

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, April 27, 2015

6:30 P.M. Finance Committee Meeting

7:00 P.M. Call to Order

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

I. CALL TO ORDER

II. APPROVAL OF MINUTES

Motion by Councilor Bingham, seconded by Councilor Edes, to accept the April 13, 2015 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

III. MANAGER'S REPORT

IV. PUBLIC DISCUSSION

Dudley Greely of Mill Road said that he came before the Council a year ago to request that the Town review its noise or public nuisance ordinances, and figure out a way to bring relative peace back to our community. Mr. Greely referred to a map showing the sites of approximately 5 dozen noise disturbance reports since 2012. He noted that home businesses are prohibited from causing any objectionable or unreasonable noise, vibration, smoke, heat, dust, electrical disturbances, heat, glare or odors that are detectable beyond the property line. If someone does not have a home business permit, they are allowed to make a ruckus and the Town cannot say anything about it. While he encourages people's free use of their own property, when the consequence of those activities goes beyond the property line, so does their unquestioned ability to engage in that activity. His complaint is hearing very unpleasant, persistent, highly repeated noises. Thousands of repetitions that he is told it is coming in from outside of the Town. He feels that the noise complaints in this Town deserve respectful and considerate response from this Council.

Councilor Edes asked Police Chief Charron how many complaints there were on Mill Road (according to the map that Mr. Greely referred to)?

Police Chief Charron responded that there were 4.

Councilor Stiles asked the Police Chief how many of the complaints were during hunting season.

Chief Charron responded that there were not dates on the report for him to determine that.

Councilor Storey-King said that the Council has discussed the noise ordinance in the past and felt that it falls under disorderly conduct. She said that she appreciates Mr. Greely's efforts, but is personally uncomfortable creating another ordinance that affects people's rights to discharge firearms. Firearms are part of our history and part of our Constitution.

Mr. Greely said that he never mentioned that the noise was from guns.

Councilor Copp said that he lives ½ mile from Mr. Greely and he has purposely spent time in his yard listening. He occasionally hears shots from the Falmouth Rod and Gun Club, but to him it is not annoying because it is far away and not very loud. He listened to his neighbor cut wood on a Sunday morning for 3 hours. It did not bother him. If we had a noise ordinance, that neighbor would be in violation for cutting wood to heat his home. Mr. Greely is the only one complaining. None of his neighbors are here to complain.

Councilor Turner said that he has lived in this Town for 35 years. He was on the Board of Appeals for over 20 years, and dealt with the 70 decibel noise limit a number of times over those years. It usually had to do with daycare centers and the noise of the children playing outside. The problem is enforcement and being able to define the actual decibel level and where it is coming from. If we had a general sound ordinance, he does not see how it could be enforced. Are we going to have the Police Department running around Town trying to figure out where the sound is coming from? We would be opening a Pandora's Box. There is nobody else complaining about what Mr. Greely is hearing. He said he is not interested in creating another ordinance, especially one that is not enforceable.

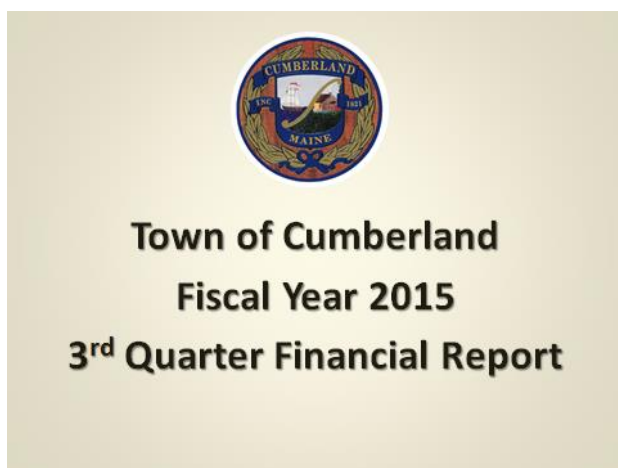
Councilor Edes agreed. He has no interest in creating a noise ordinance.

Councilor Bingham is curious about Falmouth's noise ordinance and if they receive any complaints about noise at the Rod and Gun Club.

V. LEGISLATION AND POLICY

15 – 052 To hear a report from the Finance Committee re: 3rd Quarter Financials.

Finance Director, Heather Perreault presented the following 3rd Quarter Financial report:



General Fund Q3 Revenues & Expenditures				
	FY15 Budget	FY15 thru 3/31	FY15 %	FY14 %
TOTAL REVENUES	\$ 3,683,142	\$ 2,995,404	81.3%	79.2%
			increase from prior year: 2.1%	
Controllable Expenses	\$ 6,285,878	\$ 5,062,372	80.5%	77.9%
Fixed Expenses	\$ 17,460,094	\$ 13,648,040	78.2%	78.0%
TOTAL EXPENSES	\$ 23,745,972	\$ 18,710,412	78.8%	78.0%
			increase from prior year: 1.8%	

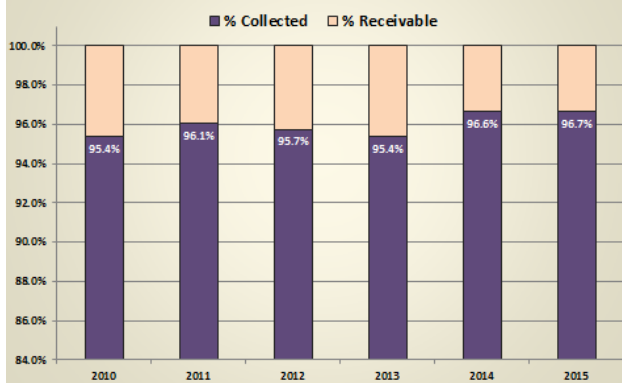
Selected Revenues

	FY15 Budget	FY15 thru 3/31	FY15%	FY14 %
Excise Tax	\$ 1,430,000	\$ 1,217,813	85.2%	86.6%
State Revenue Sharing	\$ 385,710	\$ 295,380	76.6%	71.8%
Building Permits	\$ 70,000	\$ 55,284	79.0%	72.3%
Recreation-ASP	\$ 145,000	\$ 137,339	94.7%	89.9%
Recreation-All Other	\$ 422,826	\$ 206,442	48.8%	59.4%

Selected Expenditures

	FY15 Budget	FY15 thru 3/31	FY15%	FY14 %	Ahead (Behind) FY14
Police	\$ 1,196,499	\$ 917,913	76.7%	78.8%	\$ (24,777)
Fire	\$ 827,001	\$ 664,037	80.3%	77.2%	\$ 25,218
Public Services	\$ 1,692,188	\$ 1,320,772	78.1%	73.6%	\$ 53,462
Recreation	\$ 644,444	\$ 573,110	88.9%	84.0%	\$ 31,479
Library	\$ 387,607	\$ 295,558	76.3%	79.3%	\$ (11,861)
Legal	\$ 32,500	\$ 42,671	131.3%	51.8%	\$ 25,848
Abatements	\$ 20,000	\$ 72,683	363.4%	102.6%	\$ 52,155

Property Tax Collections thru 3/31



Questions?



15 – 053 To consider and act on amending Doc's Café Liquor License from Class III (Vinous & Malt) to Class I (all alcohol with catering)

Town Manager Shane explained that Doc's would like to start catering at events where alcohol is served and need this amendment to their current liquor license to do so. The State requires the Council to approve the amendment.

Motion by Councilor Bingham, seconded by Councilor Stiles, to amend Doc's Café Liquor License from Class III (Vinous & Malt) to Class I (all alcohol with catering).

VOTE: 7-0 UNANIMOUS

15 – 054 To hold a Public Hearing to consider and act on a Mass Gathering Permit for Cumberland Youth Lacrosse Girls Tournament to be held at Twin Brook on May 16, 2015.

Chairman Gruber opened the Public Hearing.

Public discussion: None

Chairman Gruber closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Copp, to approve the Mass Gathering Permit for Cumberland Youth Lacrosse Girls Tournament to be held at Twin Brook on May 16, 2015.

VOTE: 7-0 UNANIMOUS

15 – 055 To hold a Public Hearing to consider and act on a Mass Gathering Permit for Cumberland Youth Lacrosse Boys Tournament to be held at Twin Brook on June 20, 2015.

Chairman Gruber opened the Public Hearing.

Public discussion: None

Chairman Gruber closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Storey-King, to approve the Mass Gathering Permit for Cumberland Youth Lacrosse Boys Tournament to be held at Twin Brook on June 20, 2015.

VOTE: 7-0 UNANIMOUS

15 – 056 To hold a Public Hearing to consider and act on a Mass Gathering Permit for Girls On the Run to be held on June 7th at the Cumberland Fairgrounds.

Chairman Gruber opened the Public Hearing.

Public discussion: None

Chairman Gruber closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Edes, to approve the Mass Gathering Permit for Girls on the Run to be held on June 7th at the Cumberland Fairgrounds.

VOTE: 7-0 UNANIMOUS

15 – 057 To hold a Public Hearing to consider and act on a Mass Gathering Permit for The Chickadee Classic Dog Show to be held June 16th – June 21st at the Cumberland Fairgrounds.

Chairman Gruber opened the Public Hearing.

Public discussion: None

Chairman Gruber closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Turner, to approve the Mass Gathering Permit for The Chickadee Classic Dog Show to be held June 16th – June 21st at the Cumberland Fairgrounds.

VOTE: 7-0 UNANIMOUS

15 – 058 To appoint members to vacant seats on boards and committees.

Motion by Councilor Copp, seconded by Councilor Edes, to appoint: Jennifer Freeman and Lisa Crowley to the Aging in Place Committee, and Amanda Vigue to the Board of Adjustments & Appeals.

VOTE: 7-0 UNANIMOUS

15 – 059 To set a Public Hearing date (May 11th) to consider and act on a Liquor License application for The Golf Learning Center.

Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of May 11th to consider and act on a Liquor License application for The Golf Learning Center.

VOTE: 7-0 UNANIMOUS

15 – 060 To set a Public Hearing date (May 11th) to consider and act on a Conservation Easement for the Knight's Pond/Blueberry Hill property.

Motion by Councilor Bingham, seconded by Councilor Stiles, to set a Public Hearing date of May 11th to consider and act on a Conservation Easement for the Knight's Pond/Blueberry Hill property.

VOTE: 7-0 UNANIMOUS

VI. NEW BUSINESS

Councilor Copp – the Fire Department had a fundraiser for Brandon Thibeau who is battling cancer. Brandon is a self-employed young man who works very hard. Thank you to the Fire Department and the public for taking care of Brandon.

Councilor Edes – there was a public service announcement at Knight's Pond this morning. The purpose was to encourage the Governor to release the bonds for Lands for Maine's Future. Chairman Gruber spoke at the event and did a great job.

Gerry Bolduc was named acting Adjutant General for the State of Maine and acting Commissioner for the Department of Defense. Gerry grew up on Maple Avenue. He is the type of leader that everyone wants to work for. He wished Gerry good luck in his new position.

Councilor Storey-King – she urged everyone to be careful of the areas of road that were washed out last week. They are marked with orange cones.

Councilor Bingham – none.

Chairman Gruber – thank you to the Aging in Place Committee and sub-committees for all their hard work.

The Food Pantry continues to do well. Thank you to all the volunteers who work so hard.

2 Cumberland residents finished the Boston Marathon this year.

Councilor Stiles – none.

Councilor Turner – none.

Town Manager Shane – there will be a workshop with the Windham Town Council on May 11th to talk about the road conditions around Forest Lake. We service those neighborhoods with Police and Fire coverage and we have had difficulty accessing and turning fire equipment in the area due to the poor road conditions.

There will be paving work being done around Town this summer. There were many neighborhood meetings to discuss the paving that were lightly attended. This is a little disappointing and he hopes people take advantage of neighborhood meetings in the future.

The Planning Board approved the Capital Improvement Plan recently.

VII. ADJOURNMENT

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

VOTE: 7-0

TIME: 8:22 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary