

MINUTES

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, June 19, 2017

6:00 P.M. Call to Order

Present: Councilors Bingham, Copp, Edes, Gruber, Stiles, and Turner

Excused: Councilor Storey-King

Motion by Councilor Stiles, seconded by Councilor Gruber, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(D) re: contract negotiations between the Town of Cumberland and the Cumberland Police Benevolent Association and the Public Works /Val Halla Maintenance Employees Association.

VOTE: 5-0 UNANIMOUS

Councilor Bingham arrived at 6:52 P.M.

Regular session began at 7:00 P.M.

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Stiles, to accept the May 22, 2017 meeting minutes as presented.

VOTE: 4-0-2 (Bingham and Edes abstained) MOTION PASSES

II. MANAGER'S REPORT

Juliana Baranowski helped organize a food drive at Holy Martyrs Church to benefit the food pantry. They raised \$1,128.00 and collected over 1,200 household items to be split between the Falmouth and Cumberland the food pantry's.

Bob Storey of the Cumberland Cemetery Association presented a Town lamp to Peter McKinney for his many years of service to the Cemetery Association.

III. PUBLIC DISCUSSION

Kate Dolan of Middle Road asked the Council to consider extending the waterline down the northern end of Middle Road during the Middle Road project. She has a well on her property with water that is not drinkable. She feels that the waterline extension would be beneficial to those residents of Middle Road, as well as the businesses there. It would also help with redundancy and fire protection service.

Craig Wright has his business at 199 Middle Road and he has a drilled well. His water has a high sulfur content so it smells very bad. They have a water treatment system, but they have to change the filter once a week to keep the smell down. He also asked the Council to consider extending the water down the northern side of Middle Road.

John Chandler said that extending the water to the northern end of Middle Road would be very helpful to that neighborhood and the Town in regard to fire protection.

Wayne Curtis of 183 Middle Road thanked the Council for considering this.

Town Manager Shane said that he is optimistic, but it is still too soon to tell how the project will come out financially. We should have a better feel of how the project is going after Labor Day. It would be in everyone's interest if we could make this happen.

IV. LEGISLATION AND POLICY

17 – 083 To swear in newly elected Town Councilors.

Town Clerk, Tammy O'Donnell administered the oath of office to Councilors Gruber and Stiles.

17 – 084 Election of Town Council Chair and Vice-Chair.

Motion by Councilor Bingham, seconded by Councilor Copp, to appoint Councilor Edes as Town Council Chairman.

Councilor Bingham moved that the nominations cease, Councilor Gruber seconded.

VOTE: 5-0-1 (Edes abstained) MOTION PASSES

Motion by Councilor Gruber, seconded by Councilor Stiles, to appoint Councilor Copp, as Town Council Vice-Chairman.

Councilor Turner moved that the nominations cease, Councilor Stiles seconded.

VOTE: 5-0-1 (Copp abstained) MOTION PASSES

Chairman Edes took over the duties of running the meeting and thanked Councilor Turner for his duties as Chairman over the past year.

17 – 085 To hold a Public Hearing to consider and act on approval of annual Victualer's Licenses for non-profit organizations for the period of July 1, 2017 – June 30, 2018.

Chairman Edes opened the Public Hearing.

Public discussion: none

Chairman Edes closed the Public Hearing.

Motion by Councilor Turner, seconded by Councilor Stiles, to approve the annual Victualer's Licenses for non-profit organizations for the period of July 1, 2017 – June 30, 2018.

VOTE: 6-0 UNANIMOUS

17 – 086 To hear a report from the Finance Committee Chair and to authorize the Town Manager to transfer inter-departmental operating funds for FY'17.

Town Manager Shane explained that the operating budget overages this year can be classified as follows:

Salaries & Benefits Accrual Payouts	\$ 129,000
Public Works Winter overages	\$ 90,000
Recreation Expense Overages	\$ 96,000
Fire Staffing EMT & Paramedic	\$ 30,000
Misc. Dept. Overages	<u>\$ 74,821</u>
	\$ 419,821

Excise Taxes, Buildings & Impact Fees and Recreation are all well above projections and comprise the lion's share of revenue overages. We have increased Excise Taxes for next year and all realize that impact fees and building permit fees were primarily due to one project the \$10 Million apartment complex off Route 1. The \$1.1 million dollar excess will be applied to a multitude of Town infrastructure, senior tax relief and AIP programming as well as funding future budget reserve funds.

Town Manager Shane requested that the following inter-departmental operating funds be transferred for FY'17:

	<u>Budgeted</u>	<u>Estimated</u>		
GF Revenues over (under) budget	\$4,513,720	\$5,592,742	1,079,022	
GF Expenses (over) under budget	\$10,511,164	\$10,930,985	(419,821)	
Add: Overlay (excluding Homestead)			295,958	
CIP unbudgeted/previously approved expenses (see below)			(497,100)	
Add: Bond premium**			208,762	
Estimated End of Year funds available:			666,820	
Less transfers for:				
Fire station renovation**			(150,000)	
Middle Road water line**			(100,000)	
Police Lieutenant retirement			(35,000)	
AIP/SMAAA employee & programming			(50,000)	
AIP tax relief			(100,000)	
Cemetery signs			(15,000)	
Town anniversary			(10,000)	
FAA tower			(40,000)	
Ambulance			(100,000)	
Police cruiser			(17,500)	
			(617,500)	
** Use bond premium to partially fund bond related projects				
Any additional revenues will be added to Fund Balance				
Projected FY2017 GF Ending Fund Balance			\$ 2,560,428	8.7%

Town Manager Shane requested the transfer of monies between Town Reserve Accounts as follows :
Close-out the Route 1 parking lot Repayment Fund and Transfer balances to the Broad Cove Reserve Fund and the Land Acquisition Fund as recommended by the Finance Committee.

			From Rt 1 Fund	Balance
204	Land Acquisition	\$241,857	\$104,471	\$346,328
257	Broad Cove Reserve Fund	\$118,349	\$31,651	\$150,000
228	Rte. 1 Parking	\$136,122	\$136,122	\$0

Chairman Edes asked if anyone in the Public had a comment.

Brad Hilton of Blanchard Road said that the Town has an excess of money every year and they never use it to reduce property taxes. He thinks that we should be putting \$300,000 toward this and he is disappointed that the Council is not doing this.

Councilor Stiles responded that we are offsetting expenses that would be necessary to budget for next year. He feels that we are doing a great job in managing the budget and also building up the fund reserves.

Motion by Councilor Gruber, seconded by Councilor Turner, to authorize the Town Manager to use excess end of year operating revenues and interdepartmental operating balances to close-out all departmental budgets for FY 2017 as recommended by the Finance Committee, and authorize the Town Manager to transfer end of year fund balances as recommended by the Finance Committee. Further, I authorize the Town Manager to close-out the Route 1 Parking lot Repayment Fund and transfer balances to the Broad Cove Reserve Fund and the Land Acquisition Fund, as recommended by the Finance Committee.

VOTE: 6-0 UNANIMOUS

17 – 087 To consider and act on Commercial Hauler’s license renewals for FY’18.

Motion by Councilor Stiles, seconded by Councilor Bingham, to approve the Commercial Hauler’s license renewals for FY’18.

VOTE: 5-0-1 (Copp abstained) MOTION PASSES

17 – 088 FY’18 Town Council Committee Assignments.

Motion by Councilor Bingham, seconded by Councilor Copp, to approve the FY’18 Town Council Committee Assignments as presented.

VOTE: 6-0 UNANIMOUS

17 – 089 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, the adoption of a new Senior Housing Overlay District.

Town Manager Shane explained that the development of a Senior Housing Overlay District would allow a developer to develop a piece of property in our growth area that would have a more dense allowance for the number of buildings allowed, for 55+ housing. Economist, Charles Lawton made a recommendation to the Town Council and School Board that policies around new senior housing developments be strongly considered to allow turnover in existing neighborhoods for younger families. Town Staff has been approached by Oceanview of Falmouth to build a senior housing project in Cumberland. This can only be made possible with an overlay district that allows for a more dense land use policy.

Councilor Gruber said that the Aging in Place Committee is in favor of this.

Motion by Councilor Bingham, seconded by Councilor Stiles, to forward the new Senior Housing Overlay District to the Planning Board for a Public Hearing and recommendation.

VOTE: 6-0 UNANIMOUS

17 – 090 To set a Public Hearing date of July 10th to consider and act on the adoption of a new Senior Housing Overlay District.

Motion by Councilor Bingham, seconded by Councilor Copp, to set a Public Hearing date of July 10th to consider and act on the adoption of a new Senior Housing Overlay District.

VOTE: 6-0 UNANIMOUS

17 – 091 To authorize the Town Manager to enter into a labor contract agreement with the Cumberland Police Benevolent Association for the period of July 1, 2017 – June 30, 2020.

Councilor Gruber said that the contract was reviewed by the Finance Committee and they are recommending approval.

Motion by Councilor Stiles, seconded by Councilor Copp, to authorize the Town Manager to enter into a labor contract agreement with the Cumberland Police Benevolent Association for the period of July 1, 2017 – June 30, 2020.

VOTE: 6-0 UNANIMOUS

17 – 092 To authorize the Town Manager to enter into a labor contract agreement with the Public Services/Val Halla Employees Association for the period of July 1, 2017 – June 30, 2020.

Councilor Gruber said that the contract was reviewed by the Finance Committee and they are recommending approval.

Motion by Councilor Gruber, seconded by Councilor Turner, to authorize the Town Manager to enter into a labor contract agreement with the Public Services/Val Halla Employees Association for the period of July 1, 2017 – June 30, 2020.

VOTE: 6-0 UNANIMOUS

17 – 093 To authorize the Town Manager to work with the Chebeague and Cumberland Land Trust to develop a Conservation Easement for Greely Woods.

Town Manager Shane said that the Land Trust will meet this week to review the Conservation Easement. This will connect a lot of the neighborhoods in the center of Town to trails including trails all the way to Knight's Pond.

Penny Asherman, President of the Board of the Chebeague and Cumberland Land Trust said that this a recreational opportunity in a dense area of our Town. Some other positive aspects of this are habitat protection of the forest, stream and wetlands. The Greely Woods parcel is within our "green corridor" and the Land Trust has identified this as a focus area. Another positive aspect is water quality protection of the streams and wetlands and it is near our aquifer. It is very important to protect that resource. If the Land Trust moves forward on this, their roll will be to ensure that the terms of the easement are met and will monitor the property at least annually and address any concerns to the Town.

John Jensenius of Laurel Lane thanked the Council for taking the time to assess the value of these properties for the community. The properties have been used for many years for recreation and have served as a habitat for wildlife.

Peter Garsoe of 71 Blanchard Road asked if this Conservation Easement is granted, can anything be done with the property.

Town Manager Shane said that land that is put into a Conservation Easement typically stays that way in perpetuity so that it can remain in its natural state. The Town property may allow certain recreational activities

(such as snowmobiling for example), but abutting land owners may not want to allow those activities. Typically, development is prohibited, and any structures that will be allowed will be added into the Conservation Easement document early on.

Mr. Garsoe asked before the Town owned the property, what was the tax revenue to the Town on these parcels?

Town Manager Shane said that because of the wetlands on the properties, the value of each lot was probably in the neighborhood of \$100,000 to \$150,000.

Councilor Bingham said that when the Town acquired these parcels, they looked into the possibility of selling them to get them back on the tax rolls. Because of the wetlands, they are not developable lots.

Chairman Edes said that these lots could be sold to finance open space in other locations. They are worth \$150,000 each. He is not in favor of this.

Motion by Councilor Gruber, seconded by Councilor Bingham, to authorize the Town Manager to work with the Chebeague and Cumberland Land Trust to develop a Conservation Easement for Greely Woods and to set a Public Hearing date of July 24th for adoption.

VOTE: 4-2 (Copp & Edes opposed) MOTION PASSES

V. NEW BUSINESS

Councilor Bingham – Thank you to Councilor Turner for serving as Council Chairman over the past year.

He thanked the Town Manager and Town Staff for another great Memorial Day parade and speakers.

Councilor Gruber – He thanked Councilor Turner for his service to the Council as Chairman.

He agreed that the Memorial Day events showed our community at our best.

Bangor Savings Bank had a peanut butter & jelly drive for the Food Pantry. Many thanks to them.

The Coastal Waters Commission, the Aging in Place Committee, and the Conservation Subdivision Committee all met recently. All of these committees do a lot of great work.

Chairman Edes – Condolences to the family of Jerry Smith who passed away last week. Jerry was a longtime coach and physical education teacher at Greely High School. He was also very involved in harness racing and raised 2 daughters here.

Thank you to General Gerry Bolduc for speaking at the Memorial Day parade.

He wished Milt Calder well in his upcoming retirement.

It is an honor to him to be elected as Town Council Chairman. Thank you to his fellow Councilors for their confidence in him. His father would be proud.

Councilor Turner – He appreciated all the kind words from his fellow Councilors. It was an enjoyable term as Chairman. The job is easy because of the Town Manager that we have. Bill is a partner to the Council that is second to none.

The new pavement on Route One is a great improvement.

Councilor Stiles – Thank you to those who voted for him during the election.

He continues his efforts to collect money for the 4-H auction to benefit the food pantry.

Councilor Copp – He also sent condolences to the Smith family.

Town Manager Shane – Police Lieutenant, Milt Calder's retirement party is this Thursday at noon at Town Hall. The public is welcome to attend. Milt has been a great friend and the epitome of Community Policing. He truly cares about Cumberland and he will be missed.

Thank you to Brigadier General Bolduc for his speech on Memorial Day. He is a great man.

On July 10th there will be 2 very important items on the agenda that the public may want to know about: gravel extraction compliance in West Cumberland and the well commination issue in West Cumberland back in the 90's.

VI. ADJOURNMENT

Motion by Councilor Bingham, seconded by Councilor Stiles, to adjourn.

VOTE: 6-0 UNANIMOUS

TIME: 8:54 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

Circuit Breaker Committee meeting after adjournment