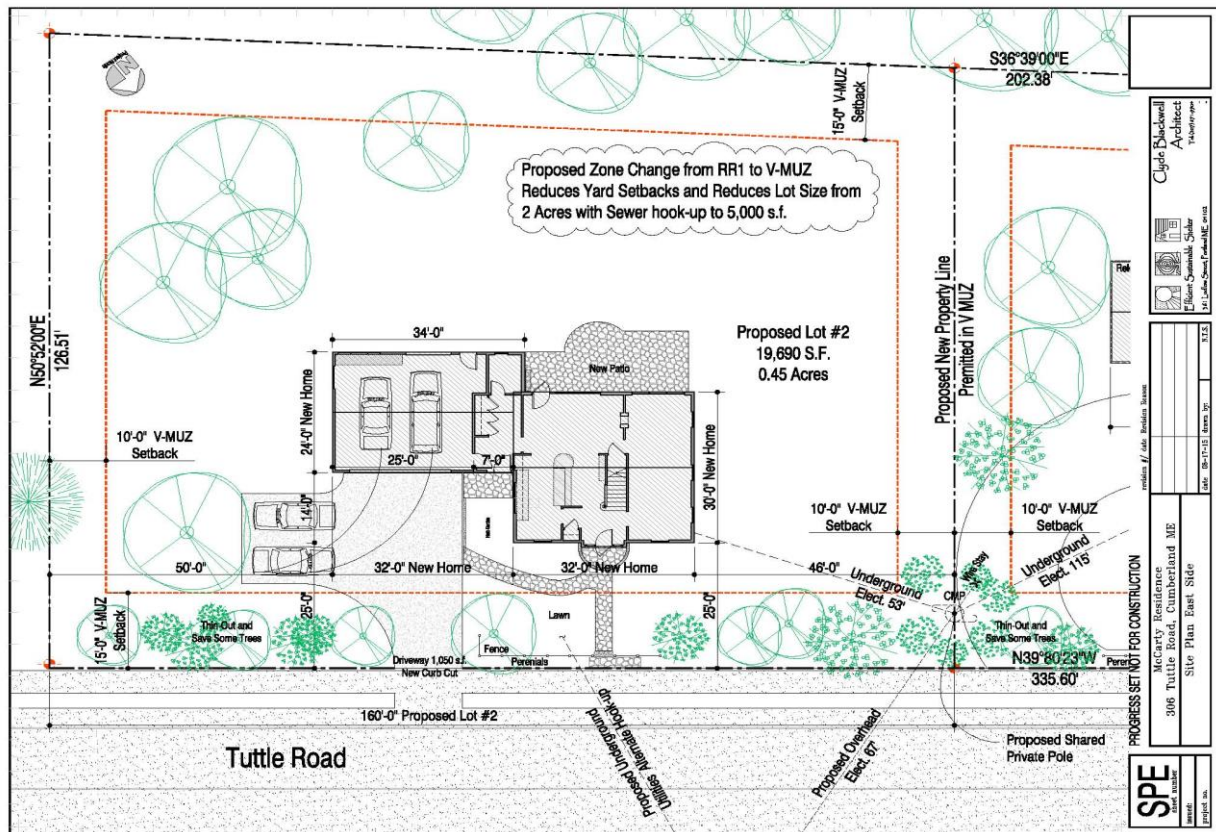
Motion by Councilor Turner, seconded by Councilor Storey-King, to approve the Mass Gathering Permit for Binnie Media's Fall Ultimate Yard Sale to be held on October 17th at the Cumberland Fair Grounds.

VOTE: 7-0 UNANIMOUS

15 – 115 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation a zone change request for 306 Tuttle Road to change the zone from Rural Residential 1 (RRI) to Village Mixed Use (VMU).

Town Manager Shane said that this would be a unique opportunity for the Town to allow the preservation of the house on the corner of Drowne and Tuttle Roads. The house has been there longer than Cumberland has been a town. There are two options for this project. Change the zone or go with a contract zone. The contract zone option gives the Town much more latitude and protection that the work will be done. With the zone change, there is no guarantee that anything will be done. Clyde Blackwell is here this evening to explain the project.

Mr. Blackwell explained that the house is currently non-conforming because it sits on 1 acre of land, and it sits in the RR1 zone, which requires 4 acres. The problem is that the house and the lot aren't worth what they are assessed for because of the lot restrictions and because the poor condition of the house. He is requesting that a zone change be allowed to Village Mixed Use which would allow the lot to be split into 2, ½ acre lots, and reduces the setbacks, allowing for the construction of a second house.



Councilor Turner said that it seems to him that this is a mixed use zone anyway if you look at what is around it. It seems simple and makes sense to him to change it to VMU zone.

Councilor Storey-King said that she agrees with Councilor Turner and added that a contact zone has to have some sort of public benefit. While we would be preserving part of our history, there is no public benefit.

Councilor Stiles said he is of a different opinion. We just had the report of the Land Use Committee who did not recommend changing 4 acre zones to 2 acre zones, and here we have a one acre lot that is currently non-conforming with only 1 house on it. Why would we want to break it into 2 lots? He does not see the value in allowing this zone change.

Councilor Copp said that he agrees with Councilor Stiles. He would love to see the house renovated, but where will this stop? His house sits on 4 acres. Can he request a zone change and add three new houses to his lot?

Councilor Edes agreed with Councilor Turner that moving this into the VMU zone is the right thing to do. The house needs a complete renovation and the only way that the owners can do that is to sell one house lot and allow them to preserve this historical home.

Councilor Gruber said that he agrees that VMU zoning is the right thing to do.

Motion by Councilor Copp, seconded by Councilor Edes, to forward to the Planning Board for a Public Hearing and recommendation a zone change request for 306 Tuttle Road to change the zone from Rural Residential 1 (RRI) to Village Mixed Use (VMU).

VOTE: 6-1 (Stiles opposed) MOTION PASSES

V. NEW BUSINESS

Councilor Edes – he received a mailing recently from one of the major political parties who wanted to recruit members from Town Councils to attend a forum to push their political agenda. He found it offensive that a political party would push such a thing at the local level. The thing that drew him to run for the CumberlandTown Council is that nobody cares about your political affiliation; they only care about doing what is right for the Town.

The work on Harris Road is looking great.

Councilor Gruber – he received a letter from a couple that is getting married and have asked their wedding guests to bring donations to the food pantry in lieu of gifts. Thanks to them for that thoughtful idea.

Dale Denno, Chairman of the Aging in Place Committee will be making a presentation to the Council at their next meeting regarding the survey results. There will be a community forum on October 31st in regard to Aging in Place.

Councilor Storey-King – she heard from a couple of people regarding the striping marks on Tuttle Road and she spoke to the Manager who has assured her that the side stripe will be at 10 ½ feet. It looks much narrower than that.

School opens next Wednesday, so drive accordingly.

Congratulations to the Shane family, particularly Zach who is getting married this Saturday.

Councilor Turner – his daughter and granddaughter were in visiting this past weekend and they spent some time at the Payson Property. His daughter grew up feeding the horses when Mrs. Payson lived there. She came back from the property and commented what a great thing this property is for the Town and she hoped that the residents were appreciative of it. This Council and this Town Manager used good judgement.

He agrees with Councilor Storey-King in regard to rescue billing. He doesn't want to see our residents being put through the burden of paperwork that appears to be demeaning.

Chairman Bingham – There will be a Planning Board workshop on September 10th regarding the Town Center. He feels that discussion at the last Planning Board meeting could have been handled in a more civil tone than it was. To anyone who was at or watched the meeting, that is not how we conduct business in Cumberland and he apologized for the tone of that meeting.

Councilor Stiles – he is continuing to collect money for the 4-H fund to benefit the food pantry and urged residents of Cumberland and North Yarmouth to donate just \$10. If 1,000 people do that, we will have \$10,000 to purchase meat for the food pantry.

Councilor Copp – he said that he does not think it is fair that Mr. Hilton said that the Town Council does not try to keep taxes in line. They have worked very hard on the budget this year and to say that we don't try, it a far cry from the truth. He has been on the Council for 10 years and 4 or 5 of the budgets during that time were flat and we now have money in the bank that we did not years ago.

In regard to Councilor Storey-Kings comments about rescue billing, he does not want our senior citizens being hounded about a bill, but if the Town can collect money from the insurance company, that is fine. These folks would be embarrassed to ask the Town for forgiveness for their portion of the bill.

He got called to Yarmouth for a wrecker call for a stolen vehicle to be picked up. The suspect was apprehended by police. He was talking to the police officers and advised them that there was a car stolen in Cumberland a couple of weeks and there was a picture of that suspect on the Cumberland Police Facebook page. They pulled up that photo and discovered that their suspect was wearing the exact same t-shirt as the suspect in the Facebook photo.

Town Manager Shane – the Town received an 80B complaint which is a lawsuit against the Town, the Planning Board, Zoning Board and Code Enforcement Officer for their findings that the Broad Cove Reserve property (Payson Property) is a municipal use and not an outdoor recreation facility. So far, we have spent close to \$100,000 defending this property, and it will now continue.

VI. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(C) re: real property and 1 M.R.S.A., § 405(6)(A)(1) re: a personnel matter.
Motion by Councilor Stiles, seconded by Councilor Turner, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property and 1 M.R.S.A., § 405(6)(A)(1) re: a personnel matter.
VOTE: 7-0 UNANIMOUS
TIME: 8:04 P.M.

Reconvene to regular session at 8:45 P.M.

VII. ADJOURNMENT
Motion by Councilor Stiles, seconded by Councilor Gruber, to adjourn.
VOTE: 7-0 UNANIMOUS
TIME: 8:45 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary