

MINUTES

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, July 13, 2015

7:00 P.M. CALL TO ORDER

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

I. APPROVAL OF MINUTES

Motion by Councilor Edes, seconded by Councilor Copp, to accept the June 15, 2015 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

- Fire photos – Park & Ride in Yarmouth

Town Manager Shane explained that there was an oil truck fire at the Park & Ride in Yarmouth over the weekend. Fire Departments from Yarmouth, Cumberland and Falmouth responded and worked together to put the fire out. It is amazing that nobody was hurt.



- There are new raised vegetable garden at Senior Housing on Drowne Road. The residents will be growing vegetables in the gardens that were built by our Public Works Department.



- Kudos to Cumberland Police & EMS at Val Halla incident recently. Town Manager Shane explained an incident where he was golfing at Val Halla and his friend suddenly became very ill. They dialed 911 and EMT Trained Police Officer, Tom Adams was the first to respond. The ambulance followed a short time later and Paramedic, Ashley Wax assisted the patient. Everything turned out fine, but it is a good example of how having EMT trained police officers responding to rescue calls is an effective model. It is his goal to have a fully trained EMT Police Department.

EMS & Police
Sergeant Mazzone
Officer Adams
Officer Woodcock
Officer Ridge - Advanced
Officer Martin- Advanced
In Training Presently to become an EMT
Sergeant Burgess
Officer Young

They're Back! Brown Tail Moth

Whitney Tree Service- Dave McDonald
Lucas Tree & Bartlett Tree Service Also involved in Spray programs

Cocoons- Brown Tail moths- Also Winter Moths bury in ground in leaves over winter – currently more prevalent around Cape Elizabeth & Scarborough

- Large Mist Sprayer Most Effective – minimal if any run-off
- Cant Spray typically within 100' of Water
- Most have on-shore wind with light breeze
- Licensed Applicators- Master License- Company license –Insured
- Early May the best time to spray leaves are budding to ½" to ¾ "

- Summit Natural Gas has a truck that will be seen around Town. They will be parked and available to answer questions to anyone who wants to know how to hook up to natural gas.



III. PUBLIC DISCUSSION

State Representative, Mike Timmons told the Council that on Thursday, LD1378 the Lands for Maine's Future bonds bill that passed through the House and Senate, then vetoed by the Governor, will be overridden and become law. This will free up the bond money for the Knight's Pond project that was voted on and approved, before being vetoed by the Governor. Mr. Timmons said that if the override does happen on Thursday, he will let the Town Manager know.

Mr. Timmons echoed the Manager's comments in regard to our Fire/EMS Department. Because of their professional training, they have saved the lives of at least two people that he knows of, after tragic accidents at the fairgrounds. They always respond to any emergency quickly and professionally. They also use the fairgrounds for training and they are welcome to do so anytime.

IV. LEGISLATION AND POLICY

15 – 091 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 6 Brookside Drive.

Town Manager Shane explained that the home was built too close to the property line. Mortgage surveys are much more accurate nowadays, which is why these issues come to light so many years later. The Town Attorney has reviewed it and is recommending approval, as is the Code Enforcement Officer.

Chairman Bingham opened the Public Hearing.

Public discussion: None

Chairman Bingham closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Stiles, to authorize the Code Enforcement Officer to enter into a Consent Agreement with property owners located at 6 Brookside Drive.

VOTE: 7-0 UNANIMOUS

15 – 092 To consider and act on authorizing the Town Manager to execute a 3-year Rental Service Agreement with Cintas for Public Services uniforms.

Town Manager Shane explained that the Town Attorney reviewed the rental agreement and had a few amendments that need to be made to it. It has not come back from Cintas yet with those changes. He recommended tabling to August 10th.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to table to August 10th.

VOTE: 7-0 UNANIMOUS

15 – 093 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the United Maine Craftsmen’s Craft Show to be held August 6th – 9th, 2015 at the Cumberland Fairgrounds.

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

Chairman Bingham opened the Public Hearing.

Public discussion: None

Chairman Bingham closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Turner, to approve the Mass Gathering Permit for the United Maine Craftsmen’s Craft Show to be held August 6th – 9th, 2015 at the Cumberland Fairgrounds.

VOTE: 7-0 UNANIMOUS

15 – 094 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Cumberland Soccer Club “Just For Fun” Labor Day Tournament to be held September 5th and 6th, 2015, to be held at Twin Brook.

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

Motion by Councilor Edes, seconded by Councilor Storey-King, to approve the Mass Gathering Permit for the Cumberland Soccer Club "Just for Fun" Labor Day Tournament to be held September 5th and 6th, 2015, to be held at Twin Brook.

VOTE: 7-0 UNANIMOUS

15 – 095 To set a Public Hearing date of July 27th to consider and act on setting the FY2016 tax rate.

Town Manager Shane explained that the Assessor will be at the July 27th meeting to review the tax rate.

Councilor Stiles referred to an article in the paper that reported that our school spent the most money per student, but is number 8 in the overall ranking of schools in our area. This proves that you cannot throw money at a school and expect their rating to improve.

Motion by Councilor Turner, seconded by Councilor Copp, to set a Public Hearing date of July 27th to consider and act on setting the FY2016 tax rate.

VOTE: 7-0 UNANIMOUS

15 – 096 To set a Public Hearing date of July 27th to consider and act on amendments to the Contract Zone Agreement for Village Green, as recommended by the Planning Board.

Town Manager Shane said that he recommends tabling this item until August 10th. This contract zone expansion would include an additional 6 lots abutting private land. Both the developer and land owner have agreed to the terms of the project. Between now and August 10th we could hold some neighborhood meetings to allow the abutters to have all their concerns heard.

Motion by Councilor Gruber, seconded by Councilor Storey-King, to table to August 10th.

VOTE: 7-0 UNANIMOUS

15 – 097 To set a Public Hearing date of July 27th to consider and act on amendments to Chapter 30 (Boards and Commissions) Section 3 (Organization and Rules) of the Cumberland Code, as recommended by the Ordinance Committee.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to set a Public Hearing date of July 27th to consider and act on amendments to Chapter 30 (Boards and Commissions) Section 3 (Organization and Rules) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Edes – he was fishing with his son in Canada recently and caught a 4 pound brook trout.

Councilor Gruber – tomorrow is the last night for preschool T-Ball. It is a thrill for him to partake in that every year. Some of our community athletic awards include, Will Bryant, Western Conference Player of the Year in baseball, Alyssa Coyne for discus and shotput throwing, Izzy Evans for tennis, and Ben Caswell was named Coach of the Year in the State for tennis. We are all very proud of them.

Thank you to everyone who volunteers at the Food Pantry.

Councilor Storey-King – the Ordinance Committee met recently to discuss if a nuisance ordinance was necessary. The Committee felt that many of the items that would be included in a nuisance ordinance are already covered in other ordinances. For example, a leach field cannot be bubbling over. That is already covered in the plumbing ordinance. They will not be looking at creating a general, separate nuisance ordinance.

Councilor Turner – he agreed with Councilor Storey-King's comments. From a legal standpoint, nuisance complaints are difficult to enforce. The idea of a nuisance ordinance just didn't seem to make sense.

Chairman Bingham – Co-Chair of the Aging in Place Committee, Peter O'Donnell, has taken a new position in Augusta, will be selling his house and moving out of town. He has resigned as co-chairman of the committee. Dale Denno has been appointed as the interim chairman and Teri Maloney-Kelly will be vice-chair. The full committee will meet in August and they can make official appointments at the meeting.

Councilor Stiles – Val Halla had their 50th anniversary celebration recently and it was very well attended.

He has noticed a lot of deer with fawns recently. A warning to the public that if they see a deer in the road, beware. A fawn might be following behind it.

Councilor Copp – there was a note in the Council packets from Jean McPherson thanking the Council for the flowers that were sent to her husband's funeral. The McPherson's were a good family who raised their children in Cumberland and have lived here for many years.

We might consider sending the police to check on Brad Hilton tonight. Brad is not at the meeting this evening and it is the first one he has missed in years! (Laughter).

Town Manager Shane – There has been a Notice of Violation served on the owners of 81 Blackstrap Road for junk being stored on their property. The Code Enforcement Officer will monitor the situation and if it is not cleaned up within 2 weeks, the owners will be served with a violation and the penalty is up to \$100 per day of non-compliance.

The Planning Board is meeting next week and one of the agenda items will be review of the parking plan for the Payson Property. We are very excited to hopefully get that moving forward. Alpha One came to the property to assist in planning and access for those with disabilities.

Maine Town and City Manager's Association had a scholarship application this year for municipal interns who were interested in pursuing careers in municipal government. He submitted Eliza Porter's name for consideration and was notified that she chosen to receive the scholarship. She will be presented the award at the Manager's group luncheon in August. Both Eliza and Emily Fisher have done a great job interning for the past 3 summers.

The Town Forest trail improvement plan is going well. The new trails will be almost 2 miles of gravel, hard surface trails.

The Val Halla open house was very well attended. It is good to see that the people of our community support the golf course.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:04 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary