

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, April 11, 2016

6:00 Wyman Way Neighborhood Meeting

7:00 P.M. CALL TO ORDER

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

Excused: Councilor Stiles

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Copp, to accept the March 28, 2016 meeting minutes as presented.

VOTE: 6-0 UNANIMOUS

II. MANAGER'S REPORT

Chairman Bingham presented Abigail Jean Steinberg, a 7th grader at Greely Middle School, an award for the Maine Municipal Association's statewide writing contest. Abigail wrote an essay titled "If I Led My Community" and she was one of three winners in the entire state.

Chairman Bingham invited Abigail to read her essay:

If I led my community there are three things I would focus on: allowing residents to vote on the town's real priorities, helping the schools meet their needs, and encouraging greater protections for our environment. Children's thoughts for the community are never accounted for, but I now have the chance to share my ideas on this matter.

First, I would take a comprehensive survey of residents' needs, wants, and priorities.

Citizens are paying huge tax dollars and they have a right to direct the money. I would publish the results of the survey, discuss the results, and then have the town residents vote on the top priorities. I would use leadership skills, put the town's needs before my personal wants, and I would help residents understand how to spend their tax dollars wisely and for the greater long term good. For example, if someone wanted to put in an ice skating rink I would encourage the town to vote as it may be important to some, but not all. We might discuss whether an ice rink is a greater priority than a turf field or another park. When leading a community you must let everyone have a say in how money is spent.

Another thing I would do is improve our school facilities. The school plays a major role in my community and has many needs the town must support. One thing I would do to make the school a better place is to add a real auditorium as the school is currently using the cafeteria. Maintaining and regularly upgrading our school facilities should be a top priority for our town. As a leader in my community I would try to fully meet the needs of our schools and look for opportunities to improve facilities that could be used by the whole community. It is important to have strong public schools to educate and enrich our children. These are the children that will grow up and help lead our town in the future.

Finally, I would make it easier for residents to take care of our environment. Although not at the top of everyone's to-do list, a clean environment provides a lasting long term benefit to the town. I would propose adding an easy town composting system. This would be great for the environment because food is not trash. Composting would significantly reduce the amount of trash we send to landfills. Taking action in helping the environment is not always easy, but it helps the world become a better place.

To sum up, I think it is important as a leader to focus on the needs of others, listen to what they really want and help communities prioritize their financial resources. I think it is important to maintain strong public schools, and protect our environment. If I led my community I would make my town a better place to live.

Town Manager Shane reported that MDOT will not be ready this summer, as originally planned, for the Route One turning lane project. We will be bidding that project in November for construction next year.

We are making some headway on the connectivity of Greely Woods. The Manager will be working with 4 landowners to obtain easements across their property. This will make trail connectivity easier and avoiding the need to build new trails.

The Town's Bicentennial is just 5 years away and he suggested that the Council consider appointing a committee to plan for the celebration. Library Director, Thomas Bennett and Carolyn Small from the Cumberland Historical Society will be at a future Council workshop to discuss this.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

16 – 044 To hold a Public Hearing to consider and act on a Mass Gathering Permit for Binnie Media's Maine's Ultimate Yard Sale to be held at the Cumberland Fairgrounds on June 11, 2016 from 9:00 a.m. to 2:00 p.m.

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 Gruber, to approve the Mass Gathering Permit for Binnie Media's Maine's Ultimate Yard Sale to be held at the Cumberland Fairgrounds on June 11, 2016 from 9:00 a.m. to 2:00 p.m.

VOTE: 6-0 UNANIMOUS

16 – 045 To appoint Democratic and Republican Election Clerks.

Town Manager Shane said the Town Clerk has given the Council the list and is recommending approval.

Motion by Councilor Gruber, seconded by Councilor Copp, to appoint Democratic and Republican Election Clerks per the list provided by the Town Clerk.

VOTE: 6-0 UNANIMOUS

16 – 046 To appoint Renee LaChapelle as Assistant Tax Assessor for appeals in FY2016.

Town Manager Shane explained that our Tax Assessor, John Brushwein has requested this appointment. Since Cumberland County Assessing was responsible for the Town's commitment this year (that will end on June 30th), Mr. Brushwein felt strongly that Renee should hear any appeals for that time period.

Motion by Councilor Edes, seconded by Councilor Turner, to appoint Renee LaChapelle as Assistant Tax Assessor for appeals in FY2016.

VOTE: 6-0 UNANIMOUS

16 – 047 To hold a Public Hearing to consider and act on creating an Office Commercial South (OC-S) Retail, Restaurant, Multiplex Dwelling, Mixed Use Overlay District for an area shown on Tax Assessor Map R1/Lots 13B, 14, 14A & 14B, as recommended by the Planning Board.

At the beginning of the year, a developer came before the Council and requested that multiplexes be allowed as he was proposing a mixed use building with offices and apartments. The Planning Board has sent the request back with some comments from an abutter requesting limiting the number of residential units on any one property in the Overlay District. The Planning Board did not include that request in their recommendation.

Chairman Bingham opened the Public Hearing.

Public discussion: None

Chairman Bingham closed the Public Hearing.

Councilor Storey-King asked the Manager what the normal setback would be without the multiplex portion.

Town Manager Shane responded the setbacks would be front 50', rear 65' and sides 30' (combined 65').

Councilor Copp suggested holding the vote on this item until after the next item because both properties are in close proximity of each other, in the same zone, and both are asking for 1.5 parking spots per unit. He wants to be consistent.

Councilor Gruber agreed.

Motion by Councilor Copp, seconded by Councilor Gruber to table voting on this item until after item 16-048.

VOTE: 6-0 UNANIMOUS

Discussion on this item after voting on item # 16-048:

Councilor Storey-King said that she wants to be the voice for the one person who had concerns with the setbacks and the building height.

Town Manager Shane said that the rear setback is 50-feet less and the side setback is 10-feet less than the OC-South.

Councilor Storey-King said that she is uncomfortable with the 50 foot building height (40 feet is allowed per ordinance).

Chairman Bingham reopened the Public Hearing.

Public discussion: None

Chairman Bingham closed the Public Hearing.

Motion by Councilor Turner, seconded by Councilor Copp, to create an Office Commercial South (OC-S) Retail, Restaurant, Multiplex Dwelling, Mixed Use Overlay District for an area shown on Tax Assessor Map R1/Lots 13B, 14, 14A & 14B, as recommended by the Planning Board, to include 1.5 parking spaces per unit and reserve space sufficient to accommodate 2 spaces per unit.

VOTE: 5-1 (Storey-King opposed)

MOTION PASSES

16 – 048 To hold a Public Hearing to consider and act on draft amendments to the Contract Zone Agreement with Cumberland Foreside Village, LLC to include the rezoning of Tax Map R01/Lot 12A and revisions regarding the development of multiplex dwellings on Tax Map R01/Lots 11, 11A, 11B and 12A, as recommended by the Planning Board.

Town Manager Shane explained that the Planning Board approved this at its last meeting. The request is to add additional units. Back in 2007, 134 units were approved by the Council. To date, only 45 have been built. When the idea of apartments was presented a year ago, he and Councilor Gruber met with Mr. Chase to talk about the idea of creating a senior apartment complex and using a 65 million dollar bond that was proposed by the legislature at the time. Over the next few months, the bond number shrunk from 65 to 15 million and AVESTA Housing said that we would likely not be eligible due to the number of senior housing projects around the state. AVESTA decided that they would not continue working with us on this project. At that time, David Chase and Loni Graiver approached the Town with a plan to build 96 apartments. This is what is before the Council this evening. The 96 would exceed the 134 that is in the 2007 CZA approval and Mr. Chase has agreed to reserve 20% of the units to 55+ residents and a community. Project Engineer, Tom Greer is here this evening to answer any questions.

Councilor Gruber said that he would like to add a provision to be able to add parking above the 1.5 spaces per unit, if the need arises.

Councilor Edes asked Mr. Greer if the similar project just built in Westbrook has any parking issues.

Mr. Greer said that that project allowed for 1.5 spaces per unit, it is now fully occupied, and the 1.5 seems to be working well. 1.5 spaces per unit for the Cumberland project is where they would like to start, but have the ability to add a few more spaces in the future either at the community building or a separate overflow lot with 24 spaces.

Chairman Bingham opened the Public Hearing.

Public discussion: Tom Foley of 29 Granite Ridge Road asked if the Westbrook project has access to public transportation. This one does not, so residents will have to have their own vehicles. He feels that that 2 spaces per unit should be considered due to the lack of public transportation.

Janet Hotham of Middle Road asked if the federal beautification easement falls inside the boundaries on the CZA map and does Mr. Chase own the easement?

Mr. Greer responded that Mr. Chase does own the easement.

Ms. Hotham requested that the Council consider removing the item #5 amendment and requiring that the stated rear yard setback for multiplexes be 50 feet from the easement boundary, not the edge of 295. Require the developer to locate any recreational trails within the subdivision property not within the 295 easement. Ms. Hotham added that in her opinion, the developer's request to pay a fee in lieu of growth permit fees is not in the Town's best interest. She requested that it be modified in such a way that no single family homes, duplexes or any type of condominium is given an amendment from the growth ordinance.

Gerald Croce of 20 Skillin Road said that he knows some facts about the Westbrook development: there is no public transportation in that part of the City, there is currently 48 rented and they are using 1.5 parking spaces per unit. Out of the 48 rented, there are no school aged children or toddlers.

Chairman Bingham closed the Public Hearing.

Councilor Storey-King read the following:

In the past we have granted Contract Zone Agreements because we have more control over things like design standards. However, this CZA is being used to "trump" current design standards and setbacks so they don't have to be met. When phrases such as "it's too late," and "the train has left the station" are used, I feel like our influence has been taken away. In the past we have used contract zones to have more control, not less.

There is no public benefit for this contract zone. The manager has said this project is supported by the Comprehensive Plan. I disagree. I sat on the Comprehensive Plan committee and the update committee, and while we talked of expanding our housing opportunities, apartments outside the center of town were not specifically discussed.

There is only one goal in the housing section of the plan: "Continue to encourage the development of housing which provides for a mix of people from all income, ages, trades, and professionals." However, not one of the four action items listed with that goal suggests an apartment complex of this magnitude anywhere in town, whereas it does specifically talk about smaller, single family homes. Therefore, the homes being built in Foreside Village do loosely meet the goals of the plan. The apartments do not.

The executive summary of the Comprehensive Plan references having a mix of housing options to keep young and old people in town, but those options, according to the narrative written in the plan, should be near town services, and specifically references the development of the Doane Property. The final phase of the Village Green development plan has a plan for apartments, in a walkable part of town.

It does say in the Comprehensive Plan survey that 89% of residents strongly favor or support adherence to design standards. Design standards for Route 1, Section 2.5 (Residential Structures), which we approved only last summer say: "Box-like, ranch, or split-level 'Contractor Modern' type dwellings do not particularly reflect Maine styles." These big, boxy buildings do not meet our design standards; why are we going around this?

I would like the public to know that a contract zone like this could be proposed in any part of town. However, I would like to reassure the public that this council is not likely to approve something like this anywhere else in town. Imagine even one of these buildings being built where the contract zones for apartments exist on Maine Street!

When I asked the manager why eight and not the original four, he said that's what Mr. Chase asked for. I would like us to remember it is our job to do what is best for Cumberland, not for Mr. Chase and his associates.

I feel we have been lied to. At the very least, the answers to our questions have not been forthright. Promises made have been broken. For me, it was the question of whether this development would be visible from Middle Road. I asked it each time there was an amendment and every time the response was "very little, if at all." The record will show that each time I supported Mr. Chase's CZA requests, I questioned the public benefit. I believed what I was told would be a public benefit. I no longer believe this to be true.

David Chase is an aggregate processor. When you "google" him, that's what comes up first. In his earliest testimonies in front of us, he told us he is a contractor, not a developer. I imagine he has taken millions of dollars of materials off this project. He has removed dozens of feet of ledge that would not be allowed by statute unless he had a development plan. He has found a businessman's solution to his challenge of accessing the materials on this site. I believe he submitted development plans so that he could mine the land. Each contract zone has been for his benefit, not public benefit. It is his right to be a successful business man; it is our responsibility to represent the citizens of Cumberland.

I believe we were lied to about the prices of the homes in phase one. In January of 2015, we were told the houses in this development would average \$300k; the current houses for sale range from \$300k to \$400k, and new construction options average \$358k. While it is good news the market is improving, that's nearly a 20% increase over what was supposed to be the average fewer than fifteen months ago. When are we going to talk about that? We granted a contract zone change that included 5000 square foot lots so that there would be, according to the Comprehensive Plan, small family homes. Small family homes are encouraged in the plan in order to be more affordable. This feels like scalping to me.

We were told that the move went from 34 to 98 apartments when the bond monies from the state went from \$65 million to \$15 million. What has not been mentioned is this bond, approved overwhelmingly by the citizens of Maine in November 2015, was to be matched by another \$22.6 million. So the truth is, funds weren't cut from 65 million to 15 million, they were cut to 37.6 million. The additional truth is we would have never qualified for money from the state even at \$65 million because we do not have public transportation. I read this requirement in the legislation.

When are we going to talk about the capacity we have for this type of development? We have a housing authority whose task is to oversee senior housing. Do they have the capacity to handle problems for these residents in the future? When are we going to talk about what our future needs will be for a housing authority? That's to say nothing of other needs like schooling and public safety services.

Why are we exempting this from the Growth Ordinance? The ordinance's intent is not to extort money out of building projects. The Growth Ordinance is intended to help us manage growth. This project is not managed growth.

I question the practice of loaning money to developers. I do not sit on the Finance Committee so this is a practice I was unaware of and do not support. I only found out through this project that it has been done before. I think it is a risk I don't want to take with taxpayer's money and we should have talked about it, openly and in public.

I was told the developer needs eight buildings to make it financially feasible. If this project has increased in size for financial feasibility, I want full disclosure. I want to see the numbers.

I want you to know that on one of the original maps for four buildings, there was a fifth building hand-sketched onto the design. Through my research, I found plans to expand this project have been in motion since last summer. We sold Mr. Chase a town lot last year in good faith for the development of senior housing. I do not

want our citizens to be taken advantage of. If this council supports an apartment complex of this size, it should have gone out for RFP. Maybe someone else could have built it in a more financially feasible manner. I'm more than certain Mr. Chase is not selling the land to Mr. Gravier at a loss. And what happens if these units sit empty? What safeguards are in place for this business model?

In our packets this week was a chart depicting changes in the contract zone over time. The chart indicates that elderly housing was deleted from the CZA in 2007, but I'd like to point out that as recently as January 2015, Mr. Shane told the planning board, and I quote, "we are anticipating forty units of affordable senior housing for the apartments..." And from the planning board minutes of July 30, 2015, a month after the legislature cut LD 1205, there is a reference to 32 apartment units.

The chart indicates that Mr. Chase has two years for site prep. According to the contract zone currently in place, section H: "All site preparation activities must be completed within one year of approval (February 27, 2015) unless an extension is requested by the Developer from the Planning Board prior to the expiration date." This has not happened, yet Mr. Chase continues to mine the land.

The chart indicates that design standards are added in this CZA change. Design standards existed in the 2007 CZA, on pages 8 and 9.

According to this CZA, a driveway now only has to be set back five feet. There has been some email communication between the manager and the engineers and developer on this project about the road section in the apartment area. In January of this year, Tom Greer asked if the road could be a driveway through the project so as not to trigger DEP permitting. As recently as March 16, the manager told Mr. Chase he would need to ask the Planning Board for a reduction to the road, and then they could recommend it to the Council. He said, "I am not very supportive of a 20' curbed on both sides road primarily due to winter storage. With nearly 960 trips a day on this road, I would rather see 22' with a 2' esplanade." Already there are negotiations to change the details of this contract zone. We should be seeing a pattern here. Also, in regards to parking, with only a five foot setback requirement, where is there room for a berm as required in section L? Five feet is not enough width for a berm.

It should be noted as well that the orientation of these apartment buildings changed when the plan changed from four to eight, so I believe now rear setbacks become side setbacks, a change from 50 to 30 feet. I may be wrong on this point. Still, this is too much development squeezed onto 10.35 acres of land.

When are we going to have this land surveyed to check what has already been done there? With all due respect, Mr. Shane's GPS is not a survey. When I visited the site a month ago, it was not well marked and I could not tell which tapes represented which lines. I don't have a lot of faith that the buffer has been properly identified.

I agree that we need affordable housing for our young people. A thought-provoking NY Times article was just published about builders designing and constructing multi-generational homes, where grandparents and "boomerang" children share a home...three generations in one home. That would be an interesting model to pursue. However, \$12hundred-\$15hundred is not an affordable standard for young people. HUD guidelines say that a household income for that rent needs to be \$48,000 to \$60,000. Young people, especially young people with a mountain of college debt, won't be able to afford those rents. In addition, many young people and people I know who would prefer to rent rather than buy want urban areas, close to amenities. The retirees who want to stay in Cumberland want nice places, not boxy college-type apartments.

Have the people who purchased the lots for their new \$400k homes been told about the nearly 100 apartments, or was the wait to request an amendment made after a certain amount of lots were sold? In other words, I'm wondering how many people think the apartments are still going to be 30-40 units for seniors. Do they feel differently with the new high-density market rate apartments? The sign by Route One still shows four; it feels deceitful.

Why are there fourteen small lots in the housing phase not identified for sale as allowed in the contract zone? Is this project going to be built out or is it going to be another promise unfulfilled? Are we reaching saturation? I don't know.

This proposal has triggered a DEP permit request. Why are we moving ahead before we know whether or not it will be granted? I think I know why. Mr. Chase needs this CZA to continue to mine and process materials.

I have been told this train has left the station because we voted on it earlier. I do not believe we had all the information when previous votes were taken to send it to the Planning Board for recommendation. I don't believe the Planning Board had enough information to make a recommendation. I believe it is being rushed, and while some of us may have had more information than others; it is our duty and responsibility to do this right. We have always been about transparency. There are too many things in this proposal that are not transparent.

So, before we approve this, I want to discuss these points. I do not want to discuss my emotionality around this development. I don't want to discuss the fact that I'm an abutter. I don't want to discuss the fact that my neighbors no longer have the horizon they used to have. I want to discuss these points. And finally, I want each of you to go on the record, here, tonight, for what you perceive to be the public benefit of this project.

This contract zone has no integrity and I shall not support it as is.

Chairman Bingham said that Mr. Chase and/or Mr. Greer should be allowed to respond before we bring it back to the Council.

David Chase said that there were many inaccuracies in Councilor Storey-King's comments and he is not going to argue with her about his integrity or what he supposedly did or did not lie about. He has been straight up with this Council for the last 10 years and he has not tried to deceive them, or anybody else, for any reason. He does not feel that it is good use of the Council's time to address each of her items individually, but he will do so if anyone wants him to.

Councilor Turner said that a lot of what Councilor Storey-King said implies that the Council has been cavalier about the public interest in this project. The Planning Board sent this back to the Council with unanimous approval. Apparently, they also shirked their responsibility. If all of what has been said in her testimony were true, he would feel very guilty and would likely resign from the Council. We have wanted more rental properties in this town for some time and there is no other location where we could put a substantial number of units. Councilor Storey-King has legitimate issues, but she needs to acknowledge that the rest of the Council has had issues, but have undoubtedly resolved them because they voted the way that they voted. We are policy makers and the person responsible for carrying out the policies is the Town Manager. We have always respected his decisions on minutia and the Council oversees that minutia and realizes what is going on. He doesn't feel that any of the Council thinks that they have been blindsided. He feels that there is a strong public benefit with this project and this is a matter of a difference of opinion.

Councilor Edes said that he stands by his original vote. This is a great project and Mr. Chase's reputation has never been in question with him. He knows a lot of people in the construction business and when you mention David Chase's name, you only hear positive things.

Councilor Gruber said that as Chairman of the Finance Committee, Councilor Storey-King's comment regarding loaning Mr. Chase money (which is paid back in full), he takes ownership of that. He might not have communicated enough with the Council and he feels badly about that. He also feels badly that he is one of the Council Liaison's to the Planning Board and he might not communicate enough to the Council about what is happening with the Planning Board. He is going to be better about this. His platform is all about senior housing and senior programming, and he doesn't really like the design of the building and its lack of covered parking, but it does fit the public benefit in regard to additional and much needed senior housing in our Town.

Councilor Copp said that this has been a roller coaster from the beginning. He has given more thought to this than any other item since he has been on the Council. He understands Councilor Storey-King's concerns. When he visited the site last week, Mr. Chase happened to be there. Mr. Chase welcomed him and offered to show him exactly where everything would be on the property. Now that he has seen it, he realizes that the lot is much bigger than he had envisioned. He does not like that someone's integrity is questioned. The Town Manager is an upstanding man in this community and has done phenomenal things for our Town. David Chase is a top notch guy and everyone he talks to about David has nothing but good things to say about him. He asked Planning Board Chairman, Steve Moriarty if the Planning Board felt that they were well informed about this project.

Planning Board Chairman, Steve Moriarty of 34 Blanchard Road said that he cannot speak on behalf of the entire Planning Board, but he personally feels that he has been adequately informed as the project has progressed.

Councilor Copp said that he did the math on 1.5 parking spaces for the entire project. That is approximately 242 vehicles at an average of \$500 per vehicle in excise tax equals \$121,000 per year. Those additional tax dollars are a public benefit to this community, as is the additional housing for senior citizens that is being offered. The additional sewer users will also help offset the cost for the other sewer user in Town, not to mention the additional in \$30 million in tax revenue. He does not want to offend Councilor Storey-King and he respects her opinion, but he sees a lot of public benefit with this project.

Chairman Bingham said that he also respects the opinion of every member of the Council and he has some trouble with anyone who questions the integrity of somebody who the Town has worked with for a long time, as well as indirectly questioning the integrity of the Town Manager. The Manager ultimately reports to the Council and generally he does nothing that has not been run by the Council first. He also believes that there is a public benefit to this project, that being the need for rental housing in this community. He is going to continue to support this project.

Councilor Storey-King wanted to clarify one of Councilor Copp's points, that it is her understanding that sewer hookup fees were being offered 2 to 1 on this project.

Chairman Bingham asked for clarification on the number of parking spaces being allowed. He said that he understands it being 1.5 spaces per unit with the option of increasing it to 2 spaces per unit, should circumstances warrant.

Councilor Gruber said that he feels that the wording should say that the development should accommodate 200 parking spaces if needed.

Town Manager Shane explained that the Council will be done with the Contract Zone Agreement amendment if they vote in favor of it this evening. The condition attached to the CZA will be to accommodate the additional .50 parking spaces if the Town deems it necessary as the apartments are filled.

Councilor Storey-King asked how many feet are the apartment buildings from the 100 foot right-of-way.

Mr. Greer responded that it is roughly 30 feet.

Councilor Storey-King asked how the required berm would fit into that space at the end of the parking lots.

Mr. Greer responded the first parking lot has a rock face (approximately 4-5 feet) and the second lot evens off.

Councilor Storey-King said that a berm is required in the Contract Zone Agreement. Her house is directly across 295 and she is concerned that headlights will shine in her windows if the berm is not high enough. She wants the public to be aware that she fact checked everything and it was not her intent to question anybody's integrity. She did not say a single thing that was untrue and it was all from her prospective. She double and triple checked everything. She also wants the public to know that 2 members of this Council refused to meet with her to discuss this. It is very hard not to take it personally when those two people question her integrity. Additionally, she has the utmost respect for the Town Manager and this has been very hard for her. When she met with the Manager last week, his only response to her concerns was "I don't know what to tell you".

Chairman Bingham responded by saying that he was one of the Councilors who did not feel it appropriate to meet one on one with Councilor Storey-King because he felt that it was something that the public could perceive as "inside baseball". Maybe that was wrong, but it did not feel right to him.

Town Manager Shane clarified that on page 8, section L of the CZA, it states that berms shall be designed and constructed to provide screening from vehicle headlights within the parking area facing outward in both easterly and westerly directions.

Motion by Councilor Turner, seconded by Councilor Copp, to amend the Contract Zone Agreement with Cumberland Foreside Village, LLC to include the rezoning of Tax Map R01/Lot 12A and revisions regarding the development of multiplex dwellings on Tax Map R01/Lots 11, 11A, 11B and 12A, as recommended by the Planning Board, to include 1.5 parking spaces per unit and reserve space sufficient to accommodate 2 parking spaces per unit.

VOTE: 5-1 (Storey-King opposed) MOTION PASSES

16 – 049 To consider and act on a Temporary Victualer's License for the Cumberland Congregational Church for an event on May 30, 2016.

Chairman Bingham said that in full disclosure, he is a member of the Congregational Church.

Town Manager Shane said that the Town has to approve all non-profit Victualer's License applications.

Motion by Councilor Copp, seconded by Councilor Gruber, to approve the Temporary Victualer's License for the Cumberland Congregational Church for an event on May 30, 2016.

VOTE: 6-0 UNANIMOUS

16 – 050 To consider and act on authorizing a Credit Enhancement Agreement for FMC Development, LLC for a memory care facility to be located on Route One (50% of taxes for 20 years or \$500,000, whichever occurs first).

Town Manger Shane explained that the TIF Committee reviewed this request last September and approved it at that time. The Finance Committee reviewed the proposal last week. This is consistent with the other businesses in the district and this will complete all the lots in the Route One North section of Route One.

Councilor Gruber said that the Finance Committee supports the approval of this item.

Motion by Councilor Copp, seconded by Councilor Gruber, to authorize a Credit Enhancement Agreement for FMC Development, LLC for a memory care facility to be located on Route One (50% of taxes for 20 years or \$500,000, whichever occurs first).

VOTE: 6-0 UNANIMOUS

16 – 051 To set a Public Hearing date of April 25th to consider and act on the adoption of the Knight's Pond Preserve Management Plan.

Motion by Councilor Turner, seconded by Councilor Gruber, to set a Public Hearing date of April 25th to consider and act on the adoption of the Knight's Pond Preserve Management Plan.

VOTE: 6-0 UNANIMOUS

16 – 052 To set a Public Hearing date of April 25th to consider and act on a Mass Gathering Permit for the Penobscot Valley Kennel Club's Dog Show to be held June 22nd – 25th from 8:00 a.m. to 7:00 p.m. at the Cumberland Fairgrounds.

Motion by Councilor Gruber, seconded by Councilor Copp, to set a Public Hearing date of April 25th to consider and act on a Mass Gathering Permit for the Penobscot Valley Kennel Club's Dog Show to be held June 22nd – 25th from 8:00 a.m. to 7:00 p.m. at the Cumberland Fairgrounds.

VOTE: 6-0 UNANIMOUS

V. NEW BUSINESS

Councilor Edes – None

Councilor Gruber – None

Councilor Storey-King – None

Councilor Turner – None

Chairman Bingham – he noted the passing of Dick Mahany. Dick was a dedicated teacher at Greely Middle School. He has been a loyal public servant in the Town of Cumberland. Condolences to his family.

Councilor Copp – Bob Merrill passed away last week. Bob was a good man. Condolences to Kathy and Tammy.

Adam Ogden, former Cumberland Public Works Director passed away recently. Condolences to Adam's family.

John Hager, a very close friend of his, suffered a massive heart attack in Florida. The outlook is not good for him. His thoughts are with his family.

- VI. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation.
Motion by Councilor Copp, seconded by Councilor Gruber, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation.
VOTE: 6-0 UNANIMOUS
TIME: 9:08 P.M.

Reconvene to regular session at 9:45 P.M.

- VII. ADJOURNMENT**
Motion by Councilor Copp, seconded by Councilor Edes to adjourn.
VOTE: 6-0 UNANIMOUS
TIME: 9:45 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary
(Minutes prepared from tape. Not present at meeting)